



ORDINANCE NO. 2017-015

AN ORDINANCE AMENDING ALL OF CHAPTER 22, BUILDINGS AND BUILDING REGULATIONS, AND AMENDING ARTICLE III, FIRE PREVENTION AND ARTICLE IV, FIRE MARSHAL, OF CHAPTER 50, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF CLUTE, TEXAS BY ADOPTING THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING, FIRE, MECHANICAL, PLUMBING, FUEL GAS, PROPERTY MAINTENANCE, EXISTING BUILDING, SWIMMING POOL AND SPA, AND ENERGY CONSERVATION CODES AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; ADOPTING THE 2014 EDITION OF THE NATIONAL ELECTRICAL CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; ADDING LOCAL AMENDMENTS TO THESE ADOPTED CODES; CLARIFYING THE UNSAFE BUILDING ABATEMENT PROCESS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 AS PROVIDED BY SECTION 1-8 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the Texas Legislature has adopted the 2000 International Residential Code, the 1999 National Electrical Code, the 2003 International Building Code, and the 2015 International Energy Conservation Code, as the municipal building codes of the state (Tex. Loc. Gov't Code §§ 214.212, 214.214 & 214.216; Tex. Health & Safety Code § 388.002); and

WHEREAS, the City of Clute ("City") may adopt more recent editions and local amendments to the building codes, and may review and consider amendments made to the codes adopted by the state;

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

Section 1. That all of chapter 22 of the Code of Ordinances, including all articles, divisions, sections and subsections, are repealed on the effective date of this ordinance.

Section 2. That the Code of Ordinances, City of Clute, Texas ("City Code"), is hereby amended by adding the following chapter, to be numbered 22, Buildings and Building Regulations, which said articles, divisions, and sections read as follows:

“ARTICLE I. – IN GENERAL

Sec. 22-1. - Enforcing officer.

The city manager or his/her designee is authorized to appoint all code officials identified by this chapter and to delegate duties under this chapter to any code official or deputy. Such appointment of any code official or delegation of duties by the city manager shall be effective unless and until revoked in accordance with the Employee Personnel Policy Handbook of the City. Any deputy authorized by this chapter or any code adopted by this chapter shall not be appointed unless approved by the City Manager.

Sec. 22-2. – General Permit Requirements.

In addition to the permit requirements of all building codes adopted by this chapter, no building permit shall be issued except in conformity with the following provisions, unless the code official receives a written order from the board of adjustment in the form of an administrative review, special exception, or variance. The drawings and specifications for any new building must include:

- (a) the construction of sidewalk meeting the minimum city specifications across every portion of the lot on which such building is to be constructed having a common boundary with any street;
- (b) the improvements required by section 102-11 of the City Code relating to flood-damage prevention have been or are satisfied with respect to the land on which such construction is to be permitted;
- (c) screening fences, if required by city zoning ordinance;
- (d) a landscape plan in accordance with section 22-40 and section 22-41 of the City Code is submitted to the building official for consideration on any premises located in an R-3, R-4, C-2, C-1, M-1 or PUD zoning district;
- (e) drawings and specifications compliant with the façade requirements, if applicable, of section 22-42 of the City Code.

Sec. 22-3. - Permit fees.

The city council shall adopt by resolution a schedule of fees to be charged for the various permits authorized to be issued under any provision of this chapter, such fees to be paid to the director of finance of the city.

Sec. 22-4. - Windstorm and energy inspection.

Any windstorm and energy inspection required by the terms any provision of this chapter shall be done by a state-approved third-party inspector and the inspection reports provided to the city.

Sec. 22-5. - Work done by owner.

An owner of a structure may perform any work requiring a permit under any provision of this chapter only if such structure is the residence of such owner and such owner has obtained a homestead exemption for such structure in the owner's name from the Brazoria County Appraisal District.

Sec. 22-6. - Decisions of city council final.

The city council shall constitute and sit as the board of appeals in all matters pertaining to this chapter. Any decision rendered by the city council of the city, sitting as the board of adjustments and appeals under any provision of this chapter, shall be final and not subject to review or revision except by a court of competent jurisdiction.

Sec. 22-7. – Penalties.

Any person, firm, corporation, or organization violating any provision of this chapter or of a code adopted by this chapter shall be guilty of a misdemeanor and on conviction punished by a fine up to \$2,000.00 as provided in Section 1-8 of the City Code. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section. This penalty shall be in addition to all other remedies available at law or equity.

Sec. 22-8. – Conflicts between requirements.

In the event of a conflict between any requirement of this chapter or a code adopted by this chapter with any other requirement of City Code, the most restrictive requirement shall apply. If it is not clear which provision is more restrictive, the City Code provision or local amendment shall control. A specific requirement shall control over a general requirement.

Sec. 22-9. – Definitions.

The following definitions shall apply to this chapter and to any code adopted by this chapter, notwithstanding any definition of the same word provided in any code adopted by this chapter..

- (a) *[name of jurisdiction]* in all codes adopted by this chapter shall mean City of Clute, Texas.
- (b) *Building code* or *Building codes* shall mean any and all codes, with amendments, adopted by this chapter and the fire code adopted by chapter 50 of the City Code.
- (c) *Chief appointing authority* shall mean the City Manager.
- (d) *City Code* shall mean the Code of Ordinances of the City of Clute, Texas, as amended.

- (e) *Governing body* shall mean the City Council of Clute, Texas.
- (f) *Code official* shall mean the building official, plumbing inspector, fire marshal, or any other designee of the city manager, including deputies.
- (g) *Board of appeals* or *board* shall mean the City Council of Clute, Texas.
- (h) *Owner* shall mean any Person, as the term "Person" is defined in Section 1-2 of the City Code, holding legal or equitable title to the property at issue according to public deed and/or tax records, and shall include: any person in actual possession of the property; any person paying for utility service to the property; a lender who has changed the locks on the mortgaged property and for at least ten (10) days after the changing of the locks the owner has not requested entrance to the mortgaged property; a lender whose residential mortgagee is more than ninety (90) days delinquent on their residential mortgage loan; and a lender who files suit for judgment of foreclosure and sale if the property is vacated by the mortgagee.
- (a) *Person* shall have the meaning provided in section 1-2 of the City Code.
- (i) *Premises* shall mean the entire portion of real property under the same owner or owners, including all improvements on the property, including but not limited to fences, pipes, utilities, underground and aboveground plumbing and drainage systems, structures, buildings, and trees.

