

ORDINANCE NO. 23-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CITY OF LYTLE, TEXAS CHAPTER 8 BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. BUILDING CODE, TO ADD ARTICLE VIII - INDUSTRIALIZED STRUCTURES TO REGULATE CERTAIN MANUFACTURED OR MODULAR STRUCTURES CONSTRUCTED IN A LOCATION OTHER THAN THE BUILDING INSTALLATION SITE; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Lytle, Texas ("City") is a Type-A General Law Municipality, duly incorporated under the laws of the State of Texas; and

WHEREAS, pursuant to the authority granted under Section 51.001, the City Council finds that this ordinance supports the good government, peace, or order of the City and is necessary and proper for carrying out a power granted by law to the City under Subchapter F, Chapter 1202 of the Texas Occupations Code; and

WHEREAS, Subchapter F, Chapter 1202 of the Texas Occupations Code authorizes the City to adopt and enforce regulations relating to the on-site construction and installation of certain industrialized structures; and

WHEREAS, the City Council has determined that regulation of certain industrialized structures is necessary to ensure compliance with applicable building codes; and

WHEREAS, any structure not permitted by this ordinance, adopted pursuant to Chapter 1202 of the Texas Occupations Code, or another ordinance adopted by the City is prohibited; and

WHEREAS, no provision of this ordinance is intended to regulate mobile homes or HUD-approved manufactured housing, as defined in Chapter 1201 of the Texas Occupations Code; and

WHEREAS, the City Council has considered the effect of these amendments to the City's ordinances and has determined them to be appropriate, necessary and in the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS:

SECTION 1. AMENDMENTS. From and after the effective date, Chapter 8 – Building and Building Code shall be amended to add a new Article VIII - Industrialized Structures, which shall read as follows:

ARTICLE VIII. – INDUSTRIALIZED STRUCTURES

Sec. 8-429. – Industrialized Structures.

(a) *Purpose and Intent.* The purpose and intent of this Article is to regulate industrialized buildings, as described in Chapter 1202 of the Texas Occupations Code. Any industrialized building that is not permitted by this Article or another provision of this code is prohibited. Any commercial structure which is designed to be transported from one commercial site to another commercial site, and which is installed in a manner other than on a permanent foundation system is prohibited, except when such structure is used for ongoing construction activities, a school, or for religious activities. This Article is not intended to regulate mobile homes or HUD-approved manufactured housing, as described in Chapter 1201 of the Texas Occupations Code.

(b) *Applicability.* In addition to all other applicable state and local laws, and to the extent not in conflict therewith, the provisions of this Article shall apply to industrialized structures located in any non-residential zoning district (i.e. zoning districts B-1, B-2, B-3, and I). Industrialized structures shall be constructed and maintained in accordance with mandatory building codes adopted by the Texas Department of Licensing and Regulation, as set forth in 16 Texas Administrative Code Sec. 70.100 and as amended in 16 Texas Administrative Code Sec. 70.101.

(1) Requirements and regulations not in conflict with Chapter 1202, Tex. Occup. Code, or with other state law relating to transportation, erection, installation, or use of industrialized buildings must be reasonably and uniformly applied and enforced without distinctions as to whether the buildings are manufactured or are constructed on-site.

(c) *Definitions.* The following words, terms and phrases, when used in any chapter of this Code, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Industrialized structure* shall include industrialized buildings;

(2) *Industrialized building* shall mean a commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site; and, designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed. An industrialized building includes the structure's plumbing, heating, air conditioning, and electrical systems. An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include a commercial building or structure that is:

a. installed in a manner other than on a permanent foundation; and

b. used for ongoing construction activities, a school, or place of religious worship.

(3) *Modular component* shall mean a structural part of an industrialized structure that is constructed at a location other than the building site and which cannot be adequately inspected for code compliance at the building site without damaging, removing, or reconstructing the structure or a portion of the structure.

(d) *General Requirements for Industrialized Structures.*

(1) Prior to issuing a building permit, the building official shall receive a complete set of designs, plans and specifications bearing a valid stamp of approval from the Texas Industrialized Building Code Council for each installation of an industrialized structure in order to review such designs, plans and specifications to ensure compliance with mandatory building codes and any other applicable law or requirement relating to building construction, maintenance, and operation.

(2) Construction or installation of an industrialized structure shall not commence at a building site until all applicable local permits and licenses have been obtained by the owner of the building site.

(3) All modular components must bear an approve decal or insignia indicating inspection and approval by the Texas Department of Licensing and Regulation.

(4) The building official may inspect any phase of the construction or installation of an industrialized structure, including construction of any foundation system or other on-site construction, to ensure compliance with mandatory building codes and state regulations, as well as compliance with approved designs, plans and specifications.

(5) Before an industrialized structure may be occupied, the building official shall conduct a final inspection in accordance with mandatory building codes and the owner of the industrialized structure shall correct any deficiency identified or discovered in the final inspection. The building official may employ a third-party to conduct or assist in conducting an inspection or test relating to an industrialized structure.

(6) The building and permit fees charged for any inspection of an industrialized structure shall not exceed the fees charged for equivalent inspection of a building constructed on-site.

(7) All industrialized structures shall be subject to the requirements for transportation of a structure, as set forth in Section 8-399 of this chapter.

(e) *Requirements for Industrialized Buildings.*

(1) An industrialized building must be securely fixed to a permanent foundation system (ex. engineered slab foundation, pier & beam, etc.). An owner may install an industrialized building using a temporary foundation system only upon securing a special use permit authorizing the use of a temporary foundation system.

(2) An industrialized building that is to be placed at a temporary location may be affixed to a temporary foundation system if the owner obtains a special use permit authorizing the use of a temporary foundation system. The designs, plans and specifications for a temporary foundation system must include:

- a. a soil investigation report prepared by a qualified engineer, or a statement affirming that the soil type for which the system is suitable matches the soil type of the building site;
- b. structural calculations and related plans prepared by a qualified engineer;
- c. specifications for adequate corrosion protection for the anchors and associated tie-down system; and
- d. plans and specifications indicating that the system is designed for the temporary location of the structure.

SECTION 2. PUBLIC PURPOSE. The City Council finds that the amendments to the building code are in the public interest and are necessary to promote the general welfare.

SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. REPEALING ORDINANCES IN CONFLICT AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 5. REMAINDER UNCHANGED. The remainder of Chapter 8 – Building and Building Code will remain unchanged by this Ordinance and amendments herein.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 7. EFFECTIVE DATE. The Ordinance shall be effective immediately following passage by City Council.

SECTION 8. CODE OF ORDINANCES. It is the intention of the City Council of the City of Lytle that this ordinance become a part of the Code of Ordinances of the City of Lytle and may be renumbered and codified therein accordingly.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LYTLE,
TEXAS, THIS 27th DAY OF February 2023.

By: 

RUBEN GONZALEZ
Mayor

ATTEST:



PAOLA L. RIOS
City Secretary

