

ORDINANCE NO. 1296-2024

An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 7, *Building*, of the City of Pearland Code of Ordinances, by amending Chapter 7, *Building*; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.

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

Section 1. That Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended, to read as follows:

“ARTICLE I. – Reserved.

Sec. 7-2—7-12. - Reserved.

ARTICLE II. - BUILDING CODE

Sec. 7-13. Commercial building code adopted.

The International Building Code, 2021 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.

Sec. 7-13.1. Local amendments.

The building code adopted in [section 7-13](#) is modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

101.1 Title.

These regulations shall be known as the Building Code of the city of Pearland, Texas, hereinafter referred to as "this code."

(b) Section 103.1 is hereby amended to read as follows:

103.1 Enforcement Agency.

The division of Permits and Inspections shall enforce this code and the executive official in charge thereof shall be known as the *building official*.

(c) Section 101.4.4 is hereby amended to read as follows:

101.4.4 Property maintenance.

The provisions of the 2021 International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

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(d) Section 104.10.1 is hereby amended to read as follows:

104.10.1 Flood hazard areas.

The *building official* shall not grant modifications to any provision required in flood hazard areas, as established by the currently adopted Flood Insurance Rate Maps of the city of Pearland, unless a letter has been provided by the city of Pearland floodplain administrator stating that such modification would be acceptable per the currently adopted floodplain ordinance.

(e) Section 105.2 is hereby amended to read as follows:

105.2 Work exempt from permit.

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

Buildings:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
3. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated *swimming pools* accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18925 L) and are installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s.
9. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support.
10. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

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Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and televisions transmitting stations: The provisions of the code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment of apparatus.
4. Minimum voltage systems: A permit shall not be required for the installation or repair of any electrical system that operates at less than 50 volts.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment of make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant ~~an~~ and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained an inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement of rearrangement of valves, pipes, or fixtures.

The following entities shall be exempt from permits and inspections:

U.S. Government

Federal Agencies

Federal Independent Contractors

State of Texas

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Brazoria County

Fort Bend County

Harris County

(f) Section 105.5.1 is hereby added as follows:

Section 105.5.1 Renewal of Expired Permits.

Permits that have been expired for less than 180 days may be renewed for half of the original permit fee. Permits that have been expired more than 180 days but less than 360 days may be renewed for the original permit fee. Any permit expired for longer than 360 days will be treated as a new submittal. The building official shall have the authority to grant, deny or amend a renewal request and/or fee based on the circumstances of each individual permit.

(g) Section 107.1 is hereby amended to read as follows:

107.1 General.

Submittal documents consisting of *construction documents*, statement of special inspections and other data shall be submitted in a PDF format with a permit application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data are not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

(h) Section 109.2 is hereby amended to add the following to the end of said section:

109.2 Permit Fees.

Permit fees are established in the City of Pearland Code of Ordinances Appendix A under Building Fee Schedule. When a plan is submitted for review, a plan-checking fee shall be required.

Exception. The following entities shall be exempt from the payment of permit fees only:

Public School Districts

City of Pearland

Pearland Economic Development Corporation

(i) Section 109.4 is hereby amended to read as follows:

109.4 Work commencing before permit is issued.

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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 fee in an amount that is double the permit fee, except where the work was done to an electrical or plumbing system, in which case the fee shall be four times the permit fee. This fee shall be in addition to the required permit fees.

(j) Section 109.6 is hereby amended to read as follows:

109.6 Refunds.

The Building Official shall authorize the refunding of fees where any fee paid hereunder was erroneously paid or collected however, once any plan reviews or inspections have been made no refund will be authorized.

(k) Section 111.5 is hereby added to read as follows:

111.5 Certificate of Completion.

The *building official* is authorized to issue a certificate of completion for permitted work that would not qualify for a certificate of occupancy. The issuance of a certificate of completion will only certify that the work performed is in substantial compliance with the applicable sections of the adopted codes, the local ordinance and with the approved plans. Occupancy of any building, or portion thereof, under a certificate of completion shall not be allowed. The certificate of completion shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the *owner* or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the adopted codes and local ordinance.
6. The name of the *building official*.
7. The edition of the code under which the permit was issued.
8. The type of construction as defined in Chapter 6.
9. If an *automatic sprinkler system* is provided.
10. Any special stipulations and conditions of the building *permit*.
11. The flood zone.

(l) Section 113 is hereby amended to read as follows:

Section 113 Board of Appeals

113.1 Appeals.

All appeals shall be made pursuant to section 7-15 of the City of Pearland Code of Ordinances.

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(m) Section 907.2.1.1 is hereby amended to read as follows:

907.2.1.1 All Assembly Buildings with occupancy of 300 or more shall be required to install an Emergency Voice Alarm Evacuation (Evac) System. Installations shall be in accordance with NFPA-72.

