

**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. 15-11**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE XIV, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL RESIDENTIAL CODE*, 2009 EDITION, BY AMENDING SECTION 14-571, ENTITLED "INTERNATIONAL RESIDENTIAL CODE ADOPTED," BY AMENDING SECTION 14-572, ENTITLED "AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE," AND BY AMENDING SECTION 14-573, ENTITLED "BOARD OF APPEALS"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the International Code Council (ICC) has developed a set of comprehensive and coordinated national model construction codes (known as the "International Codes"), and the Town of Flower Mound has been involved throughout the development process of the International Codes, through the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

**WHEREAS**, the *International Residential Code* has been prepared by the ICC, and in addition to review by the NCTCOG, has been reviewed by Town staff; and

**WHEREAS**, the 77<sup>th</sup> Texas Legislature passed Senate Bill 365 (SB 365) in 2001 adopting the *International Residential Code* for municipalities of the state; and

**WHEREAS**, SB 365 provides that municipalities may adopt local amendments to the *International Residential Code*; and

**WHEREAS**, the Town's residential building code is intended to be updated periodically, and the 2009 edition of the *International Residential Code* is the most current published code at this time; and

**WHEREAS**, the 2009 edition of the *International Residential Code* addresses the general design and construction aspects of all residential buildings in the Town; and

**WHEREAS**, the current residential code in the Town is the 2006 edition of the *International Residential Code*, and the Town's residential building code should be updated to the most current published building code available; and

**WHEREAS**, the Town Council of the Town of Flower Mound has determined that it is in the best interest of the citizens of the Town of Flower Mound to update and adopt the

2009 edition of the *International Residential Code* as the minimum standard for residential construction, use, occupancy, and maintenance of buildings and structures within Town limits, as set forth herein and as that code is specifically modified by this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

All of the above premises are found to be true and correct factual and legislative determinations of the Town of Flower Mound and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

From and after the effective date of this Ordinance, Section 14-571 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "International Residential Code Adopted," is hereby deleted and replaced with the following provision:

**Sec. 14-571. International Residential Code Adopted.**

The *International Residential Code*, 2009 edition, including Appendix G and Appendix H, a copy of which is on file in the office of the town secretary, is hereby adopted and designated as the residential building code of the town, the same as though these provisions of the *International Residential Code*, 2009 edition, were copied at length in this section; subject to the deletions, amendments, and additions provided in section 14-572.

**SECTION 3**

From and after the effective date of this Ordinance, Section 14-572 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Amendments to International Residential Code," is hereby deleted and replaced with the following provision:

**Sec. 14-572. Amendments to International Residential Code**

The *International Residential Code*, 2009 edition, is hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect:

- (a) Section R101.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R101.1. Title.** These provisions shall be known as the *Residential Code for One- and Two-family dwellings* of the Town of Flower Mound and shall be cited as such and will be referred to herein as “this code.”

- (b) Section R102.4 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R102.4. Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the electrical code shall mean the electrical code as adopted. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.

- (c) Section R105.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R105.1. Required.** Any owner, contractor, or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or causes any such work to be done, shall first make application to the *building official* and obtain the required *permits*.

It shall be the responsibility of any person, firm, or corporation, upon submittal of an application for a building permit for work regulated by this code, to register as a contractor with the town. This form must be submitted with the *permit* application. Said registration shall be upon forms supplied by the *building official* and shall become null and void on December 31st of each year. An appropriate fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound.

**Exception:** Any residential property owner who, at his legal residence, desires to personally make or perform any installation, alteration, repair, replacement, or remodel regulated by this code shall be exempt from paying a registration fee. For this section, *legal residence* shall be defined as property for which a property owner shows proof of a homestead exemption.

Any contractor registration regulated by this code may be placed on hold or suspended by the *building official*, preventing any additional permits being issued, if it is determined by the *building official* that corrective action is needed for compliance with the requirements of Section 18-32 of the Code of Ordinances of the Town of Flower Mound. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II, of the Code of Ordinances of the Town of Flower Mound shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the *building official*.

- (d) Section R105.2 of the *International Residential Code*, 2009 edition, is hereby amended, in part, by deleting Item Nos. 5 and 10 and amending Item Nos. 1 and 2 to read as follows:

**Section R105.2. Work exempt from permit. Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (18.58 m<sup>2</sup>).

Fences where only the pickets, of the same height or less, are being replaced.

...

5. Deleted.

...

10. Deleted.

- (e) Section R105.3.2 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R105.3.2. Time limitations of applications.** An application for a *permit* for any proposed work shall be deemed to have been abandoned 45 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *building official* is

authorized to grant one or more extensions of time for additional periods not exceeding 45 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- (f) Section R105.5 of the *International Residential Code*, 2009 edition, is hereby amended by amending Section 105.5, adding a new Section 105.5.1, entitled "Swimming pools," adding a new Section 105.5.2, entitled "Lawn irrigation systems," adding a new Section 105.5.3, entitled "Fences and retaining walls," adding a new Section 105.5.4, entitled "Foundation repair and all MISC permits," adding a new Section 105.5.5, entitled "Plumbing permits," and adding a new exception, adding a new Section 105.5.6, entitled "Mechanical permits," and adding a new exception, adding a new Section 105.5.7, entitled "Demolition permits," and adding a new Section 105.5.8, entitled "Umbrella permits," to read as follows:

**Section R105.5. Expiration.** Every *permit* issued shall become invalid unless the work on the site authorized by such permit is commenced within 45 days after its issuance. In addition, except for those *permits* specifically named in this section, every permit issued shall become invalid if work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. For this section, *suspended* or *abandoned* will be defined as an elapsed time of 180 days between any two approved required inspections. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and justifiable cause demonstrated. Once a permit becomes invalid and before such building or work can be recommenced, a new *permit* shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new *permit* for such building or work, provided no changes have been made or will be made in the original plans and specifications for such building or work and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a *permit* after expiration of more than one year, the permittee shall submit a new application and pay a new full *permit* fee.

**105.5.1. Swimming pools.** Every swimming pool permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 180 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**105.5.2. Lawn irrigation systems.** Every lawn irrigation system permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**105.5.3. Fences and retaining walls.** Every fence or retaining wall permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official

may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**105.5.4. Foundation repair, patio cover, and all MISC permits.** Every foundation repair, patio cover, or any other MISC permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**105.5.5. Plumbing permits.** Every plumbing permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 45 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

**Exception:** Water heater replacement permits must receive a final inspection within 72 hours of installation.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not

exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**105.5.6. Mechanical permits.** Every mechanical permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 45 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**Exception:** Indoor unit replacement permits must receive a final inspection within 72 hours of installation.

**105.5.7. Demolition permits.** Every demolition permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 60 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented



action from being taken. No permit shall be extended more than once.

**105.5.8. Umbrella permits.** Every umbrella permit issued by the building official under the provisions of this code shall expire by limitation and becomes null and void if the building or work authorized by such permit has not received final inspection approval within 180 days of the issuance of the permit. In the event of the expiration of the permit, no work or inspections shall be performed until a new permit shall be first obtained to do so, and the fee therefor shall be equal to the original fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 30 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

- (g) A new Section R105.10 of the *International Residential Code*, 2009 edition, is hereby added to read as follows:

**Section R105.10. Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary *permits* shall be subject to a citation for working without a *permit* and/or a fee equal to the total permit fee for that project, which shall be in addition to the required *permit* fees.

- (h) Section R106.5 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R106.5. Retention of construction documents.** One set of approved foundation documents shall be retained by the *building official* for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws.

- (i) A new Section R109.5 of the *International Residential Code*, 2009 edition, is hereby added to read as follows:

**Section R109.5. General.** Construction or work for which a *permit* is required shall be subject to inspection by the *building official*, and such work shall remain accessible and exposed for such purposes until approved. Before any inspection is approved, an address shall be posted that can be read from the street; the permit shall be posted, including all approved plans; and all rights-of-way, streets, and alleys shall be clean and clear of mud, sand, concrete, and building materials. All trash, construction debris, and construction material on site shall be contained in an approved manner. In addition to the above requirements, toilet facilities shall be provided for construction workers, and such facilities shall be maintained in a sanitary condition. Construction-worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the town. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the town shall not be valid. It shall be the duty of the *permit* applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the town shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection. Any inspection that is scheduled and found not to be ready may be assessed a re-inspection fee listed in Appendix A of the code of ordinances. This fee must be paid before a re-inspection is conducted.

- (j) Section R110 of the *International Residential Code*, 2009 edition, is hereby deleted in its entirety:

**Section R110. Certificate of occupancy. Deleted.**

- (k) Sections R112.2.1 and R112.2.2 of the *International Residential Code*, 2009 edition, are hereby deleted in their entirety:

**Section R112.2.1. Determination of substantial improvements in areas prone to flooding. Deleted.**

**Section R112.2.2. Criteria for a variance for areas prone to flooding. Deleted.**

- (l) Section R202 of the *International Residential Code*, 2009 edition, is hereby amended by creating a new definition for “Construction trash and debris” and amending the definition of “Townhouse” to read as follows, each of which definitions shall be inserted therein in alphabetical order:

**Section R202. Definitions.**

**CONSTRUCTION TRASH AND DEBRIS.** Any material generated by or from a construction site that has no useful purpose as determined by the administrative authority.

**TOWNHOUSE.** A single-family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.

- (m) Table R301.2(1) of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Table R301.2 (1). Climatic and Geographic Design Criteria.**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY <sup>f</sup>
	SPEED <sup>d</sup> (mph)	Topographic Effects <sup>k</sup>	
5 lb/ft <sup>2</sup>	90 (3-sec-gust)/76 fastest mile	No	A

Subject to damage from			
Weathering <sup>a</sup>	Frost line Depth <sup>b</sup>	Termite <sup>c</sup>	
moderate	6"	very heavy	

Winter Design Temp <sup>e</sup>	Flood Hazards <sup>g</sup>	Ice Shield Under-layment required <sup>h</sup>	Air Freezing Index <sup>i</sup>	Mean Annual Temperature <sup>j</sup>
22° F	local code	No	69° F	64.9° F

- (n) Section R302.1 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new Exception No. 6 to read as follows:

**Section R302.1. Exterior walls. Exceptions:**

6. Open metal carport structures may be constructed when approved as required by other adopted ordinances.

- (o) Section R302.2 of the *International Residential Code*, 2009 edition, is hereby amended by amending the Exception to read as follows:

**Section R302.2. Townhouses. Exception:** A common two-hour fire-resistance-rated wall assembly, or one-hour fire-resistance-rated wall assembly when equipped with a sprinkler system, is permitted for townhouses ... *{remaining existing text unchanged}*

- (p) Section R302.2.4 of the *International Residential Code*, 2009 edition, is hereby amended by amending Exception No. 5 to read as follows:

**Section R302.2.4. Structural independence. Exception:** 5. Townhouses separated by a common two-hour fire-resistance-rated wall, or one-hour fire-resistance-rated wall assembly when equipped with a sprinkler system.

- (q) Section R302.3 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new Exception No. 3 to read as follows:

**Section R302.3. Two-family dwellings. Exception:** 3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

- (r) Section R302.5.2 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R302.5.2. Duct penetration.** Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material, shall have no openings into the garage, and shall be protected as required by Section 302.11, Item No. 4.

- (s) Section R302.5.3 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R309.5.3. Other penetrations.** Penetrations through the separation required in Section R302.6 shall be protected as required by Section R302.11, Item No. 4.

- (t) Section R302.7 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R302.7. Under stair protection.** Enclosed accessible space under stairs shall have walls, under stair surface, and any soffits protected on the enclosed side with 5/8-inch (15.8 mm) fire-rated gypsum board or one-hour fire-resistive construction.

- (u) Section R303.3 of the *International Residential Code*, 2009 edition, is hereby amended by amending the Exception to read as follows:

**Section R303.3. Bathrooms. Exception:** The glazed areas shall not be required where artificial light and a mechanical ventilation system, complying with one of the following, are provided.

1. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

Bathrooms that contain only a water closet, lavatory, or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

- (v) Section R311.7.7 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R311.7.7. Handrails.** Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers, except that for stairs or flights of stairs that incorporate winders, the handrail shall be located on the inside radius of the stair or flight of stairs.

- (w) Section R311.7.7.2 of the *International Residential Code*, 2009 edition, is hereby amended by amending Exception No. 1 to read as follows:

**Section R311.7.7.2. Continuity. Exceptions:**

1. Handrails shall be permitted to be interrupted by a newel post at a stair landing.

- (x) Section R401.2 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new paragraph following the existing paragraph and adding two new exceptions to read as follows:

**Section R401.2. Requirements.** *{existing text unchanged}* ...

Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer. In addition, a letter stating that the design complies with this code shall be submitted at time of application for permit.

**Exceptions:**

1. Detached storage sheds, play houses, and other similar buildings up to and including 150 square feet:

Buildings up to and including 150 square feet may be placed on the ground and shall provide resistance to wind load by one of the following methods:

Anchored to a 4 inch thick slab reinforced with 6 X 6 #10 wire mesh or #3 (3/8") rebar spaced at 18 inches on center each way.

Anchored at all corners, each corner anchored by a system to resist a horizontal wind load of 90 (3-sec-gust)/76 miles per hour.

Habitable additions up to and including 500 square feet, and accessory buildings, play houses, and similar buildings greater than 150 square feet up to and including 500 square feet:

Beams must be constructed at all perimeters. All beams are required to be at least 10 inches wide and 20 inches deep with 2 #5 (5/8") bars in the top and 2 #5 (5/8") bars in the bottom of the beam. Interior beams must also be constructed and located no more than 15 feet apart. All beams must extend at least 12 inches into undisturbed soil. Place #3 (3/8") bars 18 inches on center each way in the middle of the new 4-inch slab.

For house additions, the existing concrete pad must be connected to the perimeter beam of the new foundation by #3 (3/8") bars doweled in to the existing foundation at 24-inch centers. The dowel bars must penetrate into the existing slab a minimum of 6 inches and extend into the new perimeter beam a minimum of 6 inches.

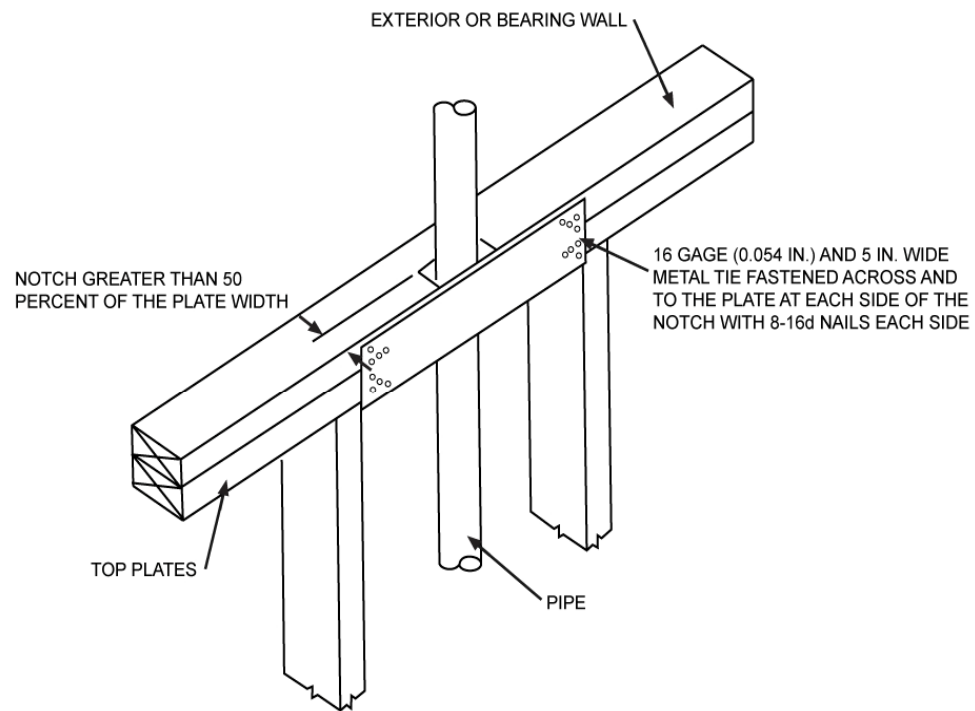
Note: Regardless of square footage, if the existing slab is post-tensioned, an engineer's design is required.

- (y) Section R602.6.1 and Figure 602.6.1 of the *International Residential Code*, 2009 edition, are hereby amended to read as follows, the Exception is deleted in its entirety, and Figure R602.6.1 is replaced with a new Figure R602.6.1, entitled "Top Plate Framing to Accommodate Piping":

**Section R602.6.1 Drilling and notching of top plate.** When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling, or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1.

**Exception:** Deleted.

## WALL CONSTRUCTION



For SI: 1 inch = 25.4 mm

FIGURE R602.6.1  
TOP PLATE FRAMING TO ACCOMMODATE PIPING

- (z) Section R703.7.4.1 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new second paragraph prior to the existing Exception to read as follows:

**Section R703.7.4.1. Size and spacing.** *{Existing paragraph unchanged.}* ...

In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or



2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254) from the foundation.
- (aa) Section R902.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows, and a new Exception No. 3 is added to read as follows:

**Section R902.1. Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed. Class A, B, and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

**Exceptions:**

1. {existing text unchanged}  
  
{existing text unchanged}
  3. Non-classified roof coverings shall be permitted on one-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
- (bb) Section R907.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section R907.1. General.** Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 9. All individual replacement shingles or shakes shall comply with section R902.1.

**Exception:** {existing text unchanged}.

- (cc) Section N1101.2 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new Section N1101.2.2 to read as follows:

**Section N1101.2.2. Compliance software tools.** Software tools used to demonstrate energy code compliance utilizing the UA alternative approach shall be approved by the building official. The PNL program REScheck™ is not acceptable for residential compliance.

**Exception:** When REScheck™ “UA Trade-off” compliance approach or the UA Alternate compliance approach method is used, the

compliance certificate must demonstrate that the maximum glazed area does not exceed 15% of the conditioned floor area.

- (dd) Section N1102.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section N1102.1. Insulation and fenestration criteria.** The building thermal envelope shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2. The use of Tables N1102.1 and N1102.1.2 is limited to a maximum glazing area of 15% window area to floor area ratio.

- (ee) Section N1102.2 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new Section N1102.2.12, entitled “Insulation installed in walls,” to read as follows:

**Section N1102.2.12. Insulation installed in walls.** Insulation batts installed in walls shall be totally surrounded by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, or other equivalent material approved by the building official.

- (ff) Section M1305.1.3 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section M1305.1.3. Appliances in attics.** Attics containing appliances . . . {existing paragraph unchanged} . . . from the opening to the *appliance*.

The passageway shall have continuous unobstructed solid flooring in accordance with chapter 5, not less than 30 inches (762 mm) wide. A level service space at least 30 inches (762 mm) deep by 30 inches (762 mm) wide shall be present along all sides of the *appliance* where access is required. The clear access opening dimensions shall be a minimum of 20 inches (508 mm) by 30 inches (762 mm) or larger where such dimensions are not large enough to allow removal of the largest *appliance*. As a minimum, access to the attic space shall be provided by one of the following:

1. A permanent stair.  
A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the building official due to building conditions.

**Exceptions:**

1. {existing text unchanged}
2. {existing text unchanged}

- (gg) Section M1305.1.3.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section M1305.1.3.1. Electrical requirements.** {existing text unchanged} ... Low voltage wiring of 50 volts or less shall be installed in a manner to prevent physical damage.

- (hh) Section M1305.1.4.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section M1305.1.4.1. Ground clearance.** *Equipment and appliances* supported from the ground shall be level and firmly supported on a concrete slab or other approved material extending not less than 3 (76 mm) inches above the adjoining ground. *Appliances* suspended from the floor shall have a clearance of not less than 6 inches (152 mm) above the ground.

- (ii) Section M1305.1.4.3 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section M1305.1.4.3. Electrical requirements.** {existing text unchanged} ... Low voltage wiring of 50 volts or less shall be installed in a manner to prevent physical damage.

- (jj) Section M1307.3.1, entitled "Protection from impact," of the *International Residential Code*, 2009 edition, is hereby amended by deleting this section in its entirety:

**Section M1307.3.1. Protection from impact.** Deleted.

- (kk) Section M1411.3 of the *International Residential Code*, 2009 edition, is hereby amended to replace the first sentence to read as follows:

**Section M1411.3. Condensate disposal.** Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to the sanitary

sewer through the fixture side of a trap, by means of a direct or indirect connection. *{remaining existing text unchanged}*...

- (II) Section M1411.3.1 of the *International Residential Code*, 2009 edition, is hereby amended by amending Item Nos. 3 and 4 by adding a new sentence at the end of each item to read as follows:

**Section M1411.3.1. Auxiliary and secondary drain systems.**

3. *{existing text unchanged}*... A water-level detection device may be installed only with prior approval of the building official.

4. *{existing text unchanged}*... A water-level detection device may be installed only with prior approval of the building official.

- (mm) Section M1411.3.1.1 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new sentence at the end of the existing paragraph to read as follows:

**Section M1411.3.1.1. Water-level monitoring devices.** *{existing text unchanged}*.... A water-level detection device may be installed only with prior approval of the building official.

- (nn) Section M1502.4.4.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section M1502.4.4.1. Specified length.** The maximum length of the exhaust duct shall be 35 feet (10668 mm) from the connection to the transition duct from the appliance to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.4.1.

- (oo) Section M2005.2 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section M2005.2. Prohibited locations.** Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that *combustion air* will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the international energy conservation code and equipped

with an approved self-closing device. Direct-vent water heaters are not required to be installed within an enclosure.

- (pp) Section G2408.3 of the *International Residential Code*, 2009 edition, is hereby amended by deleting this section and the listed Exception in their entirety to read as follows:

**Section G2408.3. Private garages.** Deleted.

**Exception.** Deleted.

- (qq) Section G2412.5 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new second paragraph to the existing paragraph to read as follows:

**Section G2412.5. (401.5) Identification.** *{existing text unchanged}...*

Both ends of each section of medium pressure corrugated stainless steel tubing (CSST) shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel, and the following wording shall be stamped into the tag:

"WARNING  
1/2 to 5 psi gas pressure  
Do Not Remove"

- (rr) Section G2413.3 of the *International Residential Code*, 2009 edition, is hereby amended by adding an exception after the three listed Items to read as follows:

**Section G2413.3. (402.3) Sizing.** *{existing text unchanged} ...*

**Exception:** Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EDH).

- (ss) Section G2415.10 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section G2415.10. Minimum burial depth.** *Underground piping systems* shall be installed a minimum depth of 18 inches (458 mm) below grade.

- (tt) Section G2415.10.1 of the *International Residential Code*, 2009 edition, is hereby amended by deleting this section in its entirety as follows:

**Section G2415.10.1. (404.10.1) Individual outside appliances.** Deleted.

- (uu) Section G2417.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section G2417.1. (406.1) General.** Prior to acceptance and initial operation, all *pipng* installations shall be inspected and *pressure tested* to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in sections 2417.1.1 through 2417.7.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the building official when the *pipng system* is ready for testing. The equipment, material, power, and labor necessary for the inspections and test shall be furnished by the permit holder, and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

- (vv) Section G2417.4 of the *International Residential Code*, 2009 edition, is hereby amended by replacing the first sentence with a new first sentence to read as follows:

**Section G2417.4. (406.4) Test pressure measurement.** Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the *pressure test* period. The source of pressure shall be isolated before the pressure tests are made. {existing remaining text unchanged}...

- (ww) Section G2417.4.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section G2417.4.1. (406.4.1) Test pressure.** The test pressure to be used shall be not less than 3 psig (20 kPa gauge), or at the discretion of the building official, the *pipng* and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, gauges shall utilize a dial with a minimum diaphragm diameter of three and one half inches (3 ½"), a set hand, 1/10 pound incrementation, and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½"), a set hand, a minimum of 2/10 pound incrementation, and a pressure range not to exceed 20 psi.

For welded *piping*, and for piping carrying gas at pressures in excess of fourteen (14) inches of water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For *piping* carrying gas at a pressure that exceeds 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

- (xx) Section G2417.4.2 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section G2417.4.2. Test duration.** Test duration shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes. For welded piping and for piping carrying gas at pressures in excess of fourteen (14) inches of water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the building official, but in no case for less than thirty (30) minutes.

- (yy) Section G2420.1 (409.1) of the *International Residential Code*, 2009 edition, is hereby amended by adding a new Section G2420.1.4 (409.1.4), entitled "Valves in CSST installations," to read as follows:

**Section G2420.1.4. (409.1.4) Valves in CSST installations.** Shutoff valves installed with corrugated stainless steel (CSST) *piping* systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration, but in no case greater than 12 inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's *piping*, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting *piping*.

- (zz) Section G2420.5.1 of the *International Residential Code*, 2009 edition, is hereby amended by replacing the last sentence with three new sentences to read as follows:

**Section G2420.5.1. (409.5.1) Located within the same room.** *{existing text unchanged}* ... The *piping* from the shutoff valve to within 6 feet (1829 mm) of the appliance shall be designed, sized, and installed in accordance with the *appliance* manufacturer's instructions. A secondary shutoff valve must be

installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

- (aaa) Section G2421.1 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new second paragraph and new exception to read as follows:

**Section G2421.1. (410.1) Pressure regulators.** *{existing text unchanged}*

...

Access to regulators shall comply with the requirements for access to appliances as specified in section M1305.

**Exception:** A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

- (bbb) Section G2422.1.2.3 of the *International Residential Code*, 2009 edition, is hereby amended by deleting Exception Nos. 1 and 4 in their entirety as follows:

**Section G2422.1.2.3. (411.1.3.3) Prohibited locations and penetrations.**

**Exception No.1.** Deleted

**Exception No. 4.** Deleted.

- (ccc) Section G2439.5 of the *International Residential Code*, 2009 edition, is hereby amended by adding a sentence to read as follows:

**Section G2439.5. (614.6.1) Clothes dryer ducts.** *{existing text unchanged}*

... The size of duct shall not be reduced along its developed length or at the point of termination.

- (ddd) Section G2445.2 of the *International Residential Code*, 2009 edition, is hereby amended by adding a new exception to read as follows:

**Section G2445.2. Prohibited use.** *{existing text unchanged}* ...

**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 building official, unless an



unsafe condition is determined to exist as described in international fuel gas code section 108.7.

- (eee) Section G2448.1.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section G2448.1.1. (624.1.1) Installation requirements.** The requirements for *water heaters* relative to access, sizing, *relief valves*, drain pans, and scald protection shall be in accordance with this *code*.

- (fff) Section P2603.6.1 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section P2603.6.1. Sewer depth.** Building sewers shall be a minimum of 12 inches (304 mm) below grade.

- (ggg) Section P2709.1 of the *International Residential Code*, 2009 edition, is hereby amended by adding an exception after the existing paragraph to read as follows:

**Section P2709.1. Construction.** {existing text unchanged} ...

**Exception:** Showers designed to comply with ICC/ANSI A117.1.

- (hhh) Section P2717.2 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section P2717.2. Sink and dishwasher.** A sink and dishwasher are permitted ... {bulk of text unchanged} ... wye fitting to the sink tailpiece. The waste line of a domestic dishwashing machine discharging into a kitchen sink tailpiece shall connect to a deck-mounted air break.

- (iii) Section P2717.3 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section P2717.3. Sink, dishwasher and food grinder.** The combined discharge from a sink, dishwasher, and waste grinder is permitted to discharge through a single 1.5-inch (38 mm) trap. The discharge pipe from the dishwasher shall be increased to a minimum of 0.75 inch (19.1 mm) in diameter and shall connect with a wye fitting between the discharge of the food-waste grinder and the trap inlet or to the head of the food grinder. Dishwashing equipment shall discharge to the drainage system through an approved air gap fitting.

- (jjj) Section P2801.6 of the *International Residential Code*, 2009 edition, is hereby amended by adding new Exception Nos. 1 and 2 after the existing paragraph to read as follows:

**Section P2801.6. Water heaters installed in garages.** {existing text unchanged} ...

**Exception:**

1. Elevation of the ignition source is not required for water heaters that are listed as flammable vapor resistant and for installation without elevation.

Electric water heaters.

- (kkk) Section P2902.5.3 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section P2902.5.3. Lawn sprinkler systems.** The potable water supply system to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly, or a reduced pressure principle backflow preventer. A valve shall not be installed down-stream from an atmospheric breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

All lawn sprinkler systems shall be equipped with a temperature sensing device that stops the flow of water through the lawn sprinkler system when the ambient temperature is thirty-eight degrees Fahrenheit or less. In addition, all systems shall be equipped with a device that stops the flow of water through the lawn sprinkler system when one-quarter inch or more of rain falls. Further, pursuant to Section 401.006 of the Texas Local Government Code, all lawn sprinkling systems shall comply with Section 1903.053 of the Texas Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality pursuant to that section.

- (lll) Section P3005.2.6 of the *International Residential Code*, 2009 edition, is hereby amended by replacing Section P3005.2.6 with a new Section P3005.2.6, entitled "Upper terminal," and adding a new Exception to read as follows:

**Section P3005.2.6. Upper terminal.** Each horizontal drain shall be provided with a cleanout at its upper terminal.

**Exception:** Cleanouts may be omitted on a horizontal drain less than five (5) feet (1524 mm) in length, unless such line is serving sinks or urinals.

(mmm) Section P3009.1 of the *International Residential Code*, 2009 edition, is hereby added to read as follows:

**Section P3009.1. Swimming pools.** For swimming pools that are constructed on lots that have public sewer, a drain or backwash line with a minimum size of 1½ inch must be provided. This line must direct waste into the public sewer by use of an air gap into a 3-inch trap. The trap seal of this trap must be protected from freezing, and the standpipe must rise at least 3 inches above grade.

(nnn) Section P3111 of the *International Residential Code*, 2009 edition, together with all of its component sections, is hereby deleted in its entirety as follows:

**Section P3111. Combination waste and vent system.** Deleted.

**Section 3111.1. Type of fixtures.** Deleted.

**Section 3111.2. Installation.** Deleted.

**Section 3111.2.1. Slope.** Deleted.

**Section 3111.2.2. Connection.** Deleted.

**Section 3111.2.3. Vent size.** Deleted.

**Section 3111.2.4. Fixture branch or drain.** Deleted.

**Section 3111.3. Size.** Deleted.

(ooo) Section P3112.2 of the *International Residential Code*, 2009 edition, is hereby amended and a new Exception is added to read as follows:

**Section P3112.2. Installation.** Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drain board height, and then returning it downward and connecting it to the horizontal sink drain

immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air, or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level, and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drain board shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius), and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

**Exception:** Outdoor sinks may use an approved air admittance device with prior approval from the code official.

(ppp) Section P3114 of the *International Residential Code*, 2009 edition, together with all of its component sections, is hereby deleted in its entirety as follows:

**Section P3114. Air admittance valves.** Deleted.

**Section P3114.1. General.** Deleted.

**Section P3114.2. Installation.** Deleted.

**Section P3114.3. Where permitted.** Deleted.

**Section P3114.4. Location.** Deleted.

**Section P3114.5. Access and ventilation.** Deleted.

**Section P3114.6. Size.** Deleted.

**Section P3114.7. Vent required.** Deleted.

**Section P3114.8. Prohibited installations.** Deleted.

(qqq) Section AG101.3 of the *International Residential Code*, 2009 edition, is hereby added to read as follows:

**Section AG101.3. Location requirements.**

- (a) **Front yard.** No swimming pool, spa, or hot tub shall be located within the required or established front yard. On a corner lot, where both street exposures are treated as front yards, for the purposes of this section, the front yards shall be determined by the placement of the main building along with the legal address.
  - (b) **Side yard.** All swimming pools, spas, and hot tubs must be located at least five feet from the side property line to the water's edge.
  - (c) **Rear yard.** All swimming pools, spas, and hot tubs must be located at least five feet from the rear property line to the water's edge.
  - (d) **Easements.** No swimming pool, spa, or hot tub, including applicable decks, shall be located in an easement.
  - (e) **Equipment.** No equipment may be placed within the required or established front yard as defined in subsection (a) of this section, or within any easement. Equipment in relation to the pool shall not be affixed to any required perimeter fencing or common fences between property owners.
- (rrr) Section AG101.4 of the *International Residential Code*, 2009 edition, is hereby added to read as follows:

**Section AG101.4. Required inspections.**

- (1) **Belly steel and pool placement inspection.** Before any concrete or gunite can be placed, the belly steel and placement of the pool shall be inspected and approved. Rebar shall be a minimum size of three-eighths of an inch and located no more than 12 inches on center each way.
- (2) **Deck steel, electrical bond, electrical underground and plumbing.** Before any concrete is placed for the pool deck, the placement of steel and the electrical bond shall be inspected and approved. The concrete deck shall be a minimum thickness of 3½ inches. Rebar shall be a minimum size of

three-eighths of an inch and located no more than 18 inches on center each way. The bond conductor shall be a minimum size of No. 8 AWG. A minimum of four ground clamps that are evenly spaced around the pool shall be required to electrically bond the pool from stray ground current. All electrical conductors buried in the ground shall be inspected and approved prior to covering. All pool plumbing shall be subjected to a minimum water test of 15 psi.

- (3) **P-trap and gas line.** Before the backwash line, p-trap, and gas line are covered in any way, those items shall be inspected and approved. All pools shall have a p-trap and backwash line connected to the sanitary sewer.

**Exception:** Aboveground pools and spas that have a capacity of 750 gallons or less are not required to install a p-trap or backwash line. On lots that do not have access to town sewer and where sanitary drainage is provided through a septic system, no p-trap or backwash line is required; however, adequate drainage must be provided to allow for drainage of the pool.

- (4) **Pre-plaster inspection.** Before any water is placed in the pool, the permanent fence shall be installed, inspected, and approved.
- (5) **Final drainage inspection.** At the time of this inspection, all drain lines and dirt work must be completed. Installation of erosion control devices will be required in all disturbed areas in order to receive final drainage approval.
- (6) **Pool final.** All pool permits must receive an approved final inspection within 180 days of the issue date, or the permit will be expired.

(sss) Section AG105.1 of the *International Residential Code*, 2009 edition, is hereby amended by adding a sentence to the existing paragraph to read as follows:

**Section AG105.1. Application.** *{existing text unchanged}* ... At all times during the construction of a pool, or until a permanent barrier meeting all the requirements of AG105.2 is installed, a temporary barrier that is at least thirty-

six inches (36") in height, and meets the opening provisions of AG105.2, shall completely surround the pool excavation.

- (ttt) Section AH102 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section AH102. Patio covers.** Patio covers shall be permitted as one-story structures not exceeding 14 feet in height, except that those located in SFE (single-family estate) and A (agriculture) zoning shall be limited in height to 20 feet. Height shall be measured from the average grade adjacent to the patio cover to the peak of the roof. The sides of these structures shall not enclose more than 25 percent of the exterior walls measured around the perimeter or more than 25 percent of the floor area measured under roof. Any structure that exceeds these percentages must be reviewed and permitted using the accessory building regulations. No patio cover may exceed 25 percent of the floor area of the main structure.

- (uuu) Section AH103 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section AH103. General.** Solid-roofed patio covers shall be permitted to be attached or detached. Attached solid-roofed patio covers must maintain the setbacks required for the main structure. Detached solid-roofed patio covers must be set back five feet from any building or structure located on the property, must be located no closer to the front property line than the main building, and must maintain a minimum of five feet from all property lines, except that on corner lots, the patio cover must adhere to the exterior side-yard setback established for the primary structure. Open-roofed patio covers shall be permitted to be attached or detached and must be located at least five feet from any property line and must be located no closer to the front property line than the main building. Patio covers shall be used for recreational, outdoor living purposes and not as carports, storage areas, accessory buildings, or habitable rooms.

- (vvv) Section AH106 of the *International Residential Code*, 2009 edition, is hereby amended to read as follows:

**Section AH106. General.** Patio covers shall be permitted to be supported on a slab on grade without footings, provided the slab conforms to the provisions of Section R506 of this code, is not less than 3.5 inches thick, and the columns do not support live and dead loads in excess of 750 pounds per column.

#### **SECTION 4**

From and after the effective date of this Ordinance, Section 14-573 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Board of Appeals," is hereby deleted and is replaced with the following:

##### **Sec. 14-573. Board of Appeals.**

The members of the town board of adjustment are hereby appointed as the board of appeals as provided by the *International Residential Code*, 2009 edition, and any changes in membership of the board of adjustment shall likewise be reflected in the membership of said board of appeals.

#### **SECTION 5**

All ordinances, orders, or resolutions heretofore passed and adopted by the Town of Flower Mound, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

#### **SECTION 6**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

#### **SECTION 7**

Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

#### **SECTION 8**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.



DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS 18<sup>th</sup> DAY OF APRIL, 2011.

APPROVED:

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Melissa D. Northern, MAYOR

ATTEST:

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Theresa Fawcett, INTERIM TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

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Terrence S. Welch, TOWN ATTORNEY