

## ORDINANCE 2022-O-01A

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (BUILDING CODE), ARTICLE III (ELECTRICAL CODE), ARTICLE IV (PLUMBING CODE), ARTICLE V (MECHANICAL CODE), ARTICLE X (INTERNATIONAL RESIDENTIAL CODE) ARTICLE XI (ENERGY CONSERVATION CODE), AND ARTICLE XII (FUEL GAS CODE), ARTICLE XIV (SWIMMING POOL AND SPA CODE), AND CHAPTER 10 (FIRE PREVENTION AND PROTECTION), ARTICLE III (FIRE PREVENTION CODE); AND ADOPTING THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING, RESIDENTIAL, PLUMBING, MECHANICAL, FUEL GAS, FIRE CODES INCLUDING LIFE SAFETY CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, AND THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE; PROVIDING FOR SPECIFIC AMENDMENTS OF THE INTERNATIONAL BUILDING CODE, PLUMBING CODE, RESIDENTIAL CODE, AND FIRE CODE; PROVIDING FOR REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; AND AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Marble Falls, has determined the need to adopt modern, standardized building, plumbing, mechanical, energy conservation, fire protection, and fuel and gas codes for the community; and

**WHEREAS**, these codes are adopted to safeguard the public health, safety, and general welfare; and

**WHEREAS**, such codes are periodically updated and amended by the International Code Congress; and

**WHEREAS**, the City Council is of the opinion that the adoption of the updated, amended editions of such will benefit the community by the prevention and mitigation of hazards, ensure responsible construction and building regulations in the City and minimize the loss of life, injury, and property.

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

**SECTION I. PREAMBLE.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II. AMENDMENT.** Except as herein amended the Marble Falls Code of Ordinances shall remain in full force and effect.

1. Section 7-17 of Article II, Building Code, of Chapter 7, Buildings and Building Regulations, is hereby amended to read as follows:

**Sec. 7-17. Adoption of International Building Code**

- (a) The International Building Code, 2018 Edition, including Appendices A through L, and Q as published by the International Code Council, is hereby adopted, and designated as the building code of the City of Marble Falls, and is made a part hereof, as amended.
  - (b) One (1) copy of the 2018 Edition of the International Building Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.
2. Section 7-18 of Article II, Building Code, of Chapter 7, Buildings and Building Regulations, is hereby amended to read as follows:

**Sec. 7-18. Amendments.**

- (a) The following amendments to the International Building Code are hereby adopted:

Section 1612.3. Insert: Date of issuance of FIRM Map is incorporated herein by reference.

3. Section 7-31 of Article III, Electrical Code, of Chapter 7, Buildings and Building Regulations, is hereby amended to read as follows:

**Sec. 7-31. Adoption of National Electrical Code.**

- (a) The National Electric Code, 2017 Edition, as published by the National Fire Protection Association, as amended and as hereafter amended, is hereby adopted and designated as the electric code of the City of Marble Falls, and is made a part hereof.
- (b) One (1) copy of the National Electric Code, 2017 Edition, is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.
- (c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said National Electric Code as adopted and the other provisions of this section, the latter provisions shall be construed as controlling and taking precedence over the former.

The National Electrical Code, 2017 Edition, as amended and as hereafter amended, published by the National Fire Safety Board is hereby adopted as the electrical code of the City of Marble Falls for regulating the design, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to, or use of electrical systems in the City of Marble Falls and providing for the issuance of permits and collection of fees therefore, a copy of which is on file and is open for inspection by the public in the office of development services and each and all of the regulations, provisions, conditions and terms of such National Electrical Code, 2017 Edition, published by the National Fire Safety Board, and the City of Marble Falls are hereby referred to, adopted and made a part hereof as if fully set out in this section.

4. Section 7-56 (a) and (b) of Article IV, Plumbing Code, of Chapter 7, Buildings and Building Regulations, are hereby amended to read as follows:

**Sec. 7-56. Adoption of International Plumbing Code.**

(a) The International Plumbing Code, 2018 Edition, as published by the International Code Council, is hereby adopted, and designated as the plumbing code of the City of Marble Falls, and is made a part hereof, as amended.

(b) One (1) copy of the 2018 Edition of the International Plumbing Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.

5. Section 7-56.1 of Article IV, Plumbing Code, of Chapter 7, Buildings and Building Regulations, is hereby amended to read as follows:

**Sec. 7-56.1. Amendments.**

(a) The following amendments to the International Plumbing Code are hereby adopted:

Section 305.4.1. Insert: 12 inches in both.

Section P2902.5.3. Insert: double check valve backflow prevention assembly

6. Section 7-71 (a) and (b) of Article V, Mechanical Code, of Chapter 7, Buildings and Building Regulations, are hereby amended to read as follows:

**Sec. 7-71. Adoption of International Mechanical Code.**

- (a) The International Mechanical Code, 2018 Edition, including Appendices A and B, as published by the International Code Council, is hereby adopted, and designated as the mechanical code of the City of Marble Falls, and is made a part hereof, as amended.
- (b) One (1) copy of the 2018 Edition of the International Mechanical Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.

7. Section 7-301 (a) and (b) of Article X, International Residential Code, of Chapter 7, Buildings and Building Regulations, are hereby amended to read as follows:

**Sec. 7-301. Adoption of International Residential Code.**

- (a) The International Residential Code, 2018 Edition, including Appendices A through K, as published by the International Code Council, is hereby adopted, and designated as the residential code of the City of Marble Falls, and is made a part hereof, as amended.
- (b) One (1) copy of the 2018 Edition of the International Residential Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.

8. Section 7-302 of Article X, International Residential Code, of Chapter 7, Buildings and Building Regulations, is hereby amended to read as follows:

**Sec. 7-302. Amendments.**

- (a) The following amendments to the International Residential Code are hereby adopted:

Section R101.1 Insert: City of Marble Falls.

Table R301.2 (1) Insert: R 301.2 (1).

- a. Insert: Negligible.
- b. Insert: Twelve inches.
- c. Insert: Moderate to Heavy.
- d. Insert: 90 M.P.H.
- e. Insert: 28.
- f. Insert: Seismic Design Category A.
- g. Insert: The date of original entry into the flood insurance program is

adopted by reference; and the date of current FIRM map is hereby adopted by reference.

h. Insert: No.

i. Insert: See <https://www.ncdc.noaa.gov/cdo-web/>.

j. Insert: See <https://www.ncdc.noaa.gov/cdo-web/>.

Section 608.16.5 Insert: double check valve backflow prevention

Section P2603.5.1 Insert: Twelve inches in both locations.

Section P3103.1 Insert: six inches.

9. Sec. 7-311 (a) and (b) of Article XI of Chapter 7 are hereby amended to read as follows:

**Sec. 7-311. Adoption of International Energy Conservation Code.**

(a) Except as provided in Section 7-312, The International Energy Conservation Code, 2018 Edition, including Appendices A. and B. as published by the International Code Council, is hereby adopted, and designated as the Energy code of the City of Marble Falls, and is made a part hereof, as amended.

(b) One (1) copy of the 2018 edition of the International Energy Conservation Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.

10. Sec. 7-312 of Article XI of Chapter 7 is hereby amended to read as follows:

**Sec. 7-312 Amendments.**

The following section of the International Energy Conservation Code is hereby revised as follows:

*Section R406.4* Maximum Energy Rating Index:

In conformity with Acts 2015, 84th R.S., ch. 541, General and Special Laws of Texas (to be codified at Tex. Health & Safety Code § 388.003), the Maximum Energy Rating Index for Climate Zones 2 and 3 are amended and shall be applied as follows; all other ratings remain unchanged:

CLIMATE ZONE	ENERGY RATING INDEX, EFFECTIVE DATE
2	65 or lower from September 1, 2016, to August 31, 2019;
2	63 or lower from September 1, 2019, to August 31, 2022
2	59 or lower on or after September 1, 2022
3	65 or lower from September 1, 2016, to August 31, 2019
3	63 or lower from September 1, 2019, to August 31, 2022
3	59 or lower on or after September 1, 2022

11. Section 7-321 (a) and (b) of Article XII, Fuel Gas Code, of Chapter 7, Buildings and Building Regulations, are hereby amended to read as follows:

**Sec. 7-321. Adoption of International Fuel Gas Code.**

- (a) The International Fuel Gas Code, 2018 Edition, including Appendices A and B, as published by the International Code Council, is hereby adopted, and designated as the fuel gas code of the City of Marble Falls, and is made a part hereof, as amended.
- (b) One (1) copy of the 2018 Edition of the International Fuel Gas Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.

12. Section 7-332 (a) and (b) of Article XII, Swimming Pool and Spa Code, of Chapter 7, Building and Building Regulation, are hereby amended to read as follows:

**Sec. 7-332. Adoption of International Swimming Pool and Spa Code**

- (a) The International Swimming Pool and Spa Code, 2018 Edition, as published by the International Code Council, is hereby adopted, and designated as the swimming pool and spa code of the City of Marble Falls, and is made a part hereof, as amended.
- (b) One (1) copy of the 2018 Edition of the International Swimming Pool and Spa Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.

13. Section 10-37 of Article III of Division 1 of Chapter 10, Fire Prevention and Protection, is hereby amended to read as follows:

**Sec. 10-37. Adoption of International Fire Code.**

- (a) Except as provided in Section 10-37.1, the International Fire Code, 2018 Edition, including Appendices A through J and L, save and except such portions as are deleted, modified or amended by this article, is hereby adopted as the code of the City of Marble Falls for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Marble Falls and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such.
- (b) One (1) copy of the 2018 edition of the International Fire Code is incorporated herein by reference and shall be filed in the office of development services for permanent record and inspection.
- (c) In the event of conflict between the provisions of this article and other sections of the Code of Ordinances of the city, the more stringent provision shall apply. In the event a conflict is determined to exist between said International Fire Code as adopted and the other provisions of this article, the latter provisions shall be construed as controlling and taking precedence over the former.
- (d) Only the provisions of this article that are not expressly prohibited by state or other law are intended to be adopted.
- (e) Any section of the International Fire Code, shall, where applicable, be amended to provide that the applicable name of the governmental entity is the City of Marble Falls.
- (f) Any section of any International Code adopted by the City of Marble Falls, shall, where applicable, be amended to provide that fines and penalties for a violation to such International Code shall be those described in Section 1-9 of this Code of Ordinances. An offense under this Chapter is a Class C misdemeanor.

14. Section 10-37.1 of Article III of Division I of Chapter 10, Fire Prevention and Protection, is hereby amended to read as follows:

**Sec. 10-37.1. Amendments; limits.**

- (a) The following amendments to the International Fire Code are hereby adopted:

Section 101.1. Insert: City of Marble Falls.

Section 102.1; add #5:

102.1 Construction and design provisions.

5. The provisions of this code apply to buildings built under the IRC and IBC.

Amend Section 102.4 to read as follows:

102.4 Application of other codes. The design and construction of new structures shall comply with this code, and other codes as applicable, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of this and other codes shall be made in accordance therewith.

Add Section 104.7.3 to read as follows.

104.7.3 Third Party Plans Review. The Fire Code Official may require any plans submitted to be reviewed by an outside professional engineer or appropriate specialist when, in the opinion of the code authority, there exists special technical knowledge to conduct a satisfactory review of the plans and such special knowledge is not available among the fire department staff. Fees associated with outside plan reviews are the sole responsibility of the submitting party. The person or firm conducting the plan review must be an unbiased third party who meets the approval of the submitting party and the City of Marble Falls.

Add Section 106.2.3 as follows:

106.2.3 Re-inspections. The Fire Marshal or his designated representative shall inspect all buildings, premises, or portions thereof as often as may be necessary. An initial inspection and two re-inspections shall be made free of charge. If the Fire Marshal or his designee is required to make follow-up inspections after the initial inspection and two re-inspections to determine whether a violation or violations observed during the previous inspection have been corrected, a fee shall be charged. The occupant, lessee, or person making use of the building or premises shall pay said fee or fees within 30 days of being billed as a condition to continued lawful occupancy of the building or premises.

Add Section 106.2.4 to read as follows:

Section 106.2.4 Investigation fee. An investigation shall be made whenever any work for which a permit is required by this code has commenced without first obtaining a permit. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other

provisions of this code nor from any penalty prescribed by law. The investigation fee shall be double the amount of the permit fee required by this code not to exceed \$2,000.00.

Amend Section 109.3 to read as follows:

Insert: Misdemeanor, \$2,000.00, 0 (zero) days.

Add Section 109.4.2 to read as follows:

109.4.2 Re-inspections. The Fire Marshal or his designated representative shall inspect all buildings, premises, or portions thereof as often as may be necessary. An initial inspection and two re-inspections shall be made free of charge. If the Fire Marshal or his designee is required to make follow-up inspections after the initial inspection and two re-inspections to determine whether a violation or violations observed during the previous inspection have been corrected, a fee shall be charged. The occupant, lessee, or person making use of the building or premises shall pay said fee or fees within 30 days of being billed as a condition to continued lawful occupancy of the building or premises.

Add Section 113.4.2 to read as follows:

113.4.2 Re-inspection fees. A fee established by ordinance shall be collected for any re-inspection in excess of two inspections to enforce or ensure compliance with a provision of this chapter. The fee must be paid within 30 days or prior to any further inspections being conducted at the site.

Amend Section 503.3 to read as follows:

503.3 Marking. Striping, signs, or other markings, when approved by the code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping - Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs - Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart.

Signs may be installed on permanent buildings or walls or as approved by the Fire Code Official.

Add Sections 503.4.2 through 503.4.5 to read as follows:

503.4.2 An operator of a motor vehicle shall not stop, stand, or park an occupied or unoccupied motor vehicle in a fire lane to temporarily load or unload merchandise or passengers. It shall be unlawful for any person to stop, stand, or park a vehicle, or to allow a vehicle owned by him to stop, stand, or park, within any fire lane, on either public or private property. Persons who park a vehicle or allow a vehicle to be stopped, stood or parked in such area, whether it is on public or private property, may be cited for and charged with a violation. Proof that a person owned a vehicle shall constitute prima facie proof that the person parked the vehicle or allowed the vehicle to be parked in such area.

503.4.2 Presumption. In a prosecution under this section, it is presumed that the registered owner of the motor vehicle is the person who stopped, stood, or parked the vehicle at the time and place where the offense occurred. If any vehicle found by a person authorized to enforce this chapter to be in violation of this chapter is unattended at the time of the violation is discovered and the identity of the operator is not apparent, the person in whose name such vehicle is registered as owner shall be held prima facie responsible for such violation.

503.4.2 Liability. No law-enforcement officer, fire officer in charge or the fire officer's delegate or fire marshal or fire marshal's deputy, enforcing this chapter, and no one who removes a vehicle from a prohibited area as described in this chapter or stores such a vehicle, having been directed to remove or store such vehicle by a person authorized to enforce this chapter, shall be liable for criminal prosecution for any conduct directly relating to the enforcement of this chapter or be liable to any person for negligence, resulting in the injury to or loss or destruction of any real or personal property if such negligence arises out of the enforcement of this chapter; provided, however, that such persons shall be liable for loss or destruction of any real or personal property caused by acts or omissions amounting to gross negligence or willful or wanton misconduct.

503.4.2 Enforcement. The Fire Marshal or any member of the Marble Falls Fire Rescue designated by the Fire Marshal, the Chief of Police, or any member of the Police Department are hereby authorized to issue parking citations for any motor vehicle, trailer, boat, or similar obstruction found parked, whether attended or unattended in or upon a designated fire lane and may have such obstruction removed by towing it away. Such vehicle or obstruction may be redeemed by payment of the towage and storage charges at the owner's expense.

Amend Section 505.1 to read as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and from all rear alleyways/access. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

Add Section 506.3 Elevator key box to read as follows:

506.3 Elevator Key Box. A key box of an approved type shall be installed near elevators to hold keys necessary for access to elevator machinery and controls. For elevators with Phase I recall, the key box must be located on the designated recall floor, above the recall switch. When no recall feature exists, the elevator key box should be located above the elevator call button, approximately six feet above the floor level or other approved location by the Fire Code Official. The elevator key box may contain keys for the machine room door, secondary level door, pit door, roof door, fire emergency service, hoistway access, mechanical hoistway access devices and miscellaneous switch keys.

Add Section 511 Emergency Radio Communications to read as follows:

#### SECTION 511

#### EMERGENCY RADIO COMMUNICATIONS

511.1 Signal strength in buildings. In all new and existing buildings in which the type of construction or distance from an operational emergency services antenna or dispatch site does not provide adequate frequency or signal strength as determined by the code official, the building owner shall be responsible for providing the equipment, installation and maintenance of said equipment in a manner to strengthen the radio signal. The radio signal shall meet the minimum input / output strengths according to the emergency radio system's provider and system manager.

Add Section 512 Elevator car to accommodate ambulance stretcher to read as follows:

#### SECTION 512

#### ELEVATOR CAR TO ACCOMMODATE AMBULANCE STRETCHER.

512 Elevator car to accommodate ambulance stretcher. In buildings three stories or more above grade plane or three or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24-inch by 84- inch (610 mm by 2134 mm) with not less than 5-inch (127mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.

Amend Section 907.2.3 to add exception 1.1 to read as follows:

1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)”

Delete Section 1103.5.1 Retrofitting A-2 Occupancies with Sprinklers

**SECTION III. REPEALER.** The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

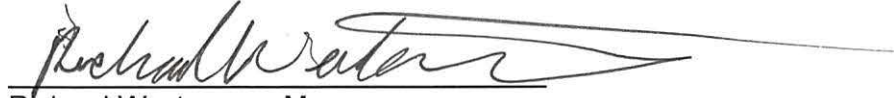
**SECTION IV. PROVIDING FOR SEVERABILITY.** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**SECTION V. PROPER NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**SECTION VI. EFFECTIVE DATE.** This ordinance shall be in full force and effect upon and after its date of adoption.

**DULY PASSED** by the City Council of the City of Marble Falls, Texas, on the 18<sup>th</sup> day of January, 2022.

**APPROVED:**



Richard Westerman, Mayor

**ATTEST:**



Christina McDonald, City Secretary

(Seal)



**APPROVED TO FORM:**



Patty Akers, City Attorney