(n) Section 1609.1.1 is hereby amended to add the following exception as follows:

1609.1.1 Determination of wind loads (Exception #7).

For the portions of the City of Pearland located within Brazoria County wind load designs shall comply with the Texas Department of Insurance (TDI) requirements for coastal counties.

(o) Section 1612.1.1 is hereby amended to add the new section as follows:

1612.1.1 Flood Hazard Areas.

The Flood Insurance Study for the City of Pearland, Texas, as amended or revised, with accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), including related supporting data and revisions thereto, is hereby adopted by reference and declared to be a part of this section.

(p) Section 1808.1 is hereby amended to add the following new section as follows:

1808.1.1 Footing and Foundations.

Footings and foundations for new structures, additions or accessory structures greater than 120 square feet shall be designed by a Texas registered professional engineer. Plans shall be submitted with original seals applied and signed.

Sec. 7-14. Conflicts.

In the event of any conflict between the provisions of the code adopted by this article and the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations shall prevail and be controlling.

Sec. 7-15. Construction Board of Appeals.

7-15.1 General. To hear and decide appeals of orders, decisions or determinations made by the building official or fire marshal relative to the application and interpretation of any ordinance or code under the purview of the building official or fire marshal, there shall be and is hereby created a Board of Appeals. The building official and the fire marshal shall be an ex officio member s-of said board but shall not have a vote on any matter before the board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render decisions and findings in writing to the appellant.

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7-15.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the ordinance or code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of the ordinance or code.

7-15.3 Qualifications for Construction Board of Appeals. The Construction Board of Appeals shall consist of seven members: five regular members and two alternates. The members shall be individuals who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

7-15.3.1 Chairman. The board shall annually select one of its members to serve as chairman.

7-15.3.2 Disqualification of member. A member shall not hear an appeal in which that member has any personal, professional, or financial interest.

7-15.3.3 Secretary. The building official shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city Secretary.

7-15.4 Notice of meeting. The board shall meet upon notice from the chairman within 30 days of the filing of an appeal or at stated periodic meetings.

7-15.5 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

7-15.6 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

7-15.7 Board decision. The board shall modify or reverse the decision of the building official by a concurring vote of three members.

7-15.7.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the building official and the fire marshal.

7-15.7.2 Administration. The building official shall take immediate action in accordance with the decision of the board.

7-15.8 Appeals. Any appellant may appeal against the decision of the board to the appropriate court to correct any errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the building official.

Sec. 7-16. Penalty for violation.

Any person who shall violate any provisions of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by [section 1-11](#) of this Code. Each day such violation continues shall be deemed a separate offense.

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Sec. 7-17. Contractor Registration, Licensing, and Insurance

Any person performing construction work for which a permit is required shall register with the city as a contractor prior to performing any work.

Sec. 7-17.1. Registration.

Contractors may register online following the links on the city's webpage or in person at the city's permit counter. Upon registering each contractor will be assigned a unique registration number. This number will be used to login to the city's permitting portal which will allow the contractor to submit permit applications, make payments, print plans, schedule inspections and review inspection results online. Contractors may authorize designee to pull permits for them. The contractor will need to provide the name of each designees-as it appears on their official state issued ID or driver's license. ID's will be verified before permits are issued to protect the contractor. It is the contractor's responsibility to keep the designee list up to date and current.

Sec. 7-17.2. Licensing.

Mechanical, electrical, and plumbing contractors performing work within the city shall have an active license issued by the State of Texas for the respective trade unless exempted by state law.

Sec. 7-17-3. Insurance.

Contractors shall provide proof of liability insurance with a minimum coverage of three hundred thousand dollars (\$300,000) per occurrence combined for property and bodily injury. Proof of insurance shall be submitted to the city on an ACORD certificate of insurance form. The city shall be listed as the certificate holder. Mechanical, electrical, and plumbing contractors shall comply with Texas state laws regarding insurance requirements.

Sec. 7-17-4. Homestead Exemptions.

Homeowners working on their homestead property are exempt from the registration, licensing, and insurance requirements of this section.

Sec. 7-18. Off-street parking and driveway construction standards.

- A. Commercial Off-street parking and driveways shall comply with the standards set forth in Chapter 4 Article 2 of the Unified Development Code.
- B. Driveways for single family dwellings, two family dwellings and townhouses as defined by the International Residential Building Code shall be constructed in the following manner:
 - 1. The area of the proposed driveway shall be prepped and cleaned of all grass and debris.
 - 2. The driveway shall be reinforced with No. 3 rebar, 12 inches on center each way. The rebar shall be adequately supported by chairs so that it remains in the middle of the driveway when concrete is poured.
 - 3. Expansion joints shall be provided as needed.

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4. The concrete shall have a compressive strength of 2,500 psi at 30 days.

Secs. 7-19—7-25. - Reserved.

ARTICLE II½. - SWIMMING POOLS

Sec. 7-26. Swimming pool code adopted.

