

DIVISION 7. INSPECTIONS AND CODE OFFICIAL

Section 25. Inspections.

- (a) *Inspection required.* All building construction for which a permit is required by this code shall be inspected by the code official. No portion of any construction work requiring prior inspection approval shall be concealed until inspected and approved. Neither the code official nor the City of Colleyville shall be liable for expense entailed in the removal or replacement of material required to permit inspection. The holder of the permit shall be responsible for the scheduling of such inspections.
- (b) The code official shall issue written procedures that describe the various phases of inspection and make these procedures available to the public upon request.
- (c) *Other inspections.* In addition to any scheduled inspection, the code official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code.
- (d) *No implied authorization to proceed.* Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City of Colleyville. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.
- (e) *Re-inspection and testing.* Where any work does not pass any initial inspection, the necessary corrections shall be made to comply with this code. The work shall then be resubmitted to the code official for inspection.
- (f) *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the code official that such work is ready for inspection. The code official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone, at the option of the code official.

The person requesting an inspection required by this code shall provide access to and means for proper inspection of such work. When the work is within a residence where access is dependent upon the occupant being home, the person doing the work shall make arrangements for inspections. Failure to make arrangements within a timely manner or the inability for the inspector to do the inspections at the arranged times will result in re-inspection fees being assessed to the person doing the work.

Exception: If the re-inspection fee is for a "Final Inspection" for a residence where access is dependent upon the occupant, after the fee has been paid by the person doing the work additional arrangements for the final inspection and penalties for not receiving such inspection shall fall on the occupant.

This shall not relieve the person doing the work from having to correct improper work and such accompanying penalties should the work fail re-inspection.

- (g) *Re-inspections.* A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the building site is not in compliance with codes and ordinances applicable to construction sites, approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the code official.

To obtain a re-inspection, the applicant shall file an application in writing on a form furnished for that purpose and pay the re-inspection fee in accordance with the applicable fee schedule.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

- (h) *Right of entry for inspections.* The application for permit shall be deemed to be granting authority to enter the property for the purpose of inspections. No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as provided in this article, to promptly permit entry therein by the code official or his authorized representative for the purpose of inspection and examination pursuant to this article. Any person violating this section shall be guilty of a misdemeanor.

Section 18-26. Duties and authority of the code official

- (a) *General.* The code official is hereby authorized and directed to enforce all the provisions of this code and shall act on any question relative to the

construction, alteration or repair, of buildings or structures as provided for by this code.

- (b) *Rule-making authority.* The code official shall have authority as necessary in the interest of public health, safety and general welfare to render interpretations of this code as may be deemed necessary in order to clarify the application of the provisions of this code and to issue rules and procedures for the implementation of the provisions of this code to secure the intent thereof and to designate requirements applicable due to local climatic or other conditions. Such rules shall not have the effect of waiving requirements specifically provided for in this code, or of violating accepted engineering practice involving public safety.
- (c) *Applications and permits.* The code official shall receive applications, collect fees and issue permits for the construction, alteration or repair of buildings and structures and inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code. The code official shall keep records of all permits issued and all inspections performed.
- (d) *Inspections.* The code official or authorized agent shall make all the required inspections. All inspection reports shall be in writing.
- (e) *Right of entry.* Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon any premises, any condition or violation of this code that make the building or premises unsafe, unsanitary, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present his credentials to the occupant and request entry. If building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

When the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

- (f) *Interference with code official.* It shall be unlawful for any person to hinder or interfere with the code official or any inspector in the discharge of their duties under this code.
- (g) *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- (h) *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.
- (i) *Department records.* The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.
- (j) *Restriction of employees.* An official or employee connected with the department of building inspection shall not be engaged in or connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building within the City of Colleyville; and such officer or employee shall not engage in any work that conflicts with official duties or with the interests of the department.
- (k) *Liability.* The code official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because of such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings and any judgment resulting therefrom shall be assumed by this jurisdiction.

The liability exemption and defense protection provided in this section are not extended to Third Party Companies, nor their employees.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.