

**ORDER OF THE MCLENNAN COUNTY COMMISSIONERS COURT  
REQUIRING APPLICATION OF SUBCHAPTER F, CHAPTER 233, TEXAS  
LOCAL GOVERNMENT CODE, TO CERTAIN RESIDENTIAL  
CONSTRUCTION IN UNINCORPORATED AREAS OF MCLENNAN  
COUNTY**

*WHEREAS*, the Texas Legislature passed HB 2833 during the 81st Regular Session, codified in Sections 233.151 through 233.157 of the Texas Local Government Code, to provide for the health, safety and general welfare of all Texans through home construction standards in the unincorporated areas of counties; and

*WHEREAS*, the citizens of McLennan County desire the construction of quality housing and wholesome living environments for its citizens living in unincorporated areas.

*NOW, THEREFORE, BE IT ORDERED AND RESOLVED*, that the Commissioners Court of McLennan County, in accordance with Section 233.153, Texas Local Government Code, order that construction of a new single-family house or duplex on a vacant lot begun after the effective date of this order in the unincorporated areas of McLennan County must conform to either the version of the International Residential Code published as of May 1, 2008 or the version of the International Residential Code that is applicable in the City of Waco, Texas. This Order shall not apply to a manufactured home constructed in accordance with Chapter 1201 of the Texas Occupations Code or a modular home constructed in accordance with Chapter 1202 of the Texas Occupations Code; and

*FURTHERMORE, BE IT ORDERED AND RESOLVED*, that in accordance with Section 233.153, Texas Local Government Code, any construction of an addition to an existing single-family house or duplex, if the addition will increase the square footage or value of the existing residential building by more than 50 percent, begun after the effective date of this order in the unincorporated areas of McLennan County must conform to either the version of the International Residential Code published as of May 1, 2008 or the version of the International Residential Code adopted by the City of Waco, Texas;

*FURTHERMORE BE IT ORDERED AND RESOLVED*, that in accordance with Section 233.154(a), Texas Local Government Code, a minimum of three inspections must be performed to ensure substantial building code compliance in the construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after the effective date of this order in the unincorporated areas of McLennan County.

The three required inspections during the construction project, as applicable must be performed at (1) the foundation stage, before the placement of concrete; (2) the framing and mechanical systems stage, before covering with drywall or other interior wall covering; and (3) completion of construction of the residence. For remodeling construction to an existing residence in which the structure's square footage or value will increase by more than fifty percent, the inspection

requirements must be performed as necessary based on the scope of work of the construction project.

The builder is responsible for contracting to perform the required inspections with (1) a licensed engineer; (2) a registered architect; (3) a professional inspector licensed by the Texas Real Estate Commission; (4) a plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners; (5) a building inspector employed by a political subdivision; or (6) an individual certified as a residential combination inspector by the International Code Council. A builder may use the same inspector for all the required inspections or a different inspector for each required inspection; and

***FURTHERMORE, BE IT ORDERED AND RESOLVED***, that in accordance with Section 233.154(b), Texas Local Government Code, a builder performing construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after the effective date of this order in the unincorporated areas of McLennan County must, prior to beginning the construction project, provide notice to the County Engineer's office. The Commissioners Court prescribes the Notice of Residential Construction in Unincorporated Area attached to this Resolution as the required notice. The notice must include (1) the location of the new residential construction; (2) the approximate date by which the new residential construction will be commenced; and (3) the version of the International Residential Code that will be used by the builder to construct the new residential construction; and

***FURTHERMORE, BE IT ORDERED AND RESOLVED***, that in accordance with Section 233.154(c), Texas Local Government Code, not later than the 10th day after the date of a final inspection required by this Resolution, a builder performing construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after the effective date of this order in the unincorporated areas of McLennan County must submit notice to (1) the County Engineer's office; and (2) the person for whom the new residential construction is being built, if different from the builder, stating whether or not the inspection showed compliance with the building code standards applicable to that phase of construction. The Commissioners Court prescribes the Notice of Residential Construction Inspection Compliance in Unincorporated Area attached to this Resolution as the required notice.

***FURTHERMORE, BE IT ORDERED AND RESOLVED***, that in accordance with Section 233.157, Texas Local Government Code, (a) A person commits an offense if the person fails to provide proper notice in accordance with Sections 232(b) and (c); (b) An offense under this section is a Class C misdemeanor. (c) An individual is exempted from the Class C misdemeanor referral for failure to provide notice if; (1) the new residential construction is built by the individual or the individual acts as the individual's own contractor; and; (2) the individual intends to use the residence as the individual's primary residence.

**PASSED this \_\_\_\_ day of \_\_\_\_\_, 2009.**

**THE MEETING AT WHICH THIS ORDER WAS ADOPTED WAS NOTICED AND CONDUCTED IN ACCORDANCE WITH CHAPTER 551 OF THE GOVERNMENT CODE.**

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**Jim Lewis  
McLennan County Judge**

ATTEST:

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J.A. "Andy" Harwell, County Clerk  
By Deputy County Clerk