For the purpose of prescribing minimum standards for the design, construction or installation, repair or alterations of swimming pools, public or private, and equipment related thereto; and requiring a permit and inspection therefor; and providing the administration and enforcement of the standards set forth, within the corporate limits of the city there is hereby adopted and incorporated herein by reference as the swimming pool code of the city that certain swimming pool code known as the 2021 ICC International Swimming Pool and Spa Code. Provided, however, that in the event any conflict may arise between any provision of the swimming pool code adopted by this article and any other applicable provisions of state law or city ordinance, rule or regulation, the provisions of this Code of Ordinances, state law or city rules and regulations shall be controlling. Buildings in which a pool is housed, whether partially or completely, shall utilize moisture removal methods per the 2021 ICC Building and 2021 ICC Mechanical Codes.

Sec. 7-26.1. Local amendments.

The swimming pool code adopted in [section 7-26](#) hereof is hereby modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Swimming Pool Code of City of Pearland, Texas, hereinafter referred to as "this code."

(b) Section 103.1 is hereby amended to read as follows:

103.1 Enforcement Agency. The division of Permits and Inspections shall enforce this code and the executive official in charge thereof shall be known as the *code official*.

(c) Section 108 is hereby amended to read as follows:

108 Permit Fees. Permit fees are established in the City of Pearland Code of Ordinances Appendix A under Building Fee Schedule. When a plan is required to be submitted for review, a plan-checking fee shall be required.

Exception. The following entities shall be exempt from the payment of permit fees only:

Public School Districts

City of Pearland

City of Pearland Economic Development Corporation

(d) Section 202 Definitions is hereby amended to read as follows:

Code Official. The building official of the City of Pearland.

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Secs. 7-27—7-30. - Reserved.

ARTICLE II^{3/4}. - EXISTING BUILDING CODE

Sec. 7-31. Existing building code adopted.

The International Existing Building Code, 2021 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary. This code shall apply to the remodeling, enlargement, and/or repair of an existing building.

Sec. 7-31.1. Local amendments.

The existing building code adopted in [section 7-31](#) hereof is hereby modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the city of Pearland, Texas, hereinafter referred to as "this code."

(b) Section 103.1 is hereby amended to read as follows:

103.1 Enforcement Agency. The division of Permits and Inspections shall enforce this code and the executive official in charge of this code thereof shall be known as the *code official*.

(c) Section 110.4 is hereby amended to read as follows:

110.4 Revocation. The code official is authorized to, in writing, suspend or revoke a certificate of occupancy, certificate of completion or an operating certificate issued under the provisions of the code wherever the certificate is issued in error or on the basis of incorrect information supplied or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

(d) Section 110.5 is hereby added as follows:

110.5 Operating certificate. When an existing space or building is to be occupied with the same or similar use the space or building was issued a certificate of occupancy for and no significant work is needed to occupy the space or building the applicant shall apply for an operating certificate. Under this program city inspectors will make a visual inspection of the space or building to ensure there are no unsafe conditions and the space or building is in substantial compliance with the adopted codes and ordinances. The space or building may not be occupied until the operating certificate has been issued. Issuance of an operating certificate shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

(e) Section 202 is hereby amended to read as follows:

Code Official. The building official of the City of Pearland.

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Secs. 7-32-7-50. Reserved.

ARTICLE III. MECHANICAL CODE

Sec. 7-51. Mechanical code adopted.

The International Mechanical Code, 2021 Edition, as published by the International Code Council, Inc., along with its appendix is hereby adopted by reference and made part of this chapter. In the event of conflict between the International Mechanical Code and the State Energy Conservation Code, the latter shall govern. A true and correct copy of this code shall be on file in the office of the city secretary.

Sec. 7-51.1. Local amendments.

The mechanical code adopted in [section 7-51](#) is modified in the following respects:

(a) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the city of Pearland, Texas, hereinafter referred to as "this code."

(b) Section 103.1 is hereby amended to read as follows:

103.1 Enforcement Agency. The division of Permits and Inspections shall enforce this code and the executive official in charge thereof shall be known as the *code official*.

(c) Section 109 is hereby amended to read as follows:

109 Permit Fees. Permit fees are established in the city of Pearland Code of Ordinances Appendix A under Building Fee Schedule. When a plan is required to be submitted for review, a plan-checking fee shall be required.

Exception. The following entities shall be exempt from the payment of permit fees only:

Public School Districts

City of Pearland

Pearland Economic Development Corporation

(d) Section 106.5.3 is hereby amended to read as follows.

109.6 Refunds. The Building Official shall authorize the refunding of fees where any fee paid hereunder was erroneously paid or collected however, once any plan reviews or inspections have been made no refund will be authorized.

(e) Section 115 is hereby amended to read as follows:

115 Violations. Any person, firm or corporation who shall violate or fail to comply with the requirements or provisions of any section or subdivision of the mechanical code adopted by this article shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be fined not less than one

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hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and each and every day that such violation continues shall constitute a separate offense.

(f) Section 114 is deleted in its entirety and hereby amended to read as follows:

114 Board of Appeals

114.1 Appeals. All appeals shall be made pursuant to section 7-15 of the City of Pearland Code of Ordinances

(g) Section 202 these definitions shall be amended to read as follows:

202 Definitions.

Code Official. The building official of the City of Pearland.

ARTICLE IV. - Reserved

Secs. 7-52- 7-60. Reserved.

ARTICLE V. - SUBSTANDARD AND VACANT BUILDING ABATEMENT

DIVISION 1. - SUBSTANDARD BUILDING ABATEMENT

Sec. 7-61. Minimum standards.

The standards set forth in the International Building Code and the International Property Maintenance Code adopted in this chapter are hereby adopted as the minimum standards for the continued use and occupancy of all buildings within the city regardless of the date of their construction.

Sec. 7-61.1. Authority.

In accordance with this article, the city's building official may require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:

(a) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or

(b) Boarded up, fenced, or otherwise secured in any manner if:

1. The building constitutes a danger to the public even though secured from entry; or

2. Regardless of its structural condition, it is unoccupied by its owners, lessees, or other invitees and is inadequately secured to prevent unauthorized entry or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

When used in this article, the term "building official" shall include the city's building official or a representative of that person.

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Sec. 7-61.2. Substandard buildings described.

Any building that has any of following conditions or defects shall be considered dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare:

- (a) Any building with roof, ceiling, floors, sills, or foundations, or any combination thereof, rotted or decayed and falling apart, windows out, uninhabitable, and untenable, due to obsolescence and deterioration caused by neglect or vandalism or fire damage or old age or the
- (b) Any building that is considered unsafe, unfit for human occupancy, or dangerous as described in Section 108.1 of the International Property Maintenance Code as it may be amended from time to time.

When used in this article, the term "building" shall include any erection or structure of any kind or any part thereof. All substandard structures are declared to be public nuisances and shall be vacated, secured, repaired, removed, or demolished as provided in this article.

Sec. 7-61.3. Placard warnings.

Chief building official may place or cause to be placed a placard on a building that is dilapidated, substandard or otherwise unfit for human habitation or use as a warning of its substandard conditions. An offense is committed under this section if a person, without authority from the chief building official:

- (a) Defaces, removes or destroys a placard placed in accordance with this section
- (b) Enters, occupies, or otherwise uses a structure on which the chief building official has placed a placard; or
- (c) As owner or operator of a structure, authorizes a person to enter, occupy, or otherwise use a structure on which the chief building official has placed a placard.

Sec. 7-61.4. Notice of hearing.

- (a) Generally. Whenever the chief building official determines that a building within the city does not comply with the standards set forth in this chapter and is substandard as described in [section 7-61.2](#), notice of a public hearing must be sent to the owner, lienholder and mortgagee of the property.
- (b) Contents of notice. The notice shall contain the following:
 - (1) The name and address of the owner of the affected property if the information can be determined
 - (2) A legal description of the affected property
 - (3) An identification of the building subject to the hearing
 - (4) A description of the violation of minimum standards set forth in this article that is present at the building
 - (5) A description of the hearing

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(6) A statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time; and

(7) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(c) Identity of persons to receive notice. To determine the identity and address of each owner, mortgagee, and lienholder, the chief building official shall search the following records:

(1) County real property records of the county in which the building is located

(2) Appraisal district records of the appraisal district in which the building is located

(3) Records of the secretary of state

(4) Assumed name records of the county in which the building is located

(5) Tax records of the city; and

(6) Utility records of the city.

(d) Delivery of notice.

(1) Notice of a hearing shall be personally delivered, sent by certified mail with return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to each identified owner, mortgagee and lienholder. If personal service cannot be obtained and the owner's post office address is unknown, notice shall be given by publishing it at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located and posting the notice on or near the front door of the building.

(2) The notice will be considered delivered if notice is mailed in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed."

(e) Filing notice. In addition to providing notice of the hearing in accordance with subsection (d) of this section, the chief building official shall also file notice of the hearing in the official public records of real property in the county in which the property is located. Such notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing.

Sec. 7-61.5. Public hearing.

(a) Hearing. The municipal court judge shall hold a public hearing to determine whether a building complies with the standards set forth in this article. At the public hearing, the owner, lienholder and mortgagee will be given the opportunity to comment, testify or present witnesses or written information about any matter relating to the substandard building.

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(b) Burden of proof.

(1) In the public hearing, the city shall have the burden of proof to demonstrate by a preponderance of the evidence that the building is substandard as described by [section 7-61.2](#).

(2) In a public hearing, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

Sec. 7-61.6. Order.

(a) Generally. After the public hearing, if a building is found in violation of standards set out in this article, the municipal court judge may order that the building be vacated, secured, repaired, removed, or demolished and may also order that the occupants be relocated within a reasonable time. The order issued by the municipal court judge shall specify a reasonable period of time for the owner to take the ordered action and may specify an additional reasonable period of time for the ordered action to be taken by the mortgagees or lienholders in the event the owner fails to comply with the order within the time period provided for action by the owner. The order shall require the owner, lienholder or mortgage to file proof of compliance with the municipal court as specified in subsection (g) below.

(b) Conditions of order.

(1) Submission of reports. If the municipal court judge allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the order shall require the owner, lienholder, or mortgagee to regularly submit progress reports (including inspection results) to the chief building official to demonstrate compliance with the time schedules established for commencement and performance of the work.

(2) Appearance before the judge. If the municipal court judge allows the owner, lienholder, or mortgagee more than go days to complete any part of the work required to repair, remove, or demolish the building, the order may require that the owner, lienholder, or mortgagee appear before the municipal court judge to demonstrate compliance with the judge's order.

(3) Submission of bond. If the municipal court judge allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building and if the owner, lienholder, or mortgagee owns property, including buildings, structures or improvements on property, within the city limits that exceeds one hundred thousand dollars (\$100,000.00) in total value, the order may require the owner, lienholder, or mortgagee to post a cash or surety bond approved by the city attorney in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this section. In lieu of a bond, the order may require the owner, lienholder, or mortgage to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city attorney. The bond must be

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posted, or the letter of credit or third-party guaranty provided, not later than the thirtieth day after the date the order is issued.

(c) Filing the order. Within ten (10) days after the date that the order is issued, the chief building official shall file a copy of the order in the office of the city secretary.

(d) Publishing the order. Within ten (10) days after the date that the order is issued, the chief building official shall publish in a newspaper of general circulation in the city in which the building is located a notice containing:

- (1) The street address or legal description of the property
- (2) The date of the hearing
- (3) A brief statement indicating the results of the order; and
- (4) Instructions stating where a complete copy of the order may be obtained.

(e) Mailing the order. After the hearing, the chief building official shall promptly mail by certified mail with return receipt requested, delivered by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building in the event the owner fails to timely take the ordered action. The order will be considered delivered if notice is mailed to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed."

(f) Reasonable period of time to comply with order.

(1) Thirty (30) days. The order shall require the owner, lienholder, or mortgagee of the building, within thirty (30) days, to:

- a. Secure the building from unauthorized entry; or
- b. Repair, remove, or demolish the building, unless the owner lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.

(2) Securing. If the municipal court judge allows the owner, lienholder, or mortgagee more than thirty (30) days to complete any part of the work required to repair, remove, or demolish the building, the order shall require the owner, lienholder, or mortgagee to secure the property (in accordance with [section 7-61.15](#) of this chapter) from unauthorized entry while the work is being performed.

(3) Thirty-one (31) to ninety (90) days. If the municipal court judge grants the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the order shall set forth specific time schedules for the commencement and performance of the work.

(4) Over ninety (90) days. The order shall not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

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- a. Submits a detailed plan and time schedule for the work at the hearing;
and
 - b. Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (g) Proof of compliance. The following shall be proof of compliance with the order of the municipal court judge:
- (1) A certificate of completion issued by the chief building official if the building is secured in accordance with [section 7-61.19](#) of this chapter;
 - (2) A certificate of completion issued by the chief building official if the building is demolished in accordance with a municipal court order
 - (3) A certificate of occupancy issued by the chief building official if the building is repaired in accordance with a municipal court order.

Sec. 7-61.7. Failing to comply with order.

- (a) If the building is not repaired, vacated, secured, removed, or demolished, or the occupants are not relocated within the allotted time, the municipal court judge shall hold a show cause hearing pursuant to [section 7-61.5](#) and issue another order pursuant to [section 7-61.6](#) authorizing the city to vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. However, this subsection does not limit the ability of the city to collect on a bond or other financial guaranty required by the municipal court judge.
- (b) If the city incurs expenses under subsection (a), the city may assess the expenses, including the actual cost of elimination procedures plus an administrative charge of one hundred dollars (\$100.00), and the city shall have a lien against the property on which the building was located unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for its expenses. The lien arises and attaches to the property at the time the notice of lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner if that information has been determined in accordance with [section 7-61.4](#)(c), a legal description of the real property on which the building was located and the amount of expenses incurred by the city and the balance due. Any lien filed pursuant to this section shall be security for the expenditures made and interest accruing at the rate of ten (10) percent on the amount due from the date of payment by the city. The lien shall be superior to all other liens except tax liens.
- (c) The municipal court judge may order the chief building official to revoke any permit issued in furtherance of an order to secure, repair, remove or demolish if the action ordered by the judge is not performed within the time schedules established for commencement and performance of the work pursuant to the judge's order.

Secs. 7-61.8-7-61.12. Reserved.