ARTICLE II. - BUILDING AND RESIDENTIAL CODES

Sec. 22-36. - International Building Code adopted.

The International Building Code, 2015 Edition, published by the International Code Council, Inc., together with appendix chapters J and K, and with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-37. - Amendments.

The code adopted by section 22-36 is amended as follows:

- (a) *Section 103*, including all subsections, is hereby deleted in its entirety.
- (b) *Section 104.8* is hereby deleted in its entirety.
- (c) *Section 105.5* is amended by adding the following subsection:
Section 105.5.1, Permit Expiration. Regardless of when work authorized by a permit is commenced, Every permit issued shall expire 1 year after the date of issuance unless an alternative expiration date is identified on the permit.
- (d) *Section 105.2* is amended by deleting the exemptions numbered 1, 2, 4, and 6 under "Building" to require permits for those categories.
- (e) *Section 113.3* is hereby deleted in its entirety.
- (f) *Section 1612.3* insert adopted by Section 54-37 of the City of Clute Code of Ordinances, and dated June 5, 1989. In the event of a conflict between any provision of chapter 54 of the City Code and a requirement of chapter 16 of the building code, the City Code requirement shall apply.

Sec. 22-38. - International Residential Code adopted.

The International Residential Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-39. - Amendments.

The code adopted by section 22-38 is amended as follows:

- (a) *Section R104.8* is hereby deleted in its entirety.
- (b) *Section R105.5* is amended by adding the following subsection:
Section 105.5.1, Permit Expiration. Regardless of when work authorized by a permit is commenced, Every permit issued shall expire 1 year after the date of issuance unless an alternative expiration date is identified on the permit.
- (c) *Section 105.2* is amended by deleting the exemptions numbered 1, 2, 3, and 5 under "Building" to require permits for those categories.
- (d) *Section R112.3* is hereby deleted in its entirety.
- (e) *Table R301.2(1)*. Insert the following as a single chart:

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Underlay Required
			Weathering	Frost Line Depth	Termite	Decay		
0	120 b or c	A	Negligible	6"	Very heavy	Slight to moderate	32	No
Flood Hazards					Air Freezing Index		Mean Annual Temp	
Ord. No. 660 11-30-87 2-16-83 Firm and FBFM					9		69.9	

- (f) *P2603.5.1*. Insert: six inches (6")
- (g) *P2603.5.1*. Insert: eighteen inches (18")

Sec. 22-40. – Landscape plans.

The landscape plan shall be prepared at a scale of 1" = 40' or larger scale and on a sheet size of 24" × 36". The plan shall contain as a minimum the following information:

- (a) a conceptual plan of the landscaping identifying general layout;
- (b) dimensions and elevations, where appropriate, of special structural elements such as building facades, walls, planters, foundations, berms, walkways and irrigation systems;

- (c) building outlines, parking areas and arrangements, fences and structural features to be constructed on the site;
- (d) a scale, north arrow, name and address of the landscape architect, designer, or architect and the site owner and/or developer; and
- (e) the name or other identification for the development and a brief description of the property and its location.

Sec. 22-41. – Landscape requirements.

Minimum landscape requirements. Up to ten percent of the entire area of the site not covered by buildings and not part of the right-of-way or dedicated public street or three percent of the gross area of the site, whichever is greater, shall be required as landscaping to meet the requirements of this section.

- (a) The minimum landscape requirements shall be employed in accordance with landscape design guidelines as presented by the American Society of Landscape Architects (ASLA) to improve aesthetic appearance, to enhance the compatibility of different land uses, (e.g. heat, noise, air pollution).
- (b) Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property, as required by the planning and zoning commission. Shrubs and berms shall be maintained at a height of no more than 30 inches no less than 18 inches as measured from the surrounding soil line.
- (c) Landscaping shall be required to screen outside storage areas, loading docks and delivery entrances from adjacent property and public street right-of-way.
- (d) Existing trees of larger than ten inches in caliper measured 12 inches from the ground shall be noted on the landscape plan. If a property is thickly wooded, a random sampling of the tree cover may be substituted for a full tree survey.
- (e) All landscaping shall be located so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring drive or pedestrian vision of the intersections of walkways, driveways, collector lanes and streets or any combination thereof.
- (f) Landscaping may be required by the chief building official to interrupt front building lines unbroken for a distance in excess of 200 feet.
- (g) Artificial plants and trees shall not be considered in the satisfaction of the requirements of this section.
- (h) *Maintenance.* The owner and tenant of the landscaped premises and their agents, if any, shall be jointly and severally responsible for the maintenance of all landscaping in conformance with the approved landscape plan in a good condition so as to present a health, neat and orderly appearance, free from refuse and debris. Failure to maintain the landscaped premises, after written notice allowing up to 60 calendar days to bring the premises into conformance, shall be grounds for the revocation of the certificate of occupancy by the building official.
- (i) *Landscape construction.* Prior to the issuance of a certificate of occupancy (CO) all approved landscaping must be in place, or if seasonal considerations prohibit

the completion of the planting of landscape material, a temporary CO may be issued for such time as it is reasonable to complete the planting.

Sec. 22-42. – Exterior wall (façade) standards.

Exterior walls (facades) shall comply with the following.

- (a) Minimum exterior wall standards (facade) shall be 100 percent masonry product, brick, architectural panels, or glass. These standards shall apply to any wall or portion of a wall visible from the roadway (public or private) or abutting residential zoned districts. The use of architectural panels shall not exceed 50 percent of the wall standard.

Exception: In an M-1 zoning district, only the front of the building facing a public street shall be required to have a masonry facade.

- (b) Existing buildings shall conform to facade requirements upon a change of occupancy, or expansion exceeding 1,000 square feet in area of exterior dimensions of a nonresidential or multifamily structure.
- (c) Architectural panels shall be defined as a minimum of 24 gauge or heavier wall system panels with concealed fasteners and no exposed seams. Corrugated metal, exposed fasteners, and exposed seams are prohibited.
- (d) Masonry product shall be defined as brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block, stucco, or EIFS (exterior insulation and finish systems). Architectural metal may be utilized for window and door trim, fascia, or soffit.
- (e) Only first floor of any wall or portion of a wall shall be required to contain masonry product, brick, or glass. Architectural panels are allowed to comprise 100 percent of the surface area on second floors or above.
- (f) "First floor" shall mean the vertical distance of a structure/building measured from the average established floor elevation (slab) to the space above it between the floor and the next floor or ceiling or roof, the height of such space being no more than 12 feet.

ARTICLE III. - ELECTRICAL CODE

DIVISION 1. – GENERALLY

Sec. 22-71. - Permits.

- (a) No person shall install, extend or alter any electrical wiring, poles, ductline, guy anchors, apparatus, fixtures or equipment within the city without first obtaining a permit to do such work from the electrical inspector, except as follows:
 - (1) No permit shall be required for replacing fuses or lamps or the connection of portable devices to suitable receptacles.

- (2) No permit shall be required for minor repair work, such as repairing or replacing flush or snap switches, receptacles or lamp sockets, or minor repairs on permanently connected apparatus or equipment.
- (3) No permit shall be required for the installation, alteration or maintenance of poles, guy anchors, electrical wiring, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the supply side of the power switchboard but excluding the connecting switch on the power switchboard.
- (4) No permit shall be required for the installation, alteration or maintenance of poles, guy anchors, electrical wiring, apparatus, devices, appliances or equipment for use by a public electric service company holding a franchise to do business within the city in the generation, transmission, distribution, sale or utilization of electric energy. However, a public electric service company shall not do any electrical work on a customer's premises other than that work that is a part of the company's distribution system, including metering equipment wherever located and transformer vaults in which such company's employees do any electrical work other than that done for such company as hereinbefore provided, by virtue of this exemption.
- (5) No permit shall be required for the installation of temporary electrical wiring, apparatus, devices, appliances, or equipment used by a recognized school in teaching electricity.
- (b) It shall be unlawful for any person to bridge, tamper with or change from its original installation, except after receipt of a proper permit, any fuse, cartridge or link plug installed in panel boards, main switches or switchboards, or to alter or change circuit breakers so that the original calibration will be affected, or to tie down or secure any circuit breaker so it will not function properly.
- (c) Where no permit is required for electrical work within the city, such work shall be done in conformity with this article.
- (d) Permit applications shall describe the proposed electrical work in writing, and shall be accompanied by any plans, specifications and schedules necessary to determine whether or not the proposed work complies with the provisions of this article. Permit applications will be received only from holders of valid master electricians' licenses from the city or a homeowner in his own home actually doing his own work, and permits will be issued only to such persons. Issuance of a permit shall not be taken as permission to violate any provision of this article or any other ordinance of the city. Any change, deletion or addition to the proposed electrical work must be covered by an additional permit prior to making such change, deletion or addition.
- (e) Permits shall be prominently displayed at all installations or kept in possession of the person in charge of the work if display is not practical.

Sec. 22-72. – Final inspection.

(a) Procedure.

- (1) No person shall conceal or cause to be concealed any electrical wiring, materials, equipment or apparatus governed by this article except with the express permission of the electrical inspector; and he is hereby authorized and directed to remove any flooring, lathing, plaster, sheet metal or other material that may conceal any electrical wiring or apparatus contrary to the provisions of this article. On completion of the electrical inspector's inspection and his determination that the installation conforms to the provisions of this article in all respects, he shall post a notice to that effect at the main switch; and such notice shall be considered as an express permission to conceal such wiring, materials, equipment and apparatus.
- (2) Upon the completion of the installation, extension or alteration of electrical wiring, materials, equipment or apparatus, the person holding the permit for the work shall notify the electrical inspector, who shall at once inspect the work; and if approved by him, he shall issue a certificate of satisfactory inspection, which shall contain the date of inspection and outline of the results of the inspection; but no such certificate shall be issued unless the installation conforms to the provisions of this article, nor shall current be turned on to any installation until a certificate of satisfactory inspection is issued. In addition, any work requiring a reinspection will be charged an additional fee for reinspection as provided in the schedule in subsection (b) of this section.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Fixture* means any current-consuming device permanently attached to an outlet for illuminating purposes.
- (2) *Outlet* means all electrical outlets, including but not limited to all light switches, and receptacle openings and bell-ringing transformers.

Sec. 22-73. - National Electrical Code adopted.

The National Electrical Code, 2014 Edition, published by the National Fire Protection Association, together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-74. - Amendments.

The code adopted by section 22-73 is amended as follows:

(a) Section 110-35 is added to read as follows:

110-35 No electrical materials, apparatus, devices, appliances, fixtures or equipment shall be installed in the city unless they conform with the provisions of this article and the statutes of the state. All electrical materials, apparatus, devices, appliances, fixtures or equipment used or installed in the city shall be of the type approved by the Underwriters' Laboratories, Inc.; and the symbol of such approval shall be placed on all such electrical materials, apparatus, devices, appliances, fixtures or equipment so used or installed.

- (b) *Section 110-36* is added to read as follows:

110-36 In general, any type of wiring or wiring system may be used in the city if approved by the technical codes adopted, except as modified herein.

- (c) *Section 110-37* is added to read as follows:

110-37 Armored cable type AC and armored cable lead sheath type ACL shall not be used underground or imbedded in concrete and shall only be used within structures of frame or frame and veneer used exclusively for dwelling occupancies.

- (d) *Section 110-38* is added to read as follows:

110-38 Flexible metallic conduit shall not be used within the fire limits, except for temporary work, store fixtures, electric ranges, motor connections and for other equipment where flexibility is necessary, but may be used outside of the first and second fire districts, only within structures of frame or frame and veneer used exclusively for dwelling occupancies and for the purpose outlined in the first part of this subsection.

- (e) *Section 110-39* is added to read as follows:

110-39 Nonmetallic sheathed cable or knob and tube wiring shall be used only for temporary work or outside of the first and second fire districts, and then only within structures of frame or frame-and-veneer used exclusively for dwelling occupancies.

- (f) *Section 110-41* is added to read as follows:

110-41 Joints in or to branch lighting circuits shall have soldered connections or approved positive pressure solderless connectors.

- (g) *Section 110-42* is added to read as follows:

110-42 Wiring for cold-storage vaults shall be approved for moist or wet locations, and encased in rigid conduit or metallic tubing. Equipment shall be vapor-proof where possible.

- (h) *Section 110-43* is added to read as follows:

110-43 Open wiring shall be used only for temporary work, and in central stations, substations, transformer vaults and switchboards.

- (i) *Section 110-44* is added to read as follows:

110-44 Elsewhere, except in central stations and substations, circuits operating at more than 600 volts shall enter buildings or structures in conduit run underground or extended overhead from another structure.

- (j) *Section 110-45* is added to read as follows:

110-45 All sockets within eight feet of earth or grounded surfaces such as floors of conducting materials, bathroom fixtures or kitchen sinks shall be controlled by a wall switch fully insulated from the operator.

- (k) *Section 110-46* is added to read as follows:

110-46 On services of not over 600 volts between conductors, no disconnects or overcurrent devices will be required ahead of the meters. In a multiple-occupancy building using multiple metering, each set of service entrance conductors shall be limited to six sets of service disconnects and overcurrent devices if grouped at the meters; where the number of meters exceeds six, a single main service disconnect and set of overcurrent devices shall be provided for each meter. If the branch circuit panels are not located with the meters, a single main service disconnect shall be provided for each meter for protecting the feeder to each panel.

- (l) *Section 110-47* is added to read as follows:

110-47 Where meters are installed in inaccessible places in houses or buildings and the public electric service company desires to relocate such meters for convenience in rendering its service, it may, upon request to the chief electrical inspector, have a licensed electrician reinstall meter loops to a point where the same would be located if the building were having a new wiring system installed. All such work done exclusively at the request of the public electric service company shall be paid for by such company.

- (m) *Section 110-48* is added to read as follows:

110-48 The public electric service company shall never require the placing of a meter on the front or street side of a building without the consent of the owner. Where not practical in the opinion of the chief electrical inspector to place metering devices on the exterior of a building, they shall be located at a point or points convenient to the public electric service company's service, as determined by the chief electrical inspector.

- (n) *Section 110-49* is added to read as follows:

110-49 Service conduit for any occupancy shall not be less than one inch in size.

DIVISION 2. - CHIEF ELECTRICAL INSPECTOR

Sec. 22-75. - Creation of office.

The office of chief electrical inspector is created; the building official may occupy such office.

Sec. 22-76. - Powers and duties.

- (a) The chief electrical inspector is authorized and directed to enforce all of the provisions of this article. The chief electrical inspector upon presentation of proper credentials may enter any building or premises at reasonable times for the purpose of making inspections or discovering or preventing violations of this article.
- (b) The chief electrical inspector is authorized and directed to inspect all electrical wiring, materials and equipment for which a certificate of approval or final inspection is required but has not been issued.

- (c) The chief electrical inspector shall have the authority to make reinspections of all electrical wiring, materials and equipment within the city at such times as he deems necessary;
- (d) The chief electrical inspector, the fire marshal, or the chief of the fire department, or a competent person delegated by any of them, shall have the power to at once cause the turning off of all electric current where the circuits interfere with the work of the fire department during the progress of a fire.
- (e) The chief electrical inspector shall decide all questions not provided for in this article pertaining to the installations, alteration, maintenance and operation of electrical wiring, materials and equipment.

Sec. 22-77. - Deputies.

The chief electrical inspector by and with the consent of the city manager shall have the power to deputize one or more persons as electrical inspectors to assist the inspector in his work. Interpretations of the code adopted by section 22-73 by a deputy electrical inspector shall be subject to review and modification by the chief electrical inspector and the chief electrical inspector's interpretation may then be appealed in accordance with the code adopted in Section 22-73.

DIVISION 3. - ELECTRICIANS

Sec. 22-78. - Registration of journeyman and apprentice electricians.

- (a) No person shall undertake any work as a master electrician unless such person shall have first registered with the chief electrical inspector.
- (b) Except as otherwise provided in this division, those persons undertaking electrical work, under the supervision, direction and control of a master electrician, and who have been properly registered with the chief electrical inspector, shall be known as journeymen electricians.
- (c) No person shall undertake any work as a journeyman electrician unless such person shall have first registered with the chief electrical inspector.
- (d) Except as otherwise provided in this division, those persons undertaking electrical work, under the direct, constant, personal supervision and control of either a master electrician or a journeyman electrician, and who have been properly registered with the chief electrical inspector, shall be known as apprentice electricians.
- (e) No person shall undertake any work as an apprentice electrician unless such person shall have first registered with the chief electrical inspector. Nothing in this division shall be construed as prohibiting an apprentice electrician from doing electrical work under the direct, constant, personal control and supervision of either a master electrician or journeyman electrician.

ARTICLE IV. - MECHANICAL CODE

Sec. 22-101. – International Mechanical Code adopted.

The International Building Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-102. - Amendments.

The code adopted by section 22-101 is amended as follows:

- (a) *Section 103.4* is hereby deleted in its entirety.
- (b) *Section 106.4.9* is added to read as follows:
106.4.9 State license required. No person, corporation, firm or contractor shall engage in the design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration or process cooling or heating systems or ventilation without first obtaining an air conditioning and refrigeration contractor's license, as issued by the state, and be registered with the city.
- (c) *Section 106.4.10* is added to read as follows:
106.4.10 Registration with city. To register with the city as an air conditioning and refrigeration contractor, an application shall be made in writing on forms furnished for the purpose and filed with the city building official. The application shall be made in person and shall contain a copy of the applicant's state air conditioning and refrigeration license and certificate of insurance made out to the city with coverage as required by applicable law.
- (d) *Section 106.5.2* is amended to read as follows:
The fees for mechanical work shall be in accordance with the fee schedule adopted by the City of Clute.
- (e) *Section 106.5.3* is amended to read as follows:
The code official is authorized to establish a refund policy.
- (f) *Section 108.4* is amended to read as follows:
Penalties for violation of this code shall be in accordance with Section 22-7 of the Code of Ordinances of the City of Clute.
- (g) *Section 108.5* is amended to read as follows:
Failure to comply with a stop work order shall constitute a violation under Section 108.4.
- (h) *Section 109, Means of Appeal,* is hereby deleted in its entirety, including all subsections, and replaced with the following:
Appeals shall be in accordance with the procedure in the building code adopted by section 22-36.

ARTICLE V. - PLUMBING CODE

Sec. 22-196. - Office of chief plumbing inspector created.

The office of chief plumbing inspector is created; the building official may occupy such office.

Sec. 22-197. - International Plumbing Code adopted.

The International Plumbing Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-198. - Amendments.

The plumbing code adopted by section 22-197 is amended as follows.

(a) *Section 106.5.9* is added as follows:

106.5.9 State license required. No person, corporation, firm or contractor shall act as a master, journeyman or apprentice plumber in the installation, alteration, repair or replacement of plumbing equipment, appliances, fixtures, fittings or appurtenances connected to a water or sewage system without first obtaining the appropriate plumber's license as required and issued by the state, and unless such license is registered with the city.

(b) *Section 106.5.10* is added as follows:

106.5.10 Registration with city. To register with the city as master, journeyman or apprentice plumber, an application shall be made in writing on forms furnished for the purpose and filed with the city building official. The application shall be made in person and shall contain a copy of the applicant's state master, journeyman or apprentice license and certificate of insurance (in which the city is named as a certificate holder) certifying that such plumber has in force the following insurance issued by an insurance company licensed to do business in the state:

(1) Workers' compensation insurance on each and every employee as required and in accordance with the workers' compensation law of the state.

(2) Public liability insurance to the extent of at least \$50,000.00 for any one occurrence and \$100,000.00 in the aggregate.

(3) Property damage insurance to the extent of \$10,000.00 for any one occurrence and \$100,000.00 in the aggregate.

(c) *Section 106.6.2* is amended to read as follows:

The fees for plumbing work shall be in accordance with the fee schedule adopted by the City of Clute.

(d) *Section 106.6.3* is amended to read as follows:

The code official is authorized to establish a refund policy.

(e) *Section 108.4* is amended to read as follows:

Penalties for violation of this code shall be in accordance with Section 22-7 of the Code of Ordinances of the City of Clute.

- (f) *Section 108.5* is amended to read as follows:
Failure to comply with a stop work order shall constitute a violation under Section 108.4.
- (g) *Sections 109.2 through 109.7*, including all subsections, are deleted in their entirety.
- (h) *Section 301.4.1* is added as follows:
301.4.1. The provisions of the code adopted by section 22-197 to the contrary notwithstanding, connection to the public drainage system or public water supply is not required unless the mains or lines of the public system are within 100 feet of the premises in question.
- (i) *Section 305.4.1* insert in first blank: twelve inches (12"), insert in second blank: eighteen inches (18")
- (j) *Section 608.1.1* is added as follows:
Potable water supply systems shall conform to the Texas Commission of Environmental Quality regulations for the protection of the potable water supply. Where any provision of such regulations conflicts with a provisions of this code, the more restrictive provision shall apply.
- (k) *Section 903.1* insert: six inches (6")
- (l) *Section 1001.2* is added as follows:
1001.2 Additional requirements. In addition to the requirements of this chapter, the owner or occupant of any premises shall meet the requirements of section 114-90 of the Code of Ordinances of the City of Clute.

ARTICLE VI. - GAS CODE

Sec. 22-221. - International Fuel Gas Code adopted.

The International Fuel Gas Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-222. - Amendments.

The fuel gas code adopted by section 22-221 is amended as follows:

- (a) *Section 103, (FGC) Department of Inspection*, is hereby deleted in its entirety, including all subsection.
- (b) *Section 106.5.9* is added to read as follows:
106.5.9 State license required. No person, corporation, firm or contractor shall engage in the design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration or process cooling or heating systems or ventilation without first obtaining an air conditioning and refrigeration contractor's license, as issued by the state, and be registered with the city.
- (c) *Section 106.5.10* is added to read as follows:
106.5.10 Registration with city. To register with the city as a fuel gas contractor, an application shall be made in writing on forms furnished for the purpose and filed

with the city building official. The application shall be made in person and shall contain a copy of the applicant's state air conditioning and refrigeration license and certificate of insurance made out to the city with coverage as required by applicable law.

- (d) *Section 106.6.2* is amended to read as follows:

The fees for work permitted under this code shall be in accordance with the fee schedule adopted by the City of Clute.

- (e) *Section 106.6.3* is amended to read as follows:

The code official is authorized to establish a refund policy.

- (f) *Section 108.4* is amended to read as follows:

Penalties for violation of this code shall be in accordance with Section 22-7 of the Code of Ordinances of the City of Clute.

- (g) *Section 108.5* is amended to read as follows:

Failure to comply with a stop work order shall constitute a violation under Section 108.4.

- (h) *Section 109, Means of Appeal*, is hereby deleted in its entirety, including all subsections, and replaced with the following:

Appeals shall be in accordance with the procedure in the building code adopted by section 22-36

ARTICLE VII. - ENERGY CONSERVATION CODE

Sec. 22-241. - International Energy Conservation Code adopted.

The International Energy Conservation Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-242. - Amendments.

The energy conservation code adopted by section 22-242 is amended as follows, in accordance with the International Energy Conservation Code as amended and adopted by the Texas Legislature:

- (a) *Section C102.1.2 and R102.1.2* are added and shall read as follows:

C102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

R102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification

- of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.
- (b) *Section R402.4.1.2* the 1st paragraph is amended to read as follows:
Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 3.
- (c) *Section R402.4.1.2* an additional last paragraph is added and shall read as follows:
Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.
- (d) *Section R403.3.3* an additional last paragraph is added and shall read as follows:
Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.
- (e) *Table R406.4* is amended to read as follows:

TABLE R406.4 MAXIMUM ENERGY RATING INDEX
(This table is effective until August 31, 2019)

CLIMATE ZONE	ENERGY RATING INDEX
3	65

TABLE R406.4 MAXIMUM ENERGY RATING INDEX
(This table is effective from September 1, 2019 to August 31, 2022)

CLIMATE ZONE	ENERGY RATING INDEX
3	63

TABLE R406.4 MAXIMUM ENERGY RATING INDEX
(This table is effective on or after September 1, 2022)

CLIMATE ZONE	ENERGY RATING INDEX
3	59

ARTICLE VIII. – EXISTING BUILDINGS CODE

Sec 22-291. - International Existing Building Code adopted.

