

ORDINANCE NO. 1296-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 7, *BUILDING*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, TO AMEND ARTICLE V, ENTITLED *UNSAFE BUILDING ABATEMENT*; TO AMEND SECTION 7-81, ENTITLED *RESIDENTIAL CODE ADOPTED*; TO AMEND SECTION 7-81.1, ENTITLED *LOCAL AMENDMENTS*; TO AMEND SECTION 7-82, ENTITLED *ENERGY CODE ADOPTED*; AND TO ADD A NEW SECTION 7-82.1, TO BE ENTITLED *LOCAL AMENDMENTS*; 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 Article V, *Unsafe Building Abatement*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby AMENDED to read as follows:

“ARTICLE V. PROPERTY MAINTENANCE CODE

Sec. 7-61. Standard code--Adopted; conflicting provisions.

For the purpose of requiring the repair or demolition of those buildings which are dilapidated, substandard or unfit for human habitation and which constitute a hazard to the health, safety and welfare of the citizens of the city, and for the purpose of establishing minimum standards for the continued use and occupancy of such structures, to apply to buildings regardless of when constructed, there is hereby adopted and incorporated herein by reference as the ICC Property Maintenance Code, 2006 Edition. In the event of a conflict between any provision of the Property Maintenance 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 control.

Sec. 7-61.1 Reserved.”

ORDINANCE NO. 1296-2010

Section 2. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-81, entitled *Residential Code Adopted*, to read as follows:

“7-81. Residential code adopted.

The International Residential Code, 2006 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.”

Section 3. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-81.1, entitled *Local Amendments*, to read as follows:

“7-81.1. Local amendments.

The residential code adopted in section 7-81 is modified in the following respects:

(a) Section R105.1.1 is hereby added to read as follows:

R105.1.1 Easements for utilities: Except where alleys are permitted for the purpose, the city may require easements at least ten (10) feet, for poles, wires, conduits, storm and sanitary sewers, gas and water or other utility lines, along all rear lot lines, adjacent to side lot lines if necessary, or if, in the opinion of the city advisable. Easements of the same or greater widths may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. Easements adjacent to lots, tracts or reserves shall be noted: "This easement shall be kept clear of buildings, trees and other permanent obstructions unless the City has agreed to a waiver of encroachment."

(b) Section R313.3.1 is hereby added to read as follows:

R313.3.1 The AC power supply for smoke detector circuits shall not be supplied from ARC-Fault or GFCI circuits.

(c) Section 3002.2.1 is hereby added to read as follows:

ORDINANCE NO. 1296-2010

3002.2.1 Sewer available. Public sewer service is to be considered available to a property when a municipal sewer or manhole is located within two hundred (200) feet of said property.

(d) Section R3501.2.1 is hereby added to read as follows:

R3501.2.1 To avoid relocation of service lines for future development on the lot, all utility service lines shall be installed such that they run along property or easement lines (no further than three feet away) and may only deviate in a perpendicular line to the point on the building where they are to be connected. Underground electrical service lines shall be installed in approved conduit and at least 24 inches in depth below the surface of the ground. Exception: This requirement may be eased on a case by case basis for single family lots larger than 1 ½ acres.

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

R101.1 Title. These regulations shall be known as the *Residential Code Of the city of Pearland, Texas*, hereinafter sometimes referred to as "this code."

(f) Section R104.10.1 is hereby amended to read as follows:

R104.10.1 Areas Prone to Flooding. 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.

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

R105.2 Work exempt from permit. Permits shall not be required for maintenance work costing less than three hundred dollars (\$300), unless inspection is required.

(h) Section R324.2.1 is hereby amended to read as follows:

R324.2.1 Elevation requirements.

1. Buildings and structures shall have the lowest floors elevated to or above the design flood elevation.
In areas prone to flooding (AO Zones) buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade

ORDINANCE NO. 1296-2010

as the depth number specified in feet (mm) plus 12 inches (305 mm) on the FIRM or at least 2 feet (610mm) plus 12 inches (305 mm) if a depth number is not specified.

- (i) Section R403.1.7.3 is hereby amended to read as follows:

R403.1.7.3 Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the top of the nearest curb inlet or the inlet of an approved drainage device a minimum of 12 inches (305mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

1. On natural graded sites the floor elevation shall be set at the highest point, which may be the curb inlet plus 12 inches.
2. On natural graded sites with an open ditch roadway without a curb, the edge of the roadway shall be considered the highest point and the point of reference for establishment of the floor elevation.