DIVISION 2. - VACANT BUILDING ABATEMENT

Sec. 7-61.13. Purpose.

(a) The city council finds and declares that:

- (1) Buildings that are vacant and unsecured or not properly maintained attract criminals and serve as prime locations to conduct illegal criminal activities.
- (2) Buildings that are vacant and unsecured or not properly maintained are vulnerable to being set on fire by unauthorized persons.
- (3) Buildings that are vacant and unsecured or not properly maintained are a blight and cause deterioration and instability in neighboring properties and surrounding areas.
- (4) Buildings that are vacant and unsecure or not properly maintained pose serious threats to the public's health and safety.
- (5) Abatement and rehabilitation of buildings that are vacant and unsecured or not properly maintained are necessary.
- (6) Buildings that are vacant and unsecured or not properly maintained are declared to be public nuisances.

(b) The purpose of this article is to protect the public health, safety, and welfare of the city and its citizens.

This article applies only to buildings which are either (i) ordered by the municipal court judge to be secured in accordance with article V, division 1 of this chapter or (ii) any building or structure regardless of whether it is used or intended for supporting or sheltering any use or occupancy as described in division 2 of article V.

Sec. 7-61.15. Definitions.

Unless otherwise expressly stated, the following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning:

Administrator means the city's chief building official or a representative of that person.

Board, when used as a verb, means to cover an opening of a building or structure with lumber or panels of wood or other material.

Boarded building means a building on which any opening to the outside is covered with lumber or panels of wood or other material in accordance with [section 7-61.22](#). The term does not include a building secured by normal measures.

Building means any structure used or intended for supporting or sheltering any use or occupancy to which this article applies, and includes an enclosed building, open building, and partially open building.

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Owner means the owner of record in the county where the real property is situated; the holder of an unrecorded contract for deed; a mortgagee or vendee in possession; a mortgagor or vendor in possession; and an assignee of rents, receiver, executor, trustee, lessee, or other person in possession or with the right to control of the premises or a portion of the premises. Any person who is included in this definition as an owner has joint and several obligations for compliance with the provisions of this article. A tenant who does not have the right of to possession or control of a portion of the building that is unoccupied is not an owner for the purposes of this article.

Properly maintained means taking measures to:

- (1) Prevent the physical deterioration of the building
- (2) Keep a building and in a clean, safe, secure, and sanitary condition, compliant with all applicable codes; and
- (3) Prevent the building from becoming a public nuisance.

Secure means to take measures to ensure that the building is weatherproof and watertight and that the interior of the building cannot be accessed by:

- (1) Unauthorized persons; or
- (2) Birds, rodents or other animals through broken windows or other openings in the structure.

Secured by normal measures means the use of structural components of a building, including fixtures, such as doors, unbroken windows, locks, latches, electronic security systems, storm shutters, and security shutters which were installed while the building was constructed or added to the building while the building was occupied and being used for lawful purposes.

Secured by other than normal measures means a building secured by means other than those used in the design of a building or that are normally installed and utilized while a building is occupied and being used for lawful purposes. The term includes boarding any window or door opening.

Solid waste means any and all garbage, trash, refuse, and other discarded materials held or accumulated in containers, including without limitation, animal and waste materials resulting from the preparation, processing, or consumption of food; combustible waste materials such as paper, rags, cartons, boxes, plastics; noncombustible materials such as glass, crockery, and metal cans.

Unoccupied means not being used for a lawful occupancy. Vacant building means a building that is any of the following:

- (1) Occupied by unauthorized persons and unsecure
- (2) Unoccupied and unsecured
- (3) Unoccupied and has had three (3) or more violations of property maintenance ordinances within the previous twelve-month period

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Sec. 7-61.16. Enforcement authority.

The administrator is authorized to enforce the provisions of this article and to make all necessary inspections, to issue citations, to give notice and to file applicable charges in the enforcement of this article.

Sec. 7-61.17. Notice of vacant building.

- (a) Upon reasonable suspicion that a building may be a vacant building as determined by the administrator or receipt of a complaint about a vacant building, the administrator may inspect or cause an inspection of the property to determine if the building should be classified as a vacant building.
- (b) If the administrator determines that a building may be classified as a vacant building under this article, the administrator:
 - (1) Shall attempt to contact the owner or an agent of the owner, identified by any sign posted on the property, by telephone or by electronic communication, and advise the owner or agent that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven (7) days from receipt of the notice given pursuant to subsection (b)(2) of this section.
 - (2) Shall mail a notice to the owner, with a copy to any agent identified by any sign posted on the property that advises the owner that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven (7) days from receipt of the notice given pursuant to this subsection.
 - (3) May post notice on the building that it appears that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven (7) days from the receipt of the notice given pursuant to section (b)(2) of this section; and
 - (4) May issue a citation or file a complaint in municipal court for any violations of this article or other applicable provisions of this Code.
- (c) If the owner disputes the administrator's determination that the building should be classified as a vacant building under this article, the owner shall file a written notice of appeal with the administrator within twenty (20) days from receipt of the notice provided in this section. The administrator shall schedule a hearing before the building code board of

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adjustments and appeals to determine whether the building should be classified as a vacant building under this article.

Sec. 7-61.18. Maintenance of vacant building and premises.

- (a) Compliance with applicable laws. Any repairs, improvements, or alterations to the vacant building or on the property must comply with all applicable laws, codes, and regulations.
- (b) Duty to clean.
 - (1) The owner of a vacant building shall remove all solid waste from the interior of the building.
 - (2) The owner of a vacant building shall remove all solid waste, high weeds, and brush from the premises on which the vacant building is located.
 - (3) The owner shall keep the premises on which the vacant building is located properly maintained until the building is returned to an authorized occupancy or demolished.
- (c) Duty to secure.
 - (1) The owner of a vacant building shall lock or secure all doors, windows, and other openings to the vacant building.
 - (2) The owner shall keep a vacant building secured, safe, and properly maintained.
 - (3) If securing a vacant building by normal measures fails to keep the vacant building secure, the owner must use other than normal measures to secure the building, including boarding the vacant building in accordance with [section 7-61.22](#).
- (d) Duty to remove or repair. The owner of a vacant building shall promptly remove or repair any element of the building that is in a condition of decay or partial ruin by reason of neglect, misuse, or deterioration.

Sec. 7-61.19. Standards for boarding a vacant building.

- (a) Except as provided in subsection (c) of this section, if the owner is unable to secure a vacant building by normal means, the owner shall board the vacant building in accordance with the following:
 - (1) All unsecured doorways, windows, or other exterior openings must be covered by exterior grade wooden structural panels or other means as approved in writing by the administrator to ensure that such doorways, windows and other exterior openings are secured on the exterior of the building and not easily penetrated.
 - (2) All exterior materials used to board a vacant building must be painted or coated the same color that is the predominant color of the building.
 - (3) All broken glass and any other loose material must be removed from the opening before the covering systems are installed.
 - (4) Exterior access to floor areas above the first floor, such as fire escapes and ladders, must be secured.

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(5) Fascia signs, overhanging signs, roof signs, and all other appurtenances, such as sun visors or awnings must be removed if they are in a dangerous condition or could create such a condition.

(6) All loose or defective materials, trim, or structural elements on the exterior of the building must be removed.

(7) Any condition which may become a hazard or danger to the public must be corrected.

(8) The administrator maintains the sole discretion to determine if the building was secured in a manner that meets the requirements and intent of article V.

Sec. 7-61.20. - Notice and order to abate.

- (a) Upon finding a violation of this article and following the exhaustion of any right to appeal the administrator's determination, the administrator shall serve, in person or by certified mail, return receipt requested, a final written notice and order to abate upon the owner.
- (b) If the owner fails to abate the violation within the period stated in the notice or within any additional time as the administrator may grant, the administrator may, without further notice, enter upon the property and abate the violation. The owner is liable for the costs incurred by the city to secure the premises and to abate the violation, including any administrative expenses, materials, and labor.

Sec. 7-61.21. Notice of costs incurred by city; lien.

- (a) The administrator shall mail a notice to the owner, mortgagee and lienholder of the property upon which the nuisance has been abated of the costs incurred or expended by the city to abate the nuisance.
- (b) The notice must advise the owner and lienholder that the city proposes to assess its costs against the property and place a lien on the property to collect the costs incurred by the city.
- (c) The administrator shall file a lien against the property for the city's costs.
- (d) Any lien filed pursuant to this section shall be security for the expenditures made and interest accruing at the rate of ten (10) percent on the amount due from the date of payment by the city. The lien shall be superior to all other liens except tax liens.

Sec. 7-61.22. Entry or interference with notice prohibited.

- (a) No person may enter or occupy any building that has been posted under [section 7-61.17\(b\)](#) except to repair or demolish the building under proper permit or for a purpose authorized by the owner, or as allowed under [section 7-61.18](#).
- (b) No person may remove or deface any notice that has been posted under [section 7-61.17\(b\)](#).

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Sec. 7-61.23. Cumulative remedies.

The provisions of this article are not exclusive. The remedies provided by this article are in addition to other procedures or remedies provided by law. Nothing in this article may be deemed to abolish or impair existing authority or remedies of the city.

Sec. 7-61.24. Penalties.

Any person violating any provision of this article or providing false information to the administrator shall upon conviction be punished by a fine in an amount not to exceed two thousand dollars (\$2,000.00). A person commits an offense if he or she intentionally, knowingly, or recklessly engages in conduct that violates any provision of this article.

Secs. 7-62—7-80. - Reserved.

ARTICLE VII. - RESIDENTIAL AND ENERGY CODES

Sec. 7-81. Residential code adopted.