The International Existing Building Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby

adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec 22-292. – Amendments.

The existing building code adopted by section 22-291 is amended as follows:

- (a) *Section 103, Department of Building Safety*, is hereby deleted in its entirety, including all subsection.
- (b) *Section 104.8* is hereby deleted in its entirety.
- (c) *Section 1401.2* insert: August 1, 2017.

ARTICLE IX. – SWIMMING POOL CODE

Sec. 22-361. – Swimming Pool and Spa Code adopted.

The International Swimming Pool and Spa Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-362. – Amendments.

The swimming pool and spa code adopted by section 22-361 is amended as follows.

- (a) *Section 103, Department of Building Safety*, is hereby deleted in its entirety, including all subsection.
- (b) *Section 105.6.2* is amended to read as follows:
The fees for work permitted under this code shall be in accordance with the fee schedule adopted by the City of Clute.
- (c) *Section 105.6.3* is amended to read as follows:
The code official is authorized to establish a refund policy.
- (d) *Section 107.4* is amended to read as follows:
Penalties for violation of this code shall be in accordance with Section 22-7 of the Code of Ordinances of the City of Clute.
- (e) *Section 107.5* is amended to read as follows:
Failure to comply with a stop work order shall constitute a violation under Section 107.4.
- (f) *Section 108, Means of Appeal*, is hereby deleted in its entirety, including all subsections, and replaced with the following:
Appeals shall be in accordance with the procedure in the building code adopted by section 22-36.

ARTICLE X. – PROPERTY MAINTENANCE CODE

Sec. 22-376. - International Property Maintenance Code adopted.

The International Property Maintenance Code, 2015 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 22-377. - Amendments.

The property maintenance code adopted by section 22-376 is amended as follows.

- (a) Chapter 1 is amended to read as shown in Exhibit A to this ordinance, which is adopted and incorporated as if fully set out herein.
- (b) *Section 304.7* is amended to add the following subsection:
304.7.1 Unsafe equipment. Unused, unsafe, or unnecessary equipment or other items shall be removed from all roofs and roofing areas.
- (c) *Section 304.14* is amended to add the following subsection:
304.14.1. Insect Screens, exception. Insect screens shall not be required where air conditioning or other approved method of air circulation is present and properly maintained.
- (d) *Section 403* is amended to add the following subsection:
403.6 All ventilation systems installed in the unit, including central air and air conditioning window units, shall be maintained in working order.
- (e) *Section 505.4* is amended to add the following subsection:
505.4.1 Maintenance of Boilers and Water Heaters. Notification must be given to the city within 24 hours of loss of hot water. Boiler systems and hot water heaters must be repaired within 72 hours. If repairs cannot be made within 72 hours, a timeline for the repairs must be submitted to the fire marshal within 48 hours of the loss of hot water. Any changes to the timeline must be approved by the fire marshal.
- (f) *Sections 602.3 and 602.4* are amended to read as follows:
602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms either expressed or implied, shall supply heat to maintain a temperature of not less than 65 F (18 C) in all habitable rooms, bathrooms, and toilet rooms.
602.3.1. All heating systems installed in the unit shall be maintained in working order.
602.4 Work spaces able to be occupied. Indoor work spaces shall be supplied with heat to maintain a temperature of not less than 65 F (18 C) during the period the spaces are occupied.
Exceptions:
 - 1. Processing, storage and operation areas that require cooling or special temperature conditions.
 - 2. Areas in which persons are primarily engaged in vigorous physical activities.

(g) Section 704.1 is amended to add the following subsections:

704.1.3 Smoke alarms to be tested. Smoke alarms and/or fire alarms shall be tested at least once every 12 months. A record of the testing of the smoke alarms shall be kept on property and available to the fire marshal's office or fire marshal upon request. An owner or operator may be exempted from testing the alarms of a specific unit if that tenant gives the owner or operator a letter stating that they refuse entry for the purposes of testing the alarms.

704.1.3.1 This section is not intended to impose any additional duty on landlords other than the duties in Ch. 92, Subchapter F (Smoke Detectors) of the Texas Property Code.

ARTICLE XI. – MULTI-FAMILY COMPLEX REGISTRATION AND INSPECTION

Sec. 22-458. - Applicability and administration.

- (a) This article shall only apply to multi-family dwelling complexes with three or more connected dwelling units.
- (b) The fire marshal or fire marshal's designee shall be responsible for administering and enforcing the provisions of this article.

Sec. 22-459. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Complex* means any building or premises containing three or more connected dwelling units.
- (b) *Connected* means attached by any means, regardless of the presence of fire walls, fire separations, or other barriers, or closer to another building or structure than is required by City Code.
- (c) *Dwelling unit* means a single unit used, rented, leased, let or hired out to be occupied for living purposes.
- (d) *Landlord* means the owner, operator, lessor, management company, managing agent, or on-site manager of a multi-family dwelling complex.

Sec. 22-460. - Registration required.

- (a) The landlord of a multi-family dwelling complex with three or more connected dwelling units shall annually register the complex by January 1 of each calendar year.
- (b) A registration is valid for one calendar year, unless the ownership of the complex changes.

- (c) If a change in ownership of the complex occurs during period the calendar year, the landlord of the complex shall have 30 days from the date of change of ownership to file a new registration.
- (d) The registration shall be on a form prescribed by the fire marshal and shall at a minimum contain the following information about the complex:
 - (1) The trade name, physical address, business mailing address and total number of units;
 - (2) The names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any 24-hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent crime;
 - (3) The names, addresses, and telephone numbers of the owner, property manager, resident manager, and registered agent;
 - (4) The type of business entity that owns the complex;
 - (5) The number and type of security systems and fire alarm systems maintained on the premises and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services.
- (e) The landlord commits an offense if he or she operates a multi-family dwelling complex with three or more connected dwelling units which is not currently registered with the fire marshal.

Sec. 22-461. - Multi-family dwelling complex inspection fee.

- (a) A multi-family dwelling complex inspection fee of \$2.50 per unit per month will be charged on the monthly water bill of each complex which shall cover all periodic inspections, registration inspections, vacant unit inspections, and the first and second follow up inspections.
- (b) There is no inspection fee for first and second follow-up inspections or for periodic inspections.
- (c) There shall be a charge of \$25.00 for third and subsequent follow-up inspections.

Sec. 22-462. - Inspections.

- (a) To determine compliance with minimum building and property maintenance standards in accordance with the International Property Maintenance Code and other applicable city code provisions and to determine compliance with this article, the fire marshal, and for other applicable codes, the building official, may conduct:
 - (1) Registration inspections;
 - (2) Periodic inspections;
 - (3) Follow-up inspections; and
 - (4) Inspections based on indications of code violations, including complaints filed with the fire marshal or building official.

- (b) The following areas of a multi-family dwelling complex shall be subject to inspection by the fire marshal or building official:
 - (1) All building exteriors;
 - (2) All exterior and interior common areas;
 - (3) Vacant dwelling units; and
 - (4) Comparative sample of occupied dwelling units upon receipt of consent by the unit's tenant.
- (c) Report listing all vacant units must be provided to the fire marshal upon request.
- (d) Vacant units that have not been inspected within a one-year period or that have been damaged must be inspected by the fire marshal prior to being occupied. If the fire marshal does not respond to the request for a vacant unit inspection within five business days, the unit may be rented. A vacant unit may be rented without a prior inspection with the written approval of the fire marshal.
- (e) The landlord that fails a periodic inspection shall eliminate all violations identified within a reasonable time, as specified by the code official, following the periodic inspection. The landlord must allow follow-up inspections by the fire marshal after a reasonable period of time to determine if the violations have been abated.
- (f) If entry is refused, the fire marshal is authorized to pursue recourse as provided by law, including all rights and authority granted under Article 18.05 of the Texas Criminal Procedure Code.

ARTICLE XII. - MOVING OF BUILDINGS

Sec. 22-496. - Conditions prior to commencement.

It shall be unlawful for any person to move any building or structure into the city, or within the city, which moving shall require the use of the public streets or alleys of the city until such person shall have:

- (a) First notified the city fire marshal and the building code official in writing at least ten days in advance of the date planned for the moving of such building or structure, and had such building inspected by the fire marshal, and received an approval from the fire marshal.
- (b) Provided to the fire marshal that the person who seeks to move such a building upon and across city streets or alleys has coordinated such proposed move with all utility companies that are or might be concerned with such move and has made arrangements with such utility companies to assure that no damage will or can occur to such utility company's service lines.
- (c) Secured a permit from the building code official to move the building within the city. No permit to move a building or structure in the city shall be granted until the approval of the fire marshal has first been secured.

Sec. 22-497. - Filing application; fees; charting route.

- (a) Application for such building permit described in section 22-496 to move any building from one place to another over any street or alley in the city shall be made upon a form furnished by the city. The permit fee for the issuance of the building permit to move a building shall be \$5.00 per building for the first 1,000 lineal feet of streets or alleys over which the building is to be moved, provided the building has 500 square feet or less of floor space. For each 1,000 lineal feet after the first 1,000, the fee shall be \$0.50. For each building having more than 500 but less than 1,000 square feet of floor space, the fee shall be \$10.00 for the first 1,000 lineal feet of streets and alleys to be used and \$0.50 for each 1,000 lineal feet of streets and alleys to be used thereafter in moving the building. For each building having 1,000 or more square feet of floor space, the fee shall be \$20.00 for the first 1,000 lineal feet of streets and alleys to be used in moving the building and \$1.00 for each 1,000 lineal feet of streets and alleys to be used thereafter in moving the building. In each of the above instances less than 1,000 lineal feet considered shall count as 1,000 lineal feet.
- (b) The streets and alleys are to be used in a manner approved in any way that may be set forth by the city.
- (c) The city manager or city manager's designee shall have the right to chart the route of all buildings moved on the streets and alleys of the city.

Sec. 22-498. – Certificate of occupancy required.

After placing a moved building or structure within the city, the permittee shall secure a new certificate of occupancy.

Sec. 22-499. - Bond.

The applicant for a permit to move a building shall make such good and sufficient surety bond as the city may require.

Sec. 22-500. - Not to conflict with building code.

Nothing contained in sections 22-496—22-499 is intended to conflict with any code or local amendment adopted by this Chapter regulating the construction or alteration of buildings within the city.”

Section 3. The following sections of Article III, Fire Prevention Code, of Chapter 50, Code of Ordinances of the City of Clute, Texas, are hereby amended to read as follows:

“Sec. 50-71. – International Fire Code adopted; penalty for violations.

- (a) The International Fire Code, 2015 Edition, published by the International Code Council, together with appendices B through G attached thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at

length herein. One copy of such international code shall be maintained at all times in the office of the city clerk.

- (b) Any person violating any provision of the fire code adopted in this section, as amended by section 50-72, shall be guilty of a misdemeanor upon conviction, as provided in section 1-8 of City Code.
- (c) No provision contained in section 50-72 of the City Code is intended to be more restrictive than the Liquefied Petroleum Gas Safety Rules promulgated by the Texas Railroad Commission.

Sec. 50-72. - Amendments.

