

## ORDINANCE NUMBER 694-2010

**AN ORDINANCE REVISING ARTICLE II, BUILDING CODES, OF CHAPTER 5, BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS TO ADOPT THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE, THE 2009 INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL FUEL GAS CODE, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2009 INTERNATIONAL EXISTING BUILDING CODE, AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE EACH OF AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; ADOPTING THE 2008 NATIONAL ELECTRIC CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, INC.; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID STANDARD CODES; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, on June 27, 2006, by Ordinance Number 583-2006, the City Council of the City of Dickinson, Texas, adopted the 2003 International Building Code, the 2003 International Residential Code, the 2003 International Plumbing Code, the 2003 International Mechanical Code, the 2003 International Fuel Gas Code, the 2003 International Energy Conservation Code as published by the International Code Council, Inc., and the 2005 National Electric Code as published by the National Fire Protection Association, along with various local amendments thereto, as the various building codes applicable to building and development within the City of Dickinson, and such adoption of the various building codes and local amendments were codified as Article II, Building Codes, of Chapter 5, Buildings, of the Code of Ordinances of the City of Dickinson; and

**WHEREAS**, the City Council finds it is in the best interest of the City and its citizens to update the building and development codes and local amendments thereto that are applicable within the City of Dickinson and that Article II, Building Codes, of Chapter 5, Buildings, of the Code of Ordinances of the City of Dickinson should be revised to adopt the 2009 International Building Code, the 2009 International Residential Code, the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Fuel Gas Code, the 2009 International Energy Code, the 2009 International Existing Building Code, and the 2009 International Property Maintenance Code as published by the International Code Council, Inc., and the 2008 National Electric Code as published by the National Fire Protection Association as the building codes applicable to building and development within the City of Dickinson.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:**

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Article II, Building Codes, of Chapter 5, Buildings, of the Code of Ordinances of the City of Dickinson, Texas, is hereby revised to read in its entirety as follows:

**“ARTICLE II. BUILDING CODES**

**Sec. 5-20. Designation.**

The provisions contained in this article are hereby designated the Building Codes of the City of Dickinson, Texas.

**Sec. 5-21. Building Codes; adopted.**

(a). The following codes are hereby adopted:

- (1) The International Building Code (IBC), 2009 Edition, including Appendix A, C, G, H, I and J, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.
- (2) The International Residential Code (IRC), 2009 Edition, including appendix A, B, C, E, G, H, I and J, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.
- (3) The International Mechanical Code (IMC), 2009 Edition, , as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.
- (4) The International Plumbing Code (IPC), 2009 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

- (5) The International Energy Conservation Code (IECC), 2009 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.
- (6) The International Fuel Gas Code (IFGC), 2009 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.
- (7) The International Existing Building Code (IEBC), 2009 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.
- (8) The International Property Maintenance Code (IPMC), 2009 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.
- (9) The National Electric Code (NEC), 2008 Edition, as published by the National Fire Protection Association, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

## **5-22 Amendments to the Adopted Codes**

- a. Section 101.1 of the IBC, IRC, IMC, IPC, IECC, IFGC, IEBC and IPMC are hereby amended, replacing “[NAME OF JURISDICTION]” with the “City of Dickinson, Texas”.
- b. The International Codes are amended by deleting Sections 103.
- c. Section 105.2 of the IBC are hereby amended by deleting paragraph 1 under “Building” which reads “One story detached accessory structures, used as tool and storage shed, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>)” and paragraph 6 under “Building” which reads “Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.”

d. Section 105.2 of the IRC is hereby amended by deleting paragraph 1 under "Building" which reads "One story detached accessory structures, used as tool and storage shed, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>)" and paragraph 5 "Sidewalks and Driveways".

e. Section 113.4 of the IRC is hereby deleted and replaced with the following:

**"113.4 Violation penalties.** Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by law."

f. Section 114.4 of the IBC is hereby deleted and replaced with the following:

**"114.4 Violation penalties.** Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by law."

g. Section 1507.8 of the IBC Wood Shingles and 1507.9 of the IBC Wood Shakes are hereby amended to include:

The use of wood shingles and shakes in the construction or reroofing of any structure is prohibited unless specifically authorized by this subsection.

Existing structures which have wood shingles or shakes shall be repaired with fire retardant pressure treated wood shingles or shakes of a comparable grade; however, owners shall have the option of installing class A, class B, or class C roofing material, as otherwise authorized herein, provided the existing roof structural system is adequate for modification. A `repair' is defined as twenty-five (25) percent or less of the area of the roof. If the repair is more than twenty-five (25) percent of the area of the roof, the roof shall be replaced.

Fire retardant pressure treated wood shingles and shakes authorized for use on single-family residences shall be grade labeled No. 1 and No. 2 wood shingles and No. 1 shakes, with a minimum butt thickness of one-half inch (1/2), and shall be securely fastened with rust resistant nails."