- (j) Section R905.7 is hereby amended to read as follows:

R905.7 Wood Shingles and Shakes. No wood shingles or shakes shall be used in the construction of any structure. All plans shall indicate the roofing materials to be used. Additionally, composition shingles shall not be secured with staples.

- (k) Section R110.1 is hereby amended to add the following to the end of said section:

R110.1 Use and Occupancy.

...

For the purpose of this section, the moving of furniture or other personal property items into a property prior to issuance of a certificate of occupancy shall constitute the occupancy or use of the property. Such act is hereby prohibited, unless authorized by the Building Official.

- (l) Section R112.3 is hereby amended to read as follows:

ORDINANCE NO. 1296-2010

R112.3 Qualifications for Board of Appeals. The Board of Adjustment and Appeals shall consist of seven members: five regular members and two alternates. The regular members shall be individuals with knowledge and experience in the technical codes, such as design professionals, contractors, building industry representatives and licensed electrical/mechanical/plumbing tradesmen. The two alternate positions shall be filled by one person from the building industry and one person from the general public.

(m) 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.

(n) Section R301.2 is hereby amended to read as follows:

R301.2 Appendices. The provisions contained in the appendices referenced and listed below are hereby made part of the adopting ordinance:

Appendix A, *Sizing and Capacities of Gas*

Appendix B, *Sizing of Venting Systems*

Appendix D, *Recommended Procedure for Safety Inspection of an Existing appliance installation.*

Appendix E, *Manufactured Housing Used as Dwelling*

Appendix G, *Swimming Pools and Spas*

Appendix H, *Patio Covers*

Appendix J, *Existing Buildings and Structures*

(o) Section R3113.1 is hereby amended to read as follows:

R3113.1 Vent pipes shall not be less than 1 ¼ inches NPS in diameter except for water closets which shall be no smaller than 2 inches NPS. The aggregate venting area (sq inches) of all vents shall only equal the aggregate area (sq inches) of the building sewer.

(p) Section R3114.3 is hereby amended to read as follows:

R3114.3 Where permitted. Air admittance valves shall only be considered for use with prior approval of the construction documents and

ORDINANCE NO. 1296-2010

plans and on a case by case basis as a Modification to the Construction Code.

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

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Speed ⁶ (mph)	Seismic Design Category ⁹	Subject To Damage From				Winter Design Temp ^f	Ice Shield Under- Layment Required ⁱ	Flood Hazards ^h	Air Freezing Index ^j	Mean Annual Temp ^k
			Weathering ⁸	Frost Line Depth ^b	Termite ^c	Decay ^d					
None	110 mph Exposure C	A	Moderate	N/A	VERY Heavy	Slight to Moderate	24°F	None	Jurisdiction Specific	36*	64*

(Footnotes to remain unchanged)

(r) Table R3004.1 is amended to remove the section for Multiple Bath Groups and Footnote C associated therewith.

(s) Section G2415.9.1 (404.9.1), Individual Outside Appliances, is deleted in its entirety.”

Section 4. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to ADD Section 7-82, to be entitled *Energy Code Adopted*, to read as follows:

“7-82. Energy code adopted.

The International Energy Conservation Code, 2006 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.”

Section 5. That Article VII, *Residential and Energy Codes*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to ADD Section 7-82.1, to be entitled *Local Amendments*, to read as follows:

“7-82.1. Local amendments.

The energy code adopted in section 7-82 is modified in the following respects:

(a) Section 507 is hereby amended to read as follows:

ORDINANCE NO. 1296-2010

507 In two inch by four inch (2"X4") exterior wall framing the insulation value for the HVAC linesets entering the vertical wall from the horizontal attic or floor space may be reduced in insulation value and nominal diameter to ensure the structural integrity and continuity of the top plates without overcutting or over-notching the top plates."

Section 6. **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 7. **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 8. **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 9. **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.

Section 10. **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 on August 1, 2010.

ORDINANCE NO. 1296-2010

PASSED and APPROVED on FIRST READING this the 22nd day of April,
A.D., 2010.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the
12th day of April, A.D., 2010.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

VOTING RECORD SECOND AND FINAL READING
APRIL 12, 2010

Voting "Aye" - Councilmembers Owens, Sherman, Kyle,
Saboe, and Cole.

Voting "No" – None.

Motion passed 5 to 0.

PUBLICATION DATE: April 14, 2010

EFFECTIVE DATE: August 1, 2010

PUBLISHED AS REQUIRED BY SECTION 3.10 OF
THE CHARTER OF THE CITY OF PEARLAND, TEXAS