

ORDINANCE NO. 23-010

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 10, "BUILDING CODE" OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED"; AMENDING CHAPTER 10, ARTICLE VII. "THE INTERNATIONAL EXISTING BUILDING CODE; ADOPTING THE "2021 INTERNATIONAL EXISTING BUILDING CODE WITH LOCAL AMENDMENTS"; PROVIDING FOR AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, per the International Code Council (ICC), the International Existing Building Code (IEBC) is a comprehensive set of regulations for existing buildings. The IEBC was founded on principles intended to encourage the use and reuse of existing buildings that adequately protect public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provision that do not restrict the use of new materials, products or methods of construction and provisions that do not give preferential treatment to a particular type or class of materials, products or methods of construction; and,

WHEREAS, the City recognizes the importance and necessity of codes that pertain to existing structures within the City of Galveston, and,

WHEREAS, staff desires to keep the City of Galveston current with the most recent codes pertaining to construction and development of existing buildings and recommends adopting the "2021 International Existing Building Code", with local amendments, to the Building Code of the City of Galveston; and,

WHEREAS, on December 6, 2022, Staff presented the proposed code updates and amendments to the Building Board of Adjustments and Appeals. The Building Board of Adjustments and Appeals, is comprised of local builders, architects, engineers, electrical, mechanical and plumbing contractors, formed with the intent to have local input into the permit process, as well as, review potential amendments to regulatory codes; and,

WHEREAS, on December 6, 2022, the Building Board of Adjustments and Appeals, recommended approval of the request; and,

WHEREAS, the City Council of the City of Galveston deems it to be in the public interest to amend Chapter 10, "The Building Code" Article VII, "International Existing Building Code", as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The Code of the City of Galveston 1982, as amended", Chapter 10, "Building Code", "Article VII. "International Existing Building Code", is hereby amended to read and provide as follows:

ARTICLE VII. – INTERNATIONAL EXISTING BUILDING CODE

Sec. 10-74. - Organization.

The Building Department of the City of Galveston is subject to all applicable City Charter, City Code, and Personnel Rules and Regulations pertaining to jurisdiction and employment. No provision contained in the International Existing Building Code governing the employment, staffing, hiring, termination, or discipline of an official or employee shall apply. Furthermore, the International Existing Building Code shall not govern the appointment, liability and legal defense of any officer or employee.

Sec. 10-75. Adopted.

There is hereby adopted by the City Council the 2021 International Existing Building Code, (2021 IEBC) for the repair, alteration, change of occupancy, addition and relocation of existing buildings in the city of Galveston, published by the International Code Council, save and except such portions as are hereinafter amended. The 2021 International Existing Building Code, as adopted and amended, is on file in the office of the City Secretary, and is incorporated herein to the same extent as though it were set out at length herein.

The 2012 edition of the "International Existing Building Code", hereinafter referred to as the "Existing Building Code of the City of Galveston" (IEBC) copies of which have this day been exhibited to and approved by the City Council and certified copies of which are on file in the respective offices of the city secretary and the building official of the city, is hereby adopted by reference and declared to be the existing building code for the repair, alteration, change of occupancy, addition and relocation of existing buildings in the city, save and except such portions as are hereinafter deleted, amended, varied or modified.

Sec. 10.76 - Amendments to the 2012 International Existing Building Code.

The 2021 International Existing Building Code is amended by the 2021 City of Galveston Local Code Amendments to the extent set forth in SECTION 3 herein.

Provisions in the 2021 IEBC appendices shall not apply unless specifically adopted.

The 2021 IEBC is adopted with the following selected appendices or amendments, A, B, and C.

- Appendix A: Guidelines for the Seismic Retrofit of Existing Buildings;
- Appendix B: Supplementary Accessibility Requirements for Existing Buildings and Facilities
- Appendix C: Guidelines for the Wind Retrofit of Existing Buildings.

~~The 2012 International Existing Building Code adopted pursuant to the foregoing provisions of this Chapter, is hereby modified and amended to the extent set forth in that document entitled "Amendments for 2012 International Existing Building Code", which is hereby incorporated as "Attachment A", which document is hereby adopted, its contents and provisions being incorporated herein by reference, and same being available for inspection and copying in the respective offices of the City Secretary and Building Official.~~

~~The 2012 2021 International Existing Building Code is adopted with the following selected appendices, A, B, and C which are as follows:~~

- ~~A — Guidelines for the Seismic Retrofit of Existing Buildings~~
- ~~B — Supplementary Accessibility Requirements for Existing Buildings and Facilities~~
- ~~C — Guidelines for the Wind Retrofit of Existing Buildings~~

SECTION 3. The 2021 International Existing Building Code, is amended to read and provide as follows:

Chapter 1- "Scope and Administration" shall be amended to read and provide as follows:

101.1. Title. These regulations shall be known as the Existing Building Code of the City of Galveston, hereinafter referred to as "this code".

Section 112 "Means of Appeals" shall be deleted in its entirety and amended to read:

Refer to Chapter 10, Article II. Building Board of Adjustments and Appeals, of the Code of the City of Galveston

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 7. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective on and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on January 26, 2023 as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 27th day of January, 2023.

Secretary for the City Council
of the City of Galveston