- h. Table 1507.8.4, Table 1507.8.6, Table 1507.9.5 and Table 1507.9.7 of the IBC are hereby amended to exclude all references to No. 3 wood shingles and No.2 wood shakes.
- i. Table 1904.2.2(2) of the IBC is hereby amended to require minimum compressive strength of 3,000 pounds per square inch for all types or locations of concrete construction.
- j. Section 113, Board of Appeals, of the IBC is hereby amended to read:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a building standards commission.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or referenced code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of this code.

- k. Section 112, Board of Appeals, of the IRC is hereby amended to read:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a building standards commission.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or referenced code or the rules

legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of this code.

- i. Section 109, Means of Appeal, of the IMC, IPC, IFGC, IECC are hereby amended to read:

109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a building standards commission. The building standards commission shall be appointed as indicated in Section 5-02 of the Dickinson Code of Ordinances. The board shall adopt rules of procedure for conducting its business.

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or referenced code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of this code.

109.3 Qualifications. The building standards commission shall consist of members who are qualified as indicated in Section 5-02 of the Dickinson Code of Ordinances.

- m. Section 111, Means of Appeal, of the IPMC, is hereby amended to read:

111.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a building standards commission. The building standards commission shall be appointed as indicated in Section 5-02 of the Dickinson Code of Ordinances. The board shall adopt rules of procedure for conducting its business.

111.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or referenced code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of this code.

111.3 Qualifications. The building standards commission shall consist of members who are qualified as indicated in Section 5-02 of the Dickinson Code of Ordinances.

- n. Section 108.4, Violation Penalties, of the IMC, IPC and IFGC are hereby deleted and replaced with the following:

**"108.4 Violation penalties.** Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by law."

- o. Section R301.1.3, Engineered design, of the IRC is hereby amended by the addition of the following:

"All buildings and structures, and all parts thereof, that exceed 78" in height from grade shall be approved and certified by a registered Texas Department of Insurance Wind Storm Engineer."

- p. Section 1604.1, General, of the IBC is hereby amended with the addition of the following:

"All buildings and structures, and all parts thereof, that exceed 78" in height from grade shall be approved and certified by a registered Texas Department of Insurance Wind Storm Engineer."

- q. Table R302.6, Dwelling/Garage Separation, of the IRC is hereby amended by replacing "1/2-inch" with "5/8-inch type X".

- r. Section E3406.2, Conductor material, of the IRC is hereby deleted and replaced with the following:

**"E3406.2 Conductor material.** All Conductors shall be of copper only and comply with Chapters 33 through 42."

- s. Section E3501.6.2, Service disconnect location, of the IRC is hereby deleted and replaced with the following:

**“E3601.6.2 Service disconnect location.** The service disconnecting means shall be installed at a readily accessible location outside of a building nearest the point of entrance of the service conductors. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

- t. Section 3502.3, Rating of service disconnect, of the IRC is hereby deleted and replaced with the following:

- u. Table R301.2(1) of said Residential Code is amended to include the following values:

- Ground Snow Load: 0
- Wind Speed (mph): 120
- Seismic Design Category: A
- Weathering: Negligible
- Frost line depth: 0
- Termite: Very Heavy
- Decay: Slight to Moderate
- Winter Design Temp: 32
- Ice shield underlayment required: No
- Flood Hazards: Refer to applicable FIRM Map
- Air freezing index: 50
- Mean Annual Temp: 70

- v. Table R402.2 of the IRC is amended to require a minimum compression density of 3,000 pounds per square inch for all types or locations of concrete construction.

- w. All structures constructed within the City of Dickinson that are greater than 6’6” in height are required to have plans certified as Inland “1” compliant and the structure shall be inspected and approved by a Texas Certified Windstorm Engineer.

Sec. 5-23-29. Reserved.”

Section 3. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 4. 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 Dickinson, 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.

Section 5. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

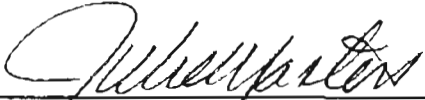
Section 6. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

Section 7. This Ordinance shall become effective in accordance with law.

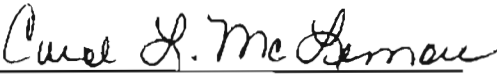
**DULY PASSED AND APPROVED** on first reading this 9<sup>th</sup> day of February, 2010.

**DULY PASSED, APPROVED, AND ADOPTED** on second and final reading this the 23<sup>rd</sup> day of February, 2010.

**DULY PASSED, APPROVED, AND ADOPTED** on third and final reading this \_\_\_ day of \_\_\_\_\_, 2010 (Third reading suspended).

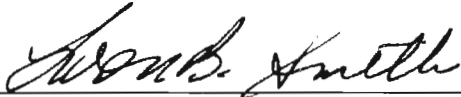
  
Julie Masters, Mayor  
City of Dickinson, Texas

ATTEST:

  
Carol L. McLemore, City Secretary  
City of Dickinson, Texas



APPROVED AS TO FORM AND CONTENT:

A handwritten signature in black ink, appearing to read "Loren B. Smith", written over a horizontal line.

Loren B. Smith, City Attorney  
City of Dickinson, Texas