

ORDINANCE NO. 2021-086

AN ORDINANCE OF THE CITY OF WACO, TEXAS AMENDING SECTIONS 6-26 THROUGH 6-36 OF ARTICLE II AND SECTION 6-239 OF ARTICLE IV CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS” AND AMENDING SECTIONS 10-20, 10-21 AND 10-24 OF ARTICLE II, CHAPTER 10 “FIRE PREVENTION AND PROTECTION” OF THE CODE OF ORDINANCES OF THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, TO ADOPT VARIOUS 2018 INTERNATIONAL CODES RELATING TO THE CONSTRUCTION, RENOVATION, USE, AND MAINTENANCE OF BUILDINGS AND BUILDING SYSTEMS AND ADOPTING THE 2020 NATIONAL ELECTRIC CODE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR AN ENFORCEMENT DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, MCLENNAN COUNTY, TEXAS:

Section 1. That Sections 6-26 through 6-36 of Article II and Section 6-239, of Article IV in Chapter 6, “Building and Building Regulations” and Sections 10-20, 10-21 and 10-24 of Article II in Chapter 10, “Fire Prevention and Protection” of the Code of Ordinances of the City of Waco, McLennan County Texas, are amended as follows (additions, ~~deletions~~):

ARTICLE II IN CHAPTER 6, “BUILDING AND BUILDING REGULATIONS”.

Sec. 6-26. Codes adopted.

(a) The following Codes and the standards contained therein, are hereby adopted as the Minimum Building Standard Codes of the City of Waco:

- (1) International Property Maintenance Code, ~~2015~~2018 Edition;
- (2) International Building Code, ~~2015~~2018 Edition; ~~including appendices C, E, F, G and K~~
- (3) International Residential Code, ~~2015~~2018 Edition; ~~including appendices A, B & C; and G;~~
- (4) International Plumbing Code, ~~2015~~2018 Edition, including appendix ~~D and~~ E; & F;
- (5) International Mechanical Code, ~~2015~~2018 Edition; ~~including appendix A;~~
- (6) International Fuel Gas Code, ~~2015~~2018 Edition; ~~including appendices A, B, C, & D;~~
- (7) International Energy Conservation Code, ~~2015~~2018 Edition;

- (8) International Fire Code, ~~2015~~2018 Edition, including appendices B, C, D, E, F, G, I, K, L and N;
- (9) International Existing Building Code, ~~2015~~2018 Edition;
- (10) International Swimming Pool and Spa Code, ~~2015~~2018 Edition; and
- (11) National Electrical Code (NEC), ~~2017~~2020 Edition.

(b) Where a provision of the International Property Maintenance Code, ~~2015~~2018 Edition; International Building Code, 2018 Edition, International Residential Code, ~~2015~~2018 Edition, ~~including appendices A, B, C & G~~; International Plumbing Code, ~~2015~~2018 Edition, including appendix ~~D~~, ~~and~~ E & F; International Mechanical Code, ~~2015~~2018 Edition, ~~including appendix A~~; International Fuel Gas Code, ~~2015~~2018 Edition, ~~including appendices A, B, C, & D~~; International Energy Conservation Code ~~2015~~2018 Edition; International Fire Code, ~~2015~~2018 Edition, including appendices B, C, D, E, F, G, I, K, L and N; as set forth in Chapter 10 of this Code; International Existing Building Code, ~~2015~~2018 Edition; International Swimming Pool and Spa Code, ~~2015~~2018 Edition and the National Electrical Code (NEC), ~~2017~~2020 Edition; conflicts with a section of this Article, the language contained in a section of this Article governs. A copy of the codes shall be retained on file in the office of the City Secretary.

Sec. 6-27. Exceptions, amendments, and deletions to the International Property Maintenance Code, ~~2015~~2018 Edition.

- (27) **IPMC Section 603.2 Removal of combustion products.** Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception:

- 1. Fuel-burning equipment and appliances that are labeled for unvented operation.
- 2. ~~Existing approved unvented room heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Building Official unless an unsafe condition is determined to exist as described in Section 108.7 of the International Fuel Gas Code.~~

- ~~(28) **IPMC Section 604.2** Service shall read:~~

~~The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by an electrical service having a rating of not less than 60 amperes.~~

Sec. 6-28. Exception, amendments, and deletions to the International Building Code, ~~2015~~2018 Edition.

- (5) IBC P2902.6 Small occupancies. Drinking fountains shall not be required for an occupant load of 15 or fewer.

Exception: Individual bottled water, water coolers or water dispensers may be provided as an alternative to a drinking fountain in an individual B occupancy tenant space that is a Dental or Physician's office or in any other B occupancy with an occupant load of 25 or fewer.

~~(5) IBC Section 3109.3. Public Swimming Pools. Public swimming pools is amended to read as follows:~~

~~Public swimming pools shall be completely enclosed by a fence at least 6 feet (1830 mm) in height or a screen enclosure. The remainder of the section is unchanged.~~

~~(6) IBC Section 3109.4.1. Barrier height and clearances. The top of the barrier shall be at least 72 inches (1830 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The remainder of the section is unchanged.~~

Sec. 6-29. Exception; amendments and deletions to the International Residential Code, 2015~~2018~~ Edition.

(6) **IRC Section G2445.2 (621.2) Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit. ~~Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.~~

(7) IRC Section P2603.5.1, Sewer depth, shall read: Building sewers shall be installed below grade and have a minimum of six inches of cover measured from finished grade to top of pipe.

~~(7)-(8) IRC Section P2903.10 Hose Bibb shall be deleted.~~

Sec. 6-30. Exceptions, amendments, and deletions to the International Plumbing Code, 2015~~2018~~ Edition, including appendix D, E and F

(4) **IPC Section 202 General Definitions, shall read:**

WATER DISPENSER. A plumbing fixture that is manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass, or bottle. Such fixture is connected to the potable water distribution system of the premises. This definition also includes a freestanding apparatus for the same purpose that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle, or reservoir.

Exception: Individual bottled water, free of charge, can be substituted where water dispensers are permitted.

~~(4) (5) **IPC Section 305.4.1, Sewer depth** is changed to read: Building sewers shall be a minimum of six inches below grade.~~ shall read: Building sewers shall be installed below grade and have a minimum of six inches of cover measured from finished grade to top of pipe.

(5) **IPC Section 410.2 Small occupancies.** Drinking fountains shall not be required for an occupant load of 15 or fewer.

Exception: Individual bottled water, water coolers or water dispensers may be provided as an alternative to a drinking fountain in an individual B occupancy tenant space that is a Dental or Physician's office or in any other B occupancy with an occupant load of 25 or fewer.

- (5) ~~(6)~~ *IPC Section 608.14.2. Protection of backflow preventers. Protection of backflow preventers shall be amended to read:*

Backflow preventers shall not be located in areas subject to freezing except where protected from freezing by heat, insulation or both.

- ~~(6)~~ *(7) IPC Section 1103, Traps, shall be deleted.*

- ~~(7)~~ *(8) IPC Section 1109, Combined Sanitary and Storm System, shall be deleted.*

Sec. 6-31. Exceptions, amendments, and deletions to the International Mechanical Code, 20152018 Edition. ~~including Appendix, A~~

Sec. 6-32. Exceptions, amendments, and deletions to the International Fuel Gas Code, 20152018 Edition. ~~including appendices, A, B, C and D~~

- (5) **IFGC Section 621.2 Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit. ~~Add exception. Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.~~

Sec. 6-34. – Exceptions, amendments, and deletions to the International Energy Conservation Code, 20152018 Edition.

Sec. 6-35. – Exceptions, amendments, and deletions to the International Existing Building Code, 20152018 Edition.

- (1) **IEBC Section 108.56 Fee Refunds,** shall read:

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- (2) **IEBC Section 301.5 Compliance with accessibility,** shall read:

Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC/ANSI A117.1. All buildings governed by Texas

Department of Licensing and Regulations will take precedence over this code or ICC/ANSI A117.1.

Sec. 6-36. Exceptions, amendments, and deletions to the International Swimming Pool and Spa Code, ~~2015~~2018 Edition.

Sec. 10-21. - Exceptions, amendments and deletions to the International Fire Code, ~~2015~~2018 Edition, including appendices B, C, D, ~~E~~, F, ~~G~~, I, K, L and N; adopted in section 10-20:

- (1) **IFC Section ~~108~~ 109** Board of Appeals shall be renamed "Means of Appeals" and the body deleted and replaced with: An appeal shall be pursuant to Section 10-24 of Article II "Fire Codes" of Chapter 10 "Fire Protection and Prevention" of the Code of Ordinances of the City of Waco, Texas.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Waco not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 6. That, except in cases of imminent harm to the health or safety of the public, the implementation and enforcement of this ordinance shall be delayed for 30 days after final adoption to permit persons affected to comply with the ordinance.

Section 7. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than one dollar (\$1.00) and no more than two thousand dollars (\$2,000.00), and each day a violation exists shall be a separate offense.

Section 8. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

First Reading: this 19th day of January 2021

Second Reading: this 2nd day of February 2021

Dillon Meek, Mayor
City of Waco, Texas

ATTEST:

Esmeralda Hudson, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney