

ORDINANCE NO. 2018-07-17-1

AN ORDINANCE AUTHORIZING THIRD PARTY PLAN REVIEW AND BUILDING INSPECTION SERVICES IN ORDER TO EXPEDITE DELIVERY OF THESE SERVICES FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT WITHIN THE VILLAGE OF VINTON WHILE ENSURING COMPLIANCE WITH REGULATORY REQUIREMENTS, ESTABLISHING QUALIFICATIONS AND LICENSURE REQUIREMENTS AND PROVIDING FOR OVERSIGHT.

WHEREAS, there is an identified need within the Village of Vinton to authorize duly licensed and qualified third parties to perform plan review and building inspection services for commercial and residential development in the Village in order to expedite the delivery of these services to builders while maintaining regulatory compliance.

WHEREAS, this Ordinance authorizes duly licensed and qualified third parties to perform plan review and building inspection services for commercial and residential development in the Village and establishes the licensing procedure and requirements for qualification as a third party service provider. Any reference in this ordinance to third party service providers shall apply equally to companies and individuals engaged in such services.

WHEREAS, the Village of Vinton operates under the 2015 Edition of the International Building Codes published by the International Code Council (ICC). Third party service providers shall be licensed by the Village on the basis of their qualification and current certification of inspectors and plans examiners by the International Code Council.

WHEREAS, the Building Official for the Village of Vinton shall be the authorized designee of the Village to determine whether a potential third party service provider meets the qualification requirements of this Ordinance to perform third party plan review and building inspection services authorized herein and thus be entitled to receive a license from the Village of Vinton to perform these services. The Building Official is also authorized to oversee a third party service provider's compliance with the requirements of this ordinance through the use of audits and to terminate a third party service provider's authorization to provide such services in the event of noncompliance.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VINTON, TEXAS as follows:

1. Duly qualified and licensed third parties are authorized to perform plan review and building inspection services for commercial and residential development within the Village of Vinton in accordance with the terms of this Ordinance. Third party service providers who wish to provide such plan review and inspection services must obtain a license from the Village of Vinton to provide such services. The Village of Vinton operates under the 2015 Edition of International Building Codes published by the International Code Council (ICC). Third party

service providers shall be licensed by the Village on the basis of current certification of their inspectors and plans examiners by the International Code Council.

2. Services provided by licensed third parties must include all types of plan review and inspections for residential or commercial projects as licensed by the Village. These services must include zoning, grading, and site development review, plan review and inspection. Third party plan review and inspection services may be provided by different entities or individuals under the control of the licensed third party service provider but each service provider must meet the applicable service qualification requirements and be licensed by the Village of Vinton to perform the requested service.

3. The fee for the third party service provider's and their contracted entities or individual's license issued pursuant to the provisions of this ordinance shall be the same as the business permit fee charged to business establishments located in the Village of Vinton as provided in Ordinance No. 2005-12-20-A. Such license shall issue for a period of one year and may be renewed annually thereafter conditioned upon continuing compliance with the qualifying criteria set forth in this ordinance.

4. The determination of a third party service provider's eligibility for licensure shall be based on the qualifying criteria set forth below. Third party service providers may also present other information which objectively demonstrates that the potential third party service provider has the capacity to perform plan review and inspections (except special inspections) as required under the provisions of this Ordinance. Third party service providers must submit the following with their application for licensure:

- A. Third party service provider's history identifying previous experience in conducting residential or commercial plan review and inspection services.
- B. Proof of International Code Council certification for each individual who will be performing plan review and/or inspections services as specified below:
 - 1. Residential plan review.
 - a) Residential plans examiner; and
 - b) Residential energy inspector/plans examiner; and
 - c) Accessibility inspector/plans examiner or TAS certification; and
 - 2. Residential inspection.
 - a) Residential combination inspector; or individual.
 - b) Building/residential inspector.
 - c) Plumbing inspector.
 - d) Electrical inspector.
 - e) Mechanical inspector.
 - f) Current State of Texas plumbing inspector license.
 - 3. Commercial plan review.

- a) Building plans examiner.
- b) Electrical plans examiner.
- c) Mechanical plans examiner.
- d) Plumbing plans examiner.
- e) Commercial energy plans examiner or commercial energy inspector/plans examiner with ASHRAE 90.
- f) Accessibility inspector/plans examiner or Texas registered accessibility specialist (TAS).

4. Commercial inspections.

- a) Commercial building inspector.
- b) Commercial electrical inspector.
- c) Commercial mechanical inspector.
- d) Commercial plumbing inspector.
- e) Fuel gas inspector.
- f) Med gas endorsement.
- g) Commercial energy inspector or commercial energy inspector/plans examiner with ASHRAE 90.
- h) Accessibility inspector/plans examiner or Texas registered accessibility specialist.
- i) Current State of Texas plumbing inspector license.

C. Special Inspections—Special inspectors are required to provide proof of International Code Council (ICC) certification for the specific discipline they will be inspecting. Organizations that employ special inspectors must have accreditation through the International Accreditation Service (IAS), a subsidiary of the ICC.

D. Staff resumés including the identification, education, certification, and continuing education completed for each staff member who will be performing third party services.

5. In addition to the qualifying criteria set forth above, before a license may be issued, the third party service provider must provide evidence of commercial liability, property damage liability, vehicle liability and professional liability (errors and omissions) insurance coverage with minimum combined limits of not less than one million dollars for each occurrence, and two million dollars annual aggregate. The Village of Vinton shall be named as a beneficiary of the professional liability coverage to cover the errors and omissions of the third party service provider and shall be named as an additional insured on the other required coverages. The third party service provider shall provide to the Village Administrator the certificates showing the type, amount, class of operations covered, and the effective date and date of expiration of each policy. Further, each certificate or rider to the insurance policy shall contain the following

statement: “The Village of Vinton must be notified in advance of any cancellation of this insurance.”

6. Third party plumbing inspection services shall comply with Texas Occupations Code, Title 18, Chapter 1301, and the Texas State Board of Plumbing Examiners Rules, as applicable and as may be amended.

7. Special inspections shall be conducted in accordance with the requirements of Chapter 17 of the 2015 Edition of the International Building Code.

8. Builders desiring to use third party service providers for plan review/inspection services shall pay, at the time of permit issuance, the established fees as set forth in Village of Vinton Resolution No. 2015-11-2-2 and any amendments thereto. Any agreements entered into between a licensed third party service provider and a builder for plan review and inspection services are private contracts to which the Village of Vinton is not a party and is not responsible for in any way.

9. The Village of Vinton Building Official will upon completion and request of a project’s responsible party, conduct a final inspection of the project and make the determination if the completion of the improvements are in conformity with the provisions of the Village of Vinton’s Unified Development Code (UDC) , applicable construction codes and any other applicable regulations. No premises shall be used or occupied until a Certificate of Occupancy (CO) is issued. A CO may be issued for part of a proposed building or development, or a section thereof, if completed in accord with the terms of the UDC and applicable construction codes. The building official may issue a Temporary Certificate of Occupancy (TCO) contingent upon specific conditions and terms of compliance, for a period not to exceed six (6) months.

10. Third party service providers shall be subject to oversight by the Village of Vinton’s Building Official. The Village, acting through its Building Official, is authorized to conduct periodic unannounced audits of all services provided the third party service provider on projects within the Village of Vinton. Site as well as plan review and inspection services may be audited by the Village Building Official to assure that inspections of residential and commercial developments were adequately and accurately performed. The Village may perform daily inspections of any third party service provider. The Village may send a representative to accompany the third party service provider to the inspection site to observe inspection methods and code interpretation by the third party service provider, or to observe any plan review services. Such representative shall not supervise the third party service provider. However, the Village of Vinton’s Building Official shall have the authority to stop any work in progress that in the opinion of the Building Official does not meet the applicable zoning and building codes and the interpretation of such codes by the Village. The presence of a Village representative, as described in this paragraph, as well as any order to stop work by the Village, does not relieve the third party service provider of any liability for corrective measures that the Village may have missed and that should have been performed or taken that would have prevented any malfunction and or damages to property or personal injuries.

11. A third party service provider’s records shall be open to inspection, review and/or reproduction by the Village of Vinton’s Building Official which are connected with any project


on which the third party service provider is performing plan review and inspection services to the extent necessary to adequately permit evaluation and verification of the third party service provider's compliance with the Village of Vinton's ordinances and regulations. Third party service providers are required to provide the Village with extracts of data files in a format acceptable to the Village upon request by its Building Official. The Building Official may require inspection and photocopying of selected documents from time to time at reasonable times and places.

12. The following shall apply to all third party service providers:

- A. Following written notice by the building official of an audit resulting in one or more deficiencies (failure to comply with code requirements), and for each written notice of deficient audit thereafter, the third party service provider shall:
 - 1) Inform the respective builder/contractor of the specific code infraction(s) and the corrections required.
 - 2) Following correction of the deficiencies, the Building Official shall conduct a follow up plan review and/or inspection to assure compliance. The established fee for plan review and/or re-inspection shall be paid.
 - 3) The Village of Vinton shall not be responsible for the cost of any corrections required and/or project delays.
- B. Two audits with one or more deficiencies within any one-hundred-eighty-day period shall also result in:
 - 1) A conference with the building official and the third party service provider in an effort to improve the performance of the third party service provider.
 - 2) Prior to performing any further third party services, the third party service provider shall be required to show evidence of process improvements, internal correction procedures, methods, and/or training, and/or staff reassignments as appropriate to prevent recurrence of infraction.
- C. Three audits with one or more deficiencies within any one-hundred-eighty-day period shall also result in:
 - 1) Third party service provider being placed on probation for a period of one hundred eighty days.
 - 2) Third party service providers that have been placed on probation more than once in any five-year period shall have their license for third party services terminated and be deemed non-qualified for a two-year period, in reference to subsequent request for qualification solicitations or license renewal or reinstatement.
- D. Further audits with one or more deficiencies during the probationary period shall result in:
 - 1) Suspension of third party service provider for a period of one hundred eighty days.
- E. A third party service provider suspended pursuant to this section may appeal the building official's decision to the Village Council.

13. This ordinance shall take effect and be in full force and effect upon its passage.

PASSED, APPROVED AND ADOPTED this 17 day of July, 2018.



Manuel Leos, Mayor

Attest:



Andrea Carrillo, Village Administrator

Approved as to Form:



Shane A. English, Village Attorney