ORDINANCE NO. 2525

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE III "RESIDENTIAL CONSTRUCTION STANDARDS", OF THE BRYAN CITY CODE; REPEALING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2021 EDITION AND LOCAL AMENDMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2021 edition of the International Residential Code, published by the International Code Council, as well as local amendments to same, and to repeal the 2015 edition currently in effect; and

WHEREAS, the adoption of additional local amendments to the code will facilitate proper inspection activities by the City of Bryan, Texas relating to the construction and maintenance of buildings within the corporate limits of the City and relating to public, health, safety and welfare; and

WHEREAS, the City of Bryan's Board of Adjustment and Appeals recommended approving the adoption of the 2021 edition of the International Residential Code with local amendments during a public meeting held on October 4, 2021.

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

1.

That Chapter 14, Article III, "Residential Construction Standards" is amended to read as follows:

ARTICLE III. - RESIDENTIAL CONSTRUCTION STANDARDS

Sec. 14-46. - International Residential Code adopted by reference.

(a) The International Residential Code, 2021 Edition, with appendices "AA", "AB", "AC", "AE", "AG", AH, "AJ", "AK", "AM", "AN", AO, "AP", AR, AS, AT, AU, and AW published by the International Conference of Building Officials (the "International Residential Code") is adopted and incorporated by reference into this section as if set out at length herein with deletions and amendments contained in subsection (b) of this section and in section 14-47 (local amendments to the residential code). From the date on which this section shall take effect, the provisions contained therein shall be the controlling municipal residential building code within the corporate limits of the city.

(b) The following provisions of the International Residential Code are deleted:

Section G2414.4.3 (403.4.3) (Copper or copper-alloy tubing).
Section AE113 (Design).
Section AE 121 (Footings and Foundations).

Section AE122 (Pier Construction).
Section AE123 (Height of Piers).
Section AE124 (Anchorage Installations).
Section AE 125 (Ties, Materials and Installation).
Section AJ109.5 (Electrical Equipment and wiring).

(c) The city secretary shall retain a copy of the amendments to the International Residential Code, with the official ordinances of the city. A copy of the International Residential Code shall be on file with the chief building official.

Sec. 14-47. - Amendments to code.

The following sections of the Residential Code are hereby amended:

Section R102.4 (Referenced codes and standards) is amended by adding the following to said section:

Any reference to the ICC Electrical Code shall mean the National Electrical Code, as adopted and amended by the city.

Section 102.7 (Existing structures) is amended by deleting the reference to the "International Property Maintenance Code" and replacing with the "City of Bryan Code of Ordinances."

Section 103 (Department of Building Safety) is amended by deleting "Department of Building Safety" and replacing "Building Services Division of the Development Services Department."

Section R104.10 (Modifications) is amended by deleting the last sentence and replacing with: The details of action granting modifications shall be recorded and entered in the files of the Building Services Division.

Section R105.2 (Work exempt from permit) is amended by deleting number one (1) under "Building" and replacing with the following:

1. Other than storm shelters, one single-story detached accessory structure per residential lot, provided the floor area does not exceed 120 square feet and the structure complies with all of the following:

    a. The accessory structure is not located in a flood plain, any public utility easement, and/or surface drainage easements.

    b. The accessory structure is not permanently affixed to the ground.

    c. The accessory structure is not provided with utilities (sewer, water, gas or electricity).

    d. Any such accessory structure that is proposed to be located within 7.5 feet of a principal building shall be considered integral to the principal building, and shall meet the same minimum building setback requirements as the principal building.

e. Any such accessory structure that is proposed to be located 7.5 feet or more from a principal building on a lot shall be allowed to extend into the minimum required side or rear yards, and no minimum building setback from side or rear lot lines shall be required, so long as the structure will also not be located closer than 7.5 feet to any principal building on an adjoining lot.

f. Under no circumstance shall any such accessory structure be located in front of the principal structure on a lot, or within the minimum required front yard.

g. Any such accessory structure shall be taken into consideration when calculating the allowable cumulative square footage for accessory structures on a single property.

h. If more than one such accessory structure is proposed to be installed on a lot, then any such additional structure must comply with applicable building setback requirements and shall require a building permit prior to installation.

Section R105.2 (Work exempt from permit) is amended by deleting number five (5) under "Building" and replacing with the following:

5. Private sidewalks and drives on private property are exempt from permits and inspections, sidewalks and drives (driveway approach) in public right of way requires permits and inspections.

Section R105.2 (Work exempt from permit) is amended by deleting number ten (10) under "Building" and replacing with the following:

10. Uncovered decks with finished floor not more than 30 inches above adjacent grade at any point.

Section R105 (Permits) is amended by adding section R105.2.4 to read as follows: R105.2.4 (Homestead Permit). A property owner may obtain a building permit to perform work on a single family home or accessory structure on the same property owned and occupied by the owner as his or her homestead without registering with the city as a contractor. On all new residential construction, electrical, plumbing and mechanical systems must be permitted and installed by licensed contractors. Any bona fide homeowner may personally repair existing electrical conductors or equipment, repair/install HVAC equipment and duct systems, non-gas plumbing systems and non-gas appliances within an existing residence owned by him or her or within an existing accessory structure on the same property, provided that all of the following requirements are met:

(a) File with the city proof from the county tax office that the property is his or her homestead.

(b) For electrical conductors and equipment, refer to the city amendments to the NEC Sec. 14-75. Homestead Permits.

(c) Apply for and receive a homestead permit to perform work.

(d) Request and receive all required inspections and receive a completion tag for work performed.

(e) Installation shall be by the owner only. No other person shall be employed to assist him or her. No homestead permit may be used by another person or on property to be sold or rented.

(f) If the inspector finds work not in good practice or not in compliance with code, the city reserves the right to revoke homestead permits and require a licensed contractor to obtain a new permit and repair and finish the work.

(g) The owner has not secured a homestead permit for another residence within the prior 12 month period.

(h) Present a picture ID when obtaining a homestead permit and on site when asked by an inspector.

(i) Homestead permits will not be issued for: gas systems, gas appliances, or gas equipment, reclaiming and charging a ducted heating and air conditioning system containing refrigerant, electrical service repairs/replacements, generators, solar panels, new construction, mobile, manufactured, or modular home (unless the home owner owns the land on which the mobile, manufactured, or modular home is located). A homestead permit will not be issued for mobile, manufactured, or modular home located in a mobile home park, mobile home community, or other commercial premises.

Section R105 (Permits) is amended by adding Section R105.10 to read as follows: R105.10 (Registration of Contractors): Refer to section 105.1.3 Registration of Contractors to the adopted International Building Code as amended.

Section R108.3 (Building permit valuations) is amended by adding the following to said section: If, in the opinion of the chief building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the chief building official. Final valuation for the work requiring permit shall be set by the chief building official.

Section R108.5 (Refunds) is amended by deleting the text in said section and replacing it with the following: The city manager or his or her designee is authorized to establish a refund policy.

Section 108.6 (Work commencing before permit issuance) is amended by deleting said section and replacing with the following: Any person who commences any work on a building or structure before obtaining the necessary permits shall be subject to a penalty of two times the usual fee.

Section R109 is amended by adding Section R109.5 (Special Inspection Reports by Third Party): A special inspection by an approved third party (licensed architect, engineer, or certified individual or testing agency) is required for the following work:

1. Structural, foundation, and framing systems not covered by this code

2. Weld up systems or welds on structural steel

3. Bolted connections on steel structural system

4. Storm shelters, straw clay construction, straw bale construction, solar panels installed on roofs, adobe construction, load bearing CMU block construction, etc.

Exception 1: pre-manufactured bolt up kits for accessory storage structures do not require special inspection reports.

Exception 2: accessory structures used for storage do not require special inspections as long as work is of good quality and when approved by building official or building inspector.

Section R110.3 (Certificate issued) is amended by deleting items 4, 5, and 7.

Section R112 (Board of Appeals) is amended by deleting the sections R112.1 through R112.4 and replacing as follows: Refer to the adopted International Building Code, as amended for Board of Appeals and Appeal Procedures.

Section R113.4 (Violation penalties) is amended to read as follows: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the chief building official, or of a permit or certificate issued under the provision of this code, shall be subject to penalties as prescribed by Section 1-14 of the Bryan Code.

Section R202 (Definitions) is amended by adding the following definition:

Maintenance easement. In zero lot line construction or patio homes, an easement dedicated on the adjacent lot on the filed plat to allow for maintenance, for a roof overhang (projection) and roof drainage into/over the adjacent lot.

Section R202 (Definitions) is amended by deleting the definition of "Townhouse" in its entirety and replacing it with the following: Townhouse. A single-family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends a common rated fire wall from foundation to roof and with open space on at least two sides.

Section R302 (Fire Resistant Construction) is amended by adding Section R302.15: Zero lot line Construction or Patio Homes. Exterior walls located on the property line shall comply with Section R302.1. Fire resistant rated projections (roof overhangs) may extend beyond the property line on zero lot line side and into an adjacent lot provided a maintenance easement is dedicated between the two property owners to allow for maintenance or repair of the house built on the lot line. The easement shall be located on the adjacent property abutting the sidewall and must be a minimum of 7½ feet in width. Required maintenance easements shall be shown on the recorded plat. Electrical meters, water heaters, exhaust vents, soffit vents, and any other unprotected and non-rated openings are not allowed on the zero lot line side. Combustibles in maintenance easement: The construction of any structure utilizing combustible material or the storage of combustible material is prohibited within the maintenance easement. The term "maintenance easement" is defined in amendments to Section R202. Exception: A wood fence may be installed in the maintenance easement perpendicular to the property line.

Section R302.5 (Separation required) is amended by adding the following exception:

Exception: One unprotected attic access opening, not exceeding 30 inches by 54 inches in size, is allowed per garage.

Section R311.7.8.4 (Continuity) is amended by deleting the following text in said section: Handrail ends shall be returned toward a wall, guard walking surface continuous to itself, or terminate to a post.

Section R313.1 (Townhouse automatic fire sprinkler systems) is amended by adding the following exception: Townhouses are not required to have fire sprinklers, provided they are not over two stories, not over 12,000 SF total building area, fire access is provided per fire code, and a two hour UL rated fire wall between each dwelling unit is provided per Section R302.4/R302.4.

Section R313.2 (One- and two-family dwellings automatic fire systems) is amended by replacing the text "shall be installed" with "if installed". Two-family dwellings are not required to have fire sprinklers, provided they are not over two stories, not over 12,000 SF total building area, fire access is provided per fire code, and a two hour UL rated fire wall between each dwelling unit is provided per Section R302.3 / R302.4 and city amendments

Section R315.2.2 (Alterations, Repairs, and Additions) is amended by deleting exception #2.

Section R318.2 (Chemical Termiticide treatment) is amended by adding the following to the end of said section: The method of application and contractor hired to apply the chemicals shall be submitted to the Building Department when applying for the Building Permit, and verification of the application shall be turned in prior to issuance of the Certificate of Occupancy.

Section R319.1 (Address identification) is amended by deleting the existing text in its entirety and replacing it with the following: Address identification shall comply with Section 501.2, in the adopted International Building Code, as amended.

Section 322.1 (General) is amended by adding the following to the last sentence: and with Chapter 46.

Section 322.2.1 (Elevation requirements) is amended by deleting the existing text, save the exception, and replacing it with the following:

1. Buildings and structures shall have the lowest floors elevated in accordance with Chapter 46.

2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated above the highest adjacent grade as the depth number specified in feet on the flood insurance rate maps, or at least two feet if a depth number is not specified, plus the additional footage requirements in Chapter 46.

3. Basement floors that are below grade on all sides shall be elevated in accordance with Chapter 46.

4. Equipment and appliances located on property with 100 year flood plain limits and where a City Development Permit and/or Elevation Certificates are required shall be elevated one foot minimum above the base flood elevation as established by the city. All installations of appliances, systems, and equipment in flood hazard areas shall comply with flood-resistant construction requirements of the International Building Code.

Chapter 4 (Foundations) is amended by deleting all references to "wood foundations", "crushed stone foundations", and "masonry footings." All foundations in the city of Bryan shall comply with amendment to R403.1.3.3 (Slabs-on-ground with turned down footings) and amendment to R403 (Footings) Exception: Accessory storage structures on treated wood skids placed on concrete pads.

Section R401.3 (Drainage) is amended by adding the following at the end of the first sentence: "or nuisance to adjacent property owners."

Section R403.1 (General) is amended by adding the following to the end of said section: Pier and beam foundations, foundations with basements, or foundations with crawl spaces with suspended wood floor framing systems shall be designed by a Texas licensed architect or engineer. Exception: Foundations in compliance with minimum foundation standards outlined in section 1907.2 in the adopted International Building Code, as amended.

Section R403.1.3.3 (Slabs-on-ground with turned-down footings) is amended by deleting the section in its entirety and replacing it with the following: All slabs-on-grade with turned-down footings shall comply with the minimum foundation standards outlined in section 1907.2 in the adopted International Building Code, as amended.

Section R404.1.1 (Design required) is amended by deleting "in accordance with accepted engineering practice" and inserting "by a Texas licensed structural engineer."

Chapter 11 (Energy Efficiency) is amended by deleting this chapter in its entirety and replacing it with the following: One and two family dwellings shall comply with the adopted International Energy Conservation Code as amended.

Section M1411.3 (Condensate disposal) is amended by replacing "an approved place of disposal" at the end of the first sentence with "sanitary sewer with working trap" and adding: "Exception: If there exist hardship in routing a condensate drain to a sanitary sewer working trap, an alternative design and details for an approvable place of disposal that will not create a nuisance may be submitted for review and approval by the Plumbing Inspector and/or City Environmental Department. If approved, any drain routed to an exterior pit or French Drain shall be protected to prevent damage and have an air gap or means of secondary overflow to prevent the condensate line from backing up into the building."

Section M1503.1 (General) is amended by adding the following sentence to beginning of said section:

> Range hoods are required over all residential ranges or cook tops where combustibles are 30" or less from cooktop.

Section G2417.1.2 (406.1.2) (Repairs and additions) is amended by deleting the existing text in its entirety and replacing it with the following: In the event repairs or additions are made after the pressure test, the affected piping shall be tested. If approved by the code official, minor repairs and additions are not required to be pressure tested provided the work is inspected and connections are tested with a noncorrosive leak detecting fluid or other leak detecting methods.

Section G2417.4 (406.4) (Test pressure measurement) is amended by deleting the existing text in its entirety and replacing it with the following: Test pressure measurement shall comply with section 406.4, International Fuel Gas Code, as amended.

Section G2417.4.1 (406.4.1) (Test pressure) is amended by deleting the existing text in its entirety and replacing it with the following: Test pressure shall comply with section 406.4.1, International Fuel Gas Code, as amended.

Section G2420.1.1 (409.1.1) (Valve Approved) is amended to add the following sentence at the end of said section: Shut off valves located at the exterior going into a building shall be of iron body type (IBS) that requires a tool to turn off.

Section P2503.5.1 (Rough plumbing) is amended by replacing 10’ (ten feet) with 5’ (five feet) under item #1.

Section P2503.8 (Inspection and testing of backflow prevention devices) is amended by deleting the section in its entirety and replacing with the following: Inspection and testing of backflow prevention devices shall comply with section 312.10, of the adopted International Plumbing Code, as amended.

Section P2609.3 (Plastic pipe, fittings and components) is amended by adding the following at the end of said section: All private sanitary sewer yard lines shall be equal to or better and same thickness as schedule 40 PVC.

Section P2713.1 (Bathtub waste outlet and overflows) is amended by deleting and replacing the last sentence to read as follows: An overflow drain is required and shall be not less than 1-1/2 inches (38mm) in diameter.

Section P2804.6.1 (Requirements for discharge pipe) is amended by deleting number five and replacing it with the following: Discharge to an indirect waste receptor or the outdoors.

Section P2902.5.3 "Lawn irrigation system" is amended by deleting and adding: Requirements for lawn irrigation systems as established in Appendix G of Article V, Chapter 14, of the City of Bryan Code of Ordinances.

Table P2906.4 (Water service pipe) is amended by deleting the following materials:

Acrylonitrile butadiene styrene (ABS) plastic pipe;
Polyethylene (PE) plastic pipe;
Polyethylene (PE) plastic tubing;
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe.

Section P2906.5 (Water-distribution pipe) is amended by adding the following text to the end of the section:

Inaccessible water distribution piping under slabs shall be copper (minimum type K), cross-linked polyethylene (PEX) tubing, or cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe, all installed without joints or connections. All water pipe under the slab shall be sleeved continuous with a material that has a 0.025 inch wall thickness.

Section P2906.5 (Water-distribution pipe) is amended by adding the following paragraph:

Sleeved cross-link polyethylene piping or tubing. When a sleeve is provided for cross-linked polyethylene (PEX) plastic piping or tubing installed under concrete slabs the annular space

between the piping or tubing and the sleeve must be caulked, foamed, or otherwise sealed to prevent the entrance of termiticide.

Section P3002.2. (Building sewer) is amended by adding Section P3002.2.2 to read as follows:

P3002.2.2 Depth of building sewer. Building sewer pipe shall be installed with a minimum of 12 inches of cover. Where conditions prohibit the required amount of cover, cast iron pipe with approved joints may be used unless other means of protecting the pipe is provided as approved by the chief building official.

Section E3401.1 (Applicability) is amended by adding the following sentences at end of paragraph: Electrical installations shall comply with the National Electrical Code, as adopted and amended by the city. Where conflicts occur in Chapters 34 - 43 the city adopted National Electrical code and city amendments will take precedence when more stringent.

Section AE101.1 (General) is amended by deleting the text in first paragraph and replacing with: "These provisions shall apply to all new, used, and/or existing manufactured homes located in the City of Bryan either on private lots or in mobile home parks (rental lots) and shall apply to the following:"

Section AE101.1 (General) is amended by adding number 4 to read as follows:

4. Installation of homes - Prior to used or pre-owned manufactured homes being located in the city and prior to any permit issuance, a pre-inspection is required. The pre-inspection may be done by the city if located in Brazos County or applicant may submit a report from a licensed or certified third party inspector. All third party or licensed inspectors are required to be approved by the building official prior to inspection. Homes in poor condition or not meeting definition of Habitability per state definition will not be allowed to be located in the city. Date of manufacture of home allowed per City of Bryan Code of Ordinances.

Section AE101.1 (General) is amended by adding number 5 to read as follows:

Manufactured homes placed on property with Floodplain limits to comply with Chapter 46 of City of Bryan Code of Ordinances.

Section AE102.2 (Additions, alterations or repairs) is amended by adding number 4 to read as follows:

4. Alterations to a manufactured home to allow access or opening in an original exterior wall to an addition requires plans designed by a licensed design professional and submitted with the permit application.

Section AE102.2 (Additions, alterations or repairs) is amended by amending the Exception to read as follows:

A structural separation need not be provided when structural plans and details are submitted by a licensed design professional to justify the omission of such separation.

Section AE201 (Definitions) is amended by adding the following definition: Licensed design professional. An architect or engineer licensed to practice in State of Texas.

Section AE201 (Definitions) is amended by revising the definition of "Manufactured Home" and replace with "as per defined in Chapter 130 Bryan Code of Ordinances."

Section AE 106.4 (Expiration) is amended by replacing "180 days" with "90 Days."

Section AE 107 (Fees) is amended by deleting the section and replacing with: Permit Fees, courtesy inspections, and refunds will be required as per adopted Resolution and as adopted by Bryan City Council.

Section AE 114 (Foundation Systems) is amended by deleting the section and replacing with the following: Installation of Manufactured homes to comply with State of Texas and Federal requirements and the manufacturer's installation instructions. Manufactured homes located in the flood hazard areas or with any part of the structure higher than 48" off ground (from ground to lowest finished floor) shall have foundations designed by a licensed design professional.

Section AE 116 (Structural Additions) is amended to read: Accessory structures shall not be structurally supported by or attached to a manufactured home unless plans and details are submitted by a licensed design professional.

Section AE 117 (Building Service Equipment) is amended by deleting the section and replacing with:

The installation, alteration, repair, replacement, addition to or maintenance of Building Service Equipment within the manufactured home shall comply with state and federal standards. Such work located outside the manufactured home shall comply with state requirements and codes adopted by the city. Permits are required per codes adopted by the city.

Section AE 118.1 (Site Development) is amended by deleting the section and replacing with: All exterior doors from a manufactured home shall have landings, guards, handrails, steps, ramps, and egress to public way per requirements of city adopted codes.

Section AE 119 (Occupancy, Fire Safety and Energy Conservation Standards) is amended by adding the following Section AE 119.2 (Smoke Alarms and Carbon Monoxide Alarms): All existing manufactured homes ~~and,~~ newly installed manufactured homes whether used or new homes, and manufactured homes undergoing repairs with repair permit, require at least a battery powered smoke alarm in all sleeping areas/bedrooms and in areas immediately outside of sleeping areas per Section R314. Carbon Monoxide Alarms are required per Section R315.

Section AE 125.1 (General) is amended by deleting "set forth in the Manufactured Home Standards" and replacing with "as required per city adopted codes and NFPA Life Safety Code."

Appendix AX (Building Moving Permit) Appendix V is added to cover moving or relocation of medium to large structures within the city. Please refer to the adopted 2021 International Building Code and added Section 105.3 for Building Moving Permit requirements.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

8.

This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be January 1, 2022.

PASSED, ADDOPTED, AND APPROVED after the first and only reading on the 9th day of November, 2021, at a regular meeting of City Council of the City of Bryan, Texas, by a vote of 6 yeses and 0 noes.

ATTEST:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Andrew Nelson, Mayor

APPROVED AS TO FORM:

_____
Thomas A. Leeper, Interim City Attorney