The International Residential Code, 2021 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.

Sec. 7-81.1. Local amendments.

The residential code adopted in [section 7-81](#) is modified in the following respects:

(a) Section R101.1 is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the city of Pearland, Texas, and shall be cited as such and will be referred to herein as "this code."

(b) Section R103.1 is hereby amended to read as follows:

R103.1 Enforcement Agency. The division of Permits and Inspections shall enforce this code and the executive official in charge thereof shall be known as the *building official*.

(c) Section R105.2 is hereby amended to read as follows:

R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet.
2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

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3. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Prefabricated swimming pools that are less than 24 inches deep.
6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
8. Decks not exceeding 200 square feet in area, that are not more than 30 inches above *grade* at any point, are not attached to a swelling and do not serve the exit door required by Section R311.4

Electrical:

1. *Listed* cord and plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefore.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical *equipment* to *approved* permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying *appliances*.
2. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
3. Portable-fuel-cells *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

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Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(d) Section R108.2 is hereby amended to read as follows:

R108.2 Schedule of permit fees. *Permit* fees are established in the City of Pearland Code of Ordinances Appendix A under Building Fee Schedule. When a plan is submitted for review, a plan-checking fee shall be required.

(e) Section R112 is hereby amended to read as follows:

R112 The Board of Adjustment and Appeals

(f) Sections 112.1 is hereby amended to read as follows:

R112.1 Appeals. Appeals of orders, decisions or determinations made by the building official shall be made pursuant to section 7-15 of the City of Pearland Code of Ordinances

(g) Section R113.4 is hereby amended to read as follows:

R113.4 Violations. 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 fee in an amount of double the permit fee, except where the work was done to an electrical or plumbing system, in which case the fee shall be four times the permit fee. This fee shall be in addition to the required permit fees.

(h) Table R301.2 (1) is hereby amended to read as follows:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load: Zero

Wind Design:

Brazoria County:

Wind design shall comply with standards currently adopted by the Texas Department of Insurance (TDI) for Coastal Counties.

Fort Bend and Harris Counties:

Speed: 140 mph ultimate design wind speed

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Topographic Effects: No

Special Wind Region: Yes

Windborne Debris Zone: Yes

Seismic Design Category: A

Subject to Damage From:

Weathering: Negligible

Frost Line Depth: 12 inches

Termite: Very Heavy

Winter Design Temp: 32

Ice Barrier Underlayment Required: No

Flood Hazards:

Brazoria County:

NFIP Date of Entry: July 5th, 1984

Date of FIS: November 22nd, 1999

FIRM Panel Number: 48039C0010I, 48039C0030I, 48039C0035I, 48039C0040I,
48039C0045J, 48039C0065J, 48039C0020H

Fort Bend County:

NFIP Date of Entry: July 5th, 1984

Date of FIS: April 2nd, 2014

FIRM Panel Number: 48157C0310L, 48157C0315L, 48157C0320L

Harris County:

NFIP Date of Entry: July 5th, 1984

Date of FIS: May 2nd, 2019

FIRM Panel Number: 48201C1010M, 48201C1030M, 48201C1035L,
48201C1045L, 48201C1055L, 48201C1065M

Air Freezing Index: 9

Mean Annual Temp: 69.6

(n) Section R401.2 shall be amended to read as follows:

R401.2 Requirements. Footing and foundations for new structures, additions or accessory structures greater than 200 square feet shall be designed by a Texas registered professional engineer. Plans shall be submitted with original seals applied and signed.

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Sec. 7-82. Energy code adopted.

The International Energy Conservation Code, 2021 Edition, as published by the International Code Council, Inc., is hereby adopted and incorporated herein by reference, and a true and correct copy of said code is filed in the office of the city secretary.

Sec. 7-82.1. Local amendments.

The energy code adopted in [section 7-82](#) is modified in the following respects:

- (a) Section C101.1 is hereby amended to read as follows:

C101.1 Title. This code shall be known as the *Energy Conservation Code* of the city of Pearland and shall be cited as such. It is referred to herein as “this code.”

- (b) Section C103.7 is hereby added to read as follows:

C103.7 Enforcement Agency. The division of Permits and Inspections shall enforce this code and the executive official in charge thereof shall be known as the *code official*.

- (c) Section 202 this definition shall be amended to read as follows:

202 Code Official. The building official of the City of Pearland.”

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's Official Code of Ordinances as provided hereinabove.

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Section 6. Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective sixty (60) days from and after its passage on the second and final reading.

PASSED and APPROVED on FIRST READING this the 9th day of January 2024.

J. KEVIN COLE
MAYOR

ATTEST:

FRANCIS AGUILAR, TRMC, MMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the 22nd day of January 2024.

ATTEST:

FRANCIS AGUILAR, TRMC, MMC
CITY SECRETARY

J. KEVIN COLE
MAYOR

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY