

ORDINANCE 2014-08

AN ORDINANCE AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS, BY AMENDING SECTION 14-2 OF ARTICLE I TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, THE INTERNATIONAL PLUMBING CODE, 2012 EDITION, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION, THE INTERNATIONAL FIRE CODE, 2012 EDITION, THE INTERNATIONAL FUEL GAS CODE, 2012 EDITION, THE NATIONAL ELECTRICAL CODE, 2011 EDITION, THE INTERNATIONAL SWIMMING POOL & SPA CODE, 2012 EDITION, AND THE INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION; AMENDING SECTION 14-5 OF ARTICLE I OF CHAPTER 14 THEREOF AND SECTION 14-135 OF ARTICLE III OF CHAPTER 14 PERTAINING TO PENALTY FOR VIOLATIONS; AMENDING ARTICLE II OF CHAPTER 14 BY ADOPTING LOCAL AMENDMENTS TO THE CITY’S BUILDING CODES AND STANDARDS; AMENDING SECTION 14-174 OF ARTICLE IV, DIVISION 1 OF CHAPTER 14; AMENDING SECTION 14-302 OF ARTICLE IV, DIVISION 5 OF CHAPTER 14; AMENDING SECTION 14-315 OF ARTICLE IV, DIVISION 5 OF CHAPTER 14; AMENDING SECTION 14-316 OF ARTICLE IV, DIVISION 5 OF CHAPTER 14; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The Code of Ordinances of the Sealy, Texas is hereby amended by amending Section 14-2 of Article I of Chapter 14 to adopt the new 2011/2012 building codes and standards, as follows:

“Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

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Sec. 14-2. - Adoption of Codes and Standards.

There are adopted by the city for the purpose of establishing rules and regulations for the construction, maintenance and reconstruction of new and existing buildings and for the installation, maintenance or repair of all plumbing, mechanical, fire prevention and electrical systems, fixture piping, appliances and equipment in the city, including permits and penalties, the following codes as listed:

- (1) International Building Code, ~~2006~~ 2012 Edition;
- (2) International Residential Code, ~~2006~~ 2012 Edition, with the exception of Part VII — Plumbing, Chapters 25 through 32;

- (3) International Mechanical Code, ~~2006~~ 2012 Edition;
- (4) International Plumbing Code, ~~2006~~ 2012 Edition;
- (5) International Property Maintenance Code, ~~2006~~ 2012 Edition;
- (6) International Energy Conservation Code, ~~2006~~ 2012 Edition;
- (7) International Fire Code, ~~2006~~ 2012 Edition;
- (8) International Fuel Gas Code, ~~2006~~ 2012 Edition;
- (9) Standard Amusement Device Code, 1997 Edition;
- (10) National Electric Code, ~~2005~~ 2011 Edition;
- ~~(11) National Electrical Safety Code, 2002 edition;~~
- ~~(12) NFPA 780 Installation of Lightning Protection Systems, 2000 Edition; and~~
- ~~(13) NFPA 101 Life Safety Code, 2006 Edition;~~
- (11) International Swimming Pool & Spa Code, 2012 Edition; and
- (12) International Existing Building Code, 2012 Edition.

together with their appendix chapters and any amendments that become an official part of any code, save and except any such portion as may be in conflict with this chapter, a copy of each of which has been and is now filed in the office of the city secretary; and these codes are incorporated as fully as if set out at length in this chapter; and the provisions of such codes shall be controlling within the corporate limits of the city.

Section 2. The Code of Ordinances of the Sealy, Texas is hereby amended by amending Section 14-5 of Article I of Chapter 14 to read and to provide as follows:

Sec. 14-5. - Penalty.

Any person who shall violate any of the provisions of this ~~article chapter~~ shall be guilty of a misdemeanor and upon conviction shall be fined in an amount as provided for in Section 1-7 of the City's Code of Ordinances ~~of not to exceed \$2,000.00~~. Each day of a violation shall constitute a separate offense.

Section 3. The Code of Ordinances of the Sealy, Texas is hereby amended by amending Section 14-135 of Article III of Chapter 14, to read and provide as follows:

Sec. 14-135. - Penalty for violation of article.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in an amount as provided for in Section 1-7 of the City's Code of Ordinances. Each day of a violation shall constitute a separate offense. ~~Any person who violates any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 per day or not more than \$500.00 per day per violation.~~

Section 4. The Code of Ordinances of the Sealy, Texas is hereby amended by adopting a new Article II "Local Amendments" of Chapter 14, to read and provide as follows:

“Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE II. – LOCAL AMENDMENTS

Sec. 14-46. - Adoption of Local Amendments to Codes and Standards.

Due to conditions prevailing in and about the Sealy area, certain specific local amendments to the codes, rules and regulations are adopted as provided in this Article.

Sec. 14-47. – Local Amendments to International Building Code.

The following local amendments are hereby adopted.

(a) Section 103 shall be amended to provide that the building official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the building official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city’s ordinances and personnel policies governing all city employees.

(b) Section 113, *Board of Appeals* is hereby modified to provide that any appeal from a decision of the building official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

(c) Section 105.2 Notes 1.6 of the International Building Code are not adopted.

(d) Appendix A- *Employee Qualifications* is not adopted.

(e) Appendix B – *Board of Appeals* is not adopted, except for B101.4.

(f) Appendix H - *Signs*, is only adopted where allowed by, and not in conflict with, the City’s sign ordinance. Section H101.2 *Signs exempt from permits*, is expressly not adopted. Exempt signs shall only be as provided for in the city’s sign ordinance (section 80-12 of The City Code).

Sec. 14-48. – Local Amendments to International Residential Code.

The following local amendments are hereby adopted.

(a) Section R103 shall be amended to provide that the building official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the building official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city’s ordinances and personnel policies governing all city employees.

(b) Section R112, *Board of Appeals* is hereby modified to provide that an appeal from a decision of the building official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

(c) Chapter 4, Section R401.1-Application, shall be amended to provide:

(A) All concrete slabs up to 4" thick shall be reinforced with minimum #3 rebar on 16" centers.

(B) All deformed bars (rebar) shall conform to ASTM A-615, A-616, A-617. Bar mats shall conform to ASTM A184. Welded wire fabric shall conform to ASTM A-185 or A-497.

(C) All flat work shall be reinforced with #6 wire mesh or #3 rebar on 18" centers.

(D) All reinforcement shall be elevated as required in ACI 318 and ACI 302.

(E) Wood shingles on new construction are prohibited except when the new construction is an addition to an existing wood shingle roof or is placed on a decorative structure such as a gazebo, by way of example only, which is located more than ten (10') feet from the main structure.

(d) Section R105.2 Notes 1, 5 & 10 of the International Residential Code are not adopted.

Sec. 14-49. – Local Amendments to International Mechanical Code.

The following local amendments are hereby adopted.

(a) Section 103 shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(b) Section 109, *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

(c) The requirements of Chapter 14, Article III, *Plumbing, Fuel, Gas, and Mechanical Code* shall apply as local amendments.

Sec. 14-50. – Local Amendments to International Plumbing Code.

The following local amendments are hereby adopted.

(a) Section 103 shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(b) Section 109, *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

(c) The requirements of Chapter 14, Article III, *Plumbing, Fuel, Gas, and Mechanical Code* shall apply as local amendments.

Sec. 14-51. – Local Amendments to International Property Maintenance Code.

The following local amendments are hereby adopted.

(a) Section 103 shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city

employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(b) Section 111, *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

Sec. 14-52. – Local Amendments to International Energy Conservation Code.

The following local amendments are hereby adopted. No local amendment shall impose any regulation less stringent than published in the code.

(a) Section C109, *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

Sec. 14-53. – Local Amendments to International Fire Code.

The following local amendments are hereby adopted.

(a) Section 103, *Department of Fire Prevention*, shall be amended to provide that the fire code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the fire code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(b) Section 108, *Board of Appeal* is hereby modified to provide that an appeal from a decision of the fire code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the fire code official.

(c) Appendix A- *Board of Appeals* is hereby modified to provide that any appeal from a decision of the building official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

Sec. 14-54. – Local Amendments to International Fuel Gas Code.

The following local amendments are hereby adopted.

(a) Section 103, *Department of Inspection*, shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(b) Section 109, *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

(c) The requirements of Chapter 14, Article III, *Plumbing, Fuel, Gas, and Mechanical Code* shall apply as local amendments.

Sec. 14-55. – Local Amendments to Standard Amusement Device Code.

The following local amendments are hereby adopted.

Reserved.

Sec. 14-56. – Local Amendments to National Electrical Code.

The following local amendments are hereby adopted.

(a) The requirements of Chapter 14, Article IV, *Electrical Code* shall apply as local amendments to the NEC.

Sec. 14-57. – Local Amendments to International Swimming Pool & Spa Code.

The following local amendments are hereby adopted.

(a) Section 103, *Department of Building Safety*, shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city’s ordinances and personnel policies governing all city employees.

(b) Section 108, *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

Sec. 14-58. – Local Amendments to International Existing Building Code.

The following local amendments are hereby adopted.

(a) Section 103, *Department of Building Safety*, shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city’s ordinances and personnel policies governing all city employees.

(b) Section 112, *Board of Appeals* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

(c) Section 105.2 Note 1 of the International Existing Building Code is not adopted.”

