

Let's Talk About...

WHEN BUILDING PERMITS ARE NEEDED

Cities issue building permits for two reasons: to enforce zoning regulations, and to ensure the safety of residents.

Without permits that enforce zoning regulations, any business could be built on that vacant lot right next to the house that you saved years to purchase. Just imagine – music, laughter, lights, and traffic on your front lawn at midnight. Then, without permits, the business owner could decide to save some money by wiring and plumbing the building himself. But he introduces a plumbing cross-connection that sucks contaminated water back into the city's public water supply, or his work causes a spark, then a fire that consumes not just the business, but also your home.

The State of Texas has mandated that the residents of the City of Hamilton deserve the same protections of their property, health, safety and welfare as the residents of large cities like Dallas. To this end, the State of Texas has adopted Texas Local Government Code 214.212 (International Residential Code-IRC), 214.214 (National Electric Code-NEC), and 214.216 (International Building Code-IBC) as the minimum standards for municipal building codes in this state.

With a population less than 5,000, Hamilton is a "General Law" city. This means that Hamilton is bound by State laws, statutes and regulations to a greater degree than large "Home Rule" cities like Dallas. Since the building codes are the minimum standards set by the State, the City of Hamilton is able to amend some codes by making them MORE restrictive, but amendments cannot lessen those minimum State standards.

The State also specifies that qualified persons must do the work and that "Final inspection shall be made after all work required by the building permit is completed." Licensed electricians, licensed plumbers and licensed HVAC technicians are the persons qualified to do permitted work, with one exception: A person is allowed to do their own work (1) if that person is the homeowner, (2) if that person can provide a Homestead Exemption in their name, and (3) if that person is currently living in the dwelling and has occupied the dwelling for at least six months prior to application for the permit. However, work done by a homeowner still requires a permit and an inspection, again, to ensure both the homeowner's and the neighbors' safety.

So when is a permit needed? IRC Section R105 and IBC Section 105 state, "Any owner or authorized owner's agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit."

While that sounds pretty all-inclusive, there are exemptions specified for work that does not pose a safety hazard, including the following:

EXEMPT FROM BUILDING PERMIT – (1) One-story detached accessory structures provided the floor area does not exceed 200 square feet (residential) or 120 square feet (commercial); (2) Fences not over 7 feet high; (3) Retaining walls that are not over 4 feet in height; (4) Water tanks supported directly upon

grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1; (5) Sidewalks & driveways; (6) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work; (7) Prefabricated swimming pools less than 24 inches deep, not greater than 5,000 gallons and installed entirely above ground; (8) Swings and other playground equipment; (9) Window awnings supported by an exterior wall that do not project more than 54 inches; and (10) Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling, and do not serve the exit door required by Section R311.4.

EXEMPT FROM AN ELECTRICAL PERMIT* – (1) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; (2) Listed cord-and-plug connected temporary decorative lighting; (3) Reinstallation of attachment plug receptacles but not the outlets therefor; (4) Replacement of branch circuit overcurrent devices of the required capacity in the same location; (5) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

EXEMPT FROM GAS PERMIT* – (1) Portable heating, cooking or clothes drying appliances; (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe; (3) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

EXEMPT FROM PLUMBING PERMIT* – (1) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code. (2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

EXEMPT FROM A MECHANICAL PERMIT* – (1) Portable heating appliances; (2) Portable ventilation appliances; (3) Portable cooling units; (4) Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code; (5) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe; (6) Portable evaporative coolers; (7) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less; (8) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

*Please note: If you have to ask what something means, you should probably leave it to a licensed specialist!

The City of Hamilton does not make any money from building permits; the permit fee pays for the licensed inspectors. If it was not mandated by the State, it would be far less trouble for the City not to issue permits, not to require licensed contractors, not to perform inspections, and not to enforce zoning. But give a serious thought for a moment to what our city would become...

Would you really want to live in that city?