

ORDINANCE 1022-2023

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING SECTIONS 5-20 AND 5-21 OF ARTICLE II “BUILDING CODES” OF CHAPTER 5 “BUILDINGS” OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON TEXAS BY ADOPTING THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE, RESIDENTIAL CODE, MECHANICAL CODE, PLUMBING CODE, ENERGY CONSERVATION CODE, FUEL GAS CODE, EXISTING BUILDING CODE, PROPERTY MAINTENANCE CODE, EACH AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND THE 2017 EDITION OF THE NATIONAL ELECTRIC CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; PROVIDING CERTAIN AMENDMENTS TO THE CODES ADOPTED; PROVIDING A PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION; AND, MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

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WHEREAS, for the health, safety, and welfare of the residents of the State of Texas, municipalities are permitted to adopt amendments to those certain building codes that regulate building development that have been adopted by the State of Texas in Chapter 214 of the Texas Local Government Code and in other applicable law; and,

WHEREAS, the City of Dickinson wishes to adopt more recent editions and local amendments to the building codes adopted by the State; and **NOW, THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS:

SECTION 1. That Section 5-21 “Building codes; adopted” of Article II “Building Codes” of Chapter 5 “Buildings” of the Code of Ordinances, City of Dickinson, Texas, is hereby amended to read as follows (with all changes shown in bold lettering, with new language shown underlined, and with removed language shown as strikethrough):

“Sec. 5-21. - Building codes; adopted.

(a)The following codes are hereby adopted:

(1) The International Building Code (IBC), ~~2015~~ 2018 Edition, including appendix A, C, G, H, I and J, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(2) The International Residential Code (IRC), ~~2015~~ 2018 Edition, including appendix A, B, C, E, G, H, I and J, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(3) The International Mechanical Code (IMC), ~~2015~~ 2018 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(4) The International Plumbing Code (IPC), ~~2015~~ 2018 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(5) The International Energy Conservation Code (IECC), ~~2015~~ 2018 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(6) The International Fuel Gas Code (IFGC), ~~2015~~ 2018 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(7) The International Existing Building Code (IEBC), ~~2015~~ 2018 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(8) The International Property Maintenance Code (IPMC), ~~2015~~ 2018 Edition, as published by the International Code Council, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.

(9) The National Electric Code (NEC), ~~2014~~ 2017 Edition, as published by the National Fire Protection Association, Inc., a copy of which is incorporated by reference hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary, is hereby adopted and made a part of this section.”

SECTION 2. That Section 5-22 “Amendments to the adopted codes” of Article II “Building Codes” of Chapter 5 “Buildings” of the Code of Ordinances, City of Dickinson, Texas, is hereby amended to read as follows (with all changes shown in bold lettering, with new language shown underlined, and with removed language shown as strikethrough):

“Sec. 5-22. - Amendments to the adopted codes.

(a) Section 101.1 of the IBC, IRC, IMC, IPC, IECC, IFGC, IEBC and IPMC are hereby amended, replacing “[NAME OF JURISDICTION]” with the “City of Dickinson, Texas”.

(b) The International Codes are amended by deleting Section 103.

(c) Section 105.2 of the IBC are hereby amended by deleting paragraph 1 under “Building” which reads “One story detached accessory structures, used as tool and storage shed, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²)” and paragraph 6 under “Building” which reads “Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.”

(d) Section 105.2 of the IRC is hereby amended by deleting paragraph 1 under “Building” which reads “One story detached accessory structures, provided that the floor area does not exceed not exceed 200 square feet (18.58 m²)” and paragraph 5 under “Building” which reads “Sidewalks and Driveways”.

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

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

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

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

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

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

Existing structures which have wood shingles or shakes shall be repaired with fire retardant pressure treated wood shingles or shakes of a comparable grade; however, owners shall have the option of installing class A, class B, or class C roofing material, as otherwise authorized herein, provided the existing roof structural system is adequate for modification. A ‘repair’ is

defined as twenty-five (25) percent or less of the area of the roof. If the repair is more than twenty-five (25) percent of the area of the roof, the roof shall be replaced.

Fire retardant pressure treated wood shingles and shakes authorized for use on single-family residences shall be grade labeled No. 1 and No. 2 wood shingles and No. 1 shakes, with a minimum butt thickness of one-half inch (½) and shall be securely fastened with rust resistant nails.”

~~(h) Table 1507.8.4, Table 1507.8.6, Table 1507.9.5 and Table 1507.9.7 of the IBC are hereby amended to exclude all references to No. 3 wood shingles and No. 2 wood shakes.~~

~~(i)~~(h) Table 1904.2.2(2) of the IBC is hereby amended to require minimum compressive strength of three thousand (3,000) pounds per square inch for all types or locations of concrete construction.

~~(j)~~(i) Section 113, Board of Appeals, of the IBC is hereby amended to read:

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

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

~~(k)~~(i) Section 112, Board of Appeals, of the IRC is hereby amended to read:

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

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

~~(l)~~(k) Section 109, Means of Appeal, of the IMC, IPC, IFGC, IECC are hereby amended to read:

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

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or referenced code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or

better form of construction is proposed. The commission shall have no authority to waive requirements of this code.

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

~~(m)~~(l) Section 111, Means of Appeal, of the IPMC, is hereby amended to read:

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

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

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

~~(n)~~(m) Section 108.4, Violation Penalties, of the IMC, IPC and IFGC are hereby deleted and replaced with the following:

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

~~(o)~~(n) Section R301.1.3, Engineered design, of the IRC is hereby amended by the addition of the following:

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

~~(p)~~(o) Section 1604.1, General, of the IBC is hereby amended with the addition of the following:

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

~~(q)~~(p) Table R302.6, Dwelling/Garage Separation, of the IRC is hereby amended by replacing “½-inch” with “5/8-inch type X”.

~~(r)~~(q) Section E3406.2, Conductor material, of the IRC is hereby deleted and replaced with the following:

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

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

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

~~(t) Section 3502.3, Rating of service disconnect, of the IRC is hereby deleted and replaced with the following:~~

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

~~Ground Snow Load: 0~~

~~Wind Speed (mph): 120~~

~~Seismic Design Category: A~~

~~Weathering: Negligible~~

~~Frost line depth: 0~~

~~Termite: Very Heavy~~

~~Decay: Slight to Moderate~~

~~Winter Design Temp: 32~~

~~Ice shield underlayment required: No~~

~~Flood Hazards: Refer to applicable FIRM Map~~

~~Air freezing index: 50~~

~~Mean Annual Temp: 70~~

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

~~(w)~~(t) All structures constructed within the city that are greater than six feet six inches in height are required to have plans certified as Inland “1” compliant and the structure shall be inspected and approved by a state certified windstorm engineer.”

SECTION 3. Repeal. This Ordinance specifically repeals any previous ordinance adopting earlier editions of municipal building or fire codes. Any other ordinance or part of ordinance inconsistent or in conflict herewith are, only to the extent of such inconsistency or conflict, when such inconsistency or conflict cannot otherwise be reconciled, is repealed.

SECTION 4. Effective Date and Publishing. This Ordinance shall be effective upon adoption and publication of this Ordinance or a caption that summarizes the purpose of this Ordinance in accordance with applicable law.

SECTION 5. Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

AND IT IS SO ORDAINED.

PASSED BY THE CITY COUNCIL ON FIRST READING ON May 17, 2022.

PASSED BY THE CITY COUNCIL ON SECOND READING ON April 11, 2023.

FOR THE CITY OF DICKINSON:



SEAN SKIPWORTH, MAYOR

ATTEST:



Ana Urps, Deputy City Secretary