The fire code adopted by section 50-71 is amended as follows:

- (b) *Section 101.1 [name of jurisdiction]* is amended to insert: City of Clute, Texas.
- (c) *Fire code official* as used throughout this article or the fire code shall mean the fire marshal, fire chief or the fire marshal's designee.
- (d) *Board of appeals* or *board* as used throughout this article or the fire code shall mean the City Council of Clute, Texas.
- (e) *City Code* as used throughout this article or the fire code shall mean the Code of Ordinances of Clute, Texas, as amended.
- (f) *Section 202*, the definition of *Person* is amended to read as follows:
Person shall have the meaning provided in section 1-2 of the City Code.
- (g) *Section 202*, the definition of *Owner* is amended to read as follows:
Any Person, as the term "Person" is defined in Section 1-2 of the City Code, holding legal or equitable title to the property at issue according to public deed and/or tax records, and shall include: any person in actual possession of the property; any person paying for utility service to the property; a lender who has changed the locks on the mortgaged property and for at least ten (10) days after the changing of the locks the owner has not requested entrance to the mortgaged property; a lender whose residential mortgagee is more than ninety (90) days delinquent on their residential mortgage loan; and a lender who files suit for judgment of foreclosure and sale if the property is vacated by the mortgagee.
- (h) *Premises* shall mean the entire portion of real property under the same owner or owners, including all improvements on the property, including but not limited to fences, pipes, utilities, underground and aboveground plumbing and drainage systems, structures, buildings, and trees.
- (i) *Section 505.1.1* is added to read as follows:
Official house numbers. All address identifications shall include only the official house or building numbers given to apartments, dwelling houses and commercial buildings used to describe the location of the structure unless a more particular description is not required by another provision of this code or ordinance of the city, or the laws of the state or the United States.
- (j) *Section 505.1.2* is added to read as follows:
Apartment Building numbers required. All individual apartments in any apartment complex having more than one apartment building shall be numbered in series beginning with 100 for the first such building, 200 for the

second such building, etc.; and each such building shall be separately identified in series beginning with 'Building 100' for the first such building, 'Building 200' for the such building, etc., by letters and numbers of not less than eight inches on a sign of durable material (wood, plastic or metal) and of contrasting color to the background to which the same is affixed, which sign is clearly visible from a public street adjacent thereto or private driveway within the complex by means of which ingress and egress to and from such building is available to fire, police and other emergency vehicles. Such sign shall also list in letters and numbers of not less than eight inches the first and last numbers of the sequence of numbers by which the individual apartments contained within such building are identified.

(k) *Inspection by fire marshal.* An inspection by the fire marshal or fire marshal's designee shall be required annually for every registered and licensed personal care facility, foster care, child care and group home within the city for compliance with the fire code.

(l) *One- or two-family residential developments.* Developments of one- or two-family dwellings where the number of dwelling units exceeds 60 shall be provided with a separate and approved fire apparatus access road, and shall meet all requirements of the fire code and this section, with the exception of the following:

(1) Where there are 60 or more units on a single public or private access way and all dwelling units are protected by an approved residential sprinkler system, access from two directions shall not be required.

(2) Where approved by the fire marshal, fire access apparatus roads that will be connected with future development.

(m) *Section 105.3.5* is amended to read as follows:

Permits required by the fire code adopted by section 50-71 of this Code shall be obtained from the fire marshal. Permit fees, adopted by resolution of the city council, from time to time, shall be paid to the city's director of finance prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire marshal.

(n) *Section 105.6* is amended to read as follows:

Permits are required for the following:

Type I permits (review, inspection, testing and permit)

Installation of automatic fire sprinkler system.

Modification of more than 20 sprinkler heads.

Installation of underground fire mains.

Installation of smoke control systems.

Installation of fire pumps.

Installation of standpipe system.

Installation of fixed fire protection system.

Installation of fire alarm.

Installation or removal of flammable/combustible liquid storage tank.

Installation of residential automatic fire sprinkler system.

Type II permits (includes permit and site inspection)

Temporary storage tanks.
Public displays of fireworks.

(o) *Section 308.1.4* is amended to read as follows:

Charcoal burners and other open-flame cooking devices shall not be operated on balconies or within ten feet of a building, with the following exceptions:

1. One- and two-family dwellings; and,
2. Where the building and the area where the charcoal burner or open-flame cooking device is operated, such as a patio, deck, porch or balcony, are protected by an *automatic sprinkler system*. Charcoal burners, solid fuel cookers and bar-b-que pits shall be listed for their intended use and shall not be used inside a structure unless specifically intended or listed for inside use.

(p) *Section 903.2.8* is amended to read as follows:

An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*, including multi-family structures, *townhouses*, *tri-plex* and *quadplex (fourplex)* apartments with no minimum square footage and regardless of any *fire rated* walls, shall have a *fire sprinkler system* installed, when they contain three or more dwelling units. This section shall not apply to detached one – and two-family dwelling units.

(a) *Appendix B, Section 105.3* is added to read as follows:

Notwithstanding any requirement of this Appendix, detached one- and two-family dwellings shall not be required to install an automatic sprinkler system regardless of fire flow.”

Section 4. Section 50-73, Life Safety Code, of Article III, Fire Prevention Code, of Chapter 50, Code of Ordinances of the City of Clute, Texas, is hereby deleted in its entirety.

Section 5. The following sections of Article IV, Fire Marshal, of Chapter 50, Code of Ordinances of the City of Clute, Texas, are hereby amended to read as follows:

“Sec. 50-107. - Deputy.

- (a) There is created the office of deputy fire marshal, who shall be appointed by the fire marshal with the approval of the city manager.
- (b) The deputy fire marshal shall work under the direct supervision of the fire marshal and shall have all of the rights, powers, duties and obligations of the fire marshal; except that interpretations of the code adopted by section 50-71 shall be subject to review and modification by the fire marshal and the fire marshal’s interpretation may then be appealed in accordance with the code adopted in Section 50-71.”

Section 6. Sections 50-113, Right of entry, and 50-114, Maintaining dangerous condition, of Article IV, Fire Prevention Code, of Chapter 50, Code of Ordinances of the City of Clute, Texas, are hereby deleted in their entirety.

Section 7. **Not to Affect Suit.** Nothing in this ordinance or in the building codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 8. **Repeal.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 9. **Effective Date.** This ordinance shall become effective April 1, 2017, and after adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

Section 10. **Severability.** In the event any provision or part of this Ordinance or its application to any person or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the remaining provisions of the Ordinance be given full force and effect. To that end, the City Council declares that it would have passed each and every provision of the Ordinance notwithstanding the omission of any part that might have later been declared invalid or unconstitutional.

READ, PASSED AND ADOPTED this _____ day of _____, 2017.

ATTEST:

**Calvin Shiflet, Mayor,
City of Clute, Texas**

**Rosie Poitevint, City Clerk
City of Clute, Texas**

APPROVED AS TO FORM:

**Chris Duncan, City Attorney
City of Clute, Texas**