Section 4. The Code of Ordinances of the Sealy, Texas is hereby amended by amending Section 14-174 of Article IV of Division 1 of Chapter 14, to read and provide as follows:

“Sec. 14-174. - Penalty for violation of article.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in an amount as provided for in Section 1-7 of the City’s Code of Ordinances. Each day of a violation shall constitute a separate offense. ~~Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00 or less than \$100.00 unless otherwise specified in this article; however, if such person is convicted of an offense under this article which offense is also a violation of the penal laws of the state, such person shall be subject to the penalties set out in the penal laws of the state for the offense.”~~

Section 5. The Code of Ordinances of the Sealy, Texas is hereby amended by amending Section 14-302 of Article IV of Division 5 of Chapter 14, to read and provide as follows:

Sec. 14-302. - Adopted standards.

The following codes, pamphlets and specifications are adopted, authentic copies of which are filed with the city secretary, as part of this article, and shall govern and be observed and followed in all electrical wiring, and in the construction, installation, repair, alteration, operation, and maintenance of electrical wiring, apparatus or fixtures.

- (1) The ~~2005~~ 2011 National Electrical Code.

Except for Section 210.12 of the 2011 NEC which has been replaced with section 14-316 (c)(d) of this article.

- ~~(2) The 2005 National Electrical Safety Code; and~~

- ~~(3) The 2000 National Fire Protection Association Pamphlet No. 780, "Installation of Lighting Protection Systems."~~

In case of conflict between the provisions of these standards and the provisions of this article, the provisions of this article shall prevail.

Section 6. The Code of Ordinances of the Sealy, Texas is hereby amended by amending Sections 14-315 and 14-316 of Article IV of Division 5 of Chapter 14, to read and provide as follows:

Sec. 14-315. - Underground wiring Reserved.

- ~~(a) Ampacities for one or more single insulated conductors in underground electrical ducts shall be permitted to be determined from table 310-16 of the National Electrical Code and its accompanying notes where all of the following conditions are met:~~

- ~~(1) Load calculations have been made in accordance with article 220 of the National Electrical Code;~~
~~(2) A minimum two inch spacing between raceways is maintained;~~
~~(3) Fill medium is compacted to eliminate air pockets and to assure uniform heat dissipation; and~~
~~(4) The minimum cover of underground piping under streets, highways, road, alleys, driveways, and parking lots shall be not less than 18 inches.~~

- ~~(b) Where such underground conductors supply loads, which are expected to have a connected load, which exceeds 70 percent of the installed circuit capacity, conductor sizes shall be increased one size as per table 310-16 of the National Electrical Code.~~

Sec. 14-316. -Wiring generally.

- ~~(a) Electrical metallic tubing shall not be installed in any exposed outside location, or in underground installations subject to continuous moisture exposure.~~

- ~~(b) The use of crimp type and set screw connectors and couplings used with electrical metallic tubing shall be prohibited when such tubing is to be used as a grounding means.~~

- ~~(e-a) Service entrance conductors and feeders shall run in conduits or raceways.~~

- ~~(d b)The following additional requirements shall be met for all new construction:~~

~~(1) All circuits shall have conductors sized in accordance with article 310 of the 2002 National Electrical Code, and/or minimum current capacity of circuit conductors of 20 amps.~~

~~(2) For each panel a spare one inch raceway shall be installed from the panel to an accessible location in the attic or crawlspace.~~

~~(3) (1) Main service disconnect shall be accessible without entering any structure.~~

~~(4) Electrodes of pipe shall be of brass or copper.~~

~~(5) Rod electrodes shall be of brass, copper or copper clad steel and shall be at least one-half inch by eight feet.~~

~~(6) All foundation and exterior wall openings around electrical cables and conduits shall be protected against the passage of rats by closing such openings with cement mortar, concrete masonry or noncorrodible metal.~~

~~(7) All portable signs shall be anchored to the ground.~~

~~(8) There shall be a distance of not less than three feet between all gas meters/gas piping and any electrical service or electrical equipment.~~

~~(9) A ground fault circuit interceptor (G.F.C.I.) receptacle must be located within sight of all residential and commercial air conditioning condenser units.~~

(c) Definition: Arc-Fault Circuit Interrupter. An arc-fault circuit interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected.

(d) Dwelling Unit Bedrooms. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit.

FPN: For information on types of arc-fault circuit interrupters, see UL 1699-1999, Standard for Arc-Fault Circuit Interrupters.”

Section 9. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2000). Each violation or day of violation shall constitute a separate offense.

Section 10. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or

unconstitutional, whether there be one or more parts. To the extent this Ordinance is in conflict with state law, the state law is controlling.

PASSED AND APPROVED on the first reading by the City Council of the City of Sealy, Texas this 22nd day of April, 2014.

PASSED AND APPROVED on the second and final reading by the City Council of the City of Sealy, Texas, this 13th day of May, 2014.

Nick Tirey, Mayor

ATTEST:

Dayl Cooksey, City Secretary