

ORDINANCE NO. 1209-2013

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 SECTION 7-13, ENTITLED *BUILDING CODE ADOPTED*; SECTION 7-13.1, ENTITLED *LOCAL AMENDMENTS*, SECTION 7-26, ENTITLED *SWIMMING POOL CODE—ADOPTED; CONFLICTING PROVISIONS*, SECTION 7-26.1, ENTITLED *SAME—AMENDMENTS, MODIFICATIONS, ADDITIONS, DELETIONS*, SECTION 7-51, ENTITLED *MECHANICAL CODE ADOPTED*, AND SECTION 7-51.1, ENTITLED *LOCAL AMENDMENTS*, AND TO ADD ARTICLE II ³/₄, TO BE ENTITLED *EXISTING BUILDING CODE*; 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 II, *Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-13, entitled *Building Code Adopted*, to read as follows:

“7-13. Commercial building code adopted.

The International Building Code, 2012 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 2. That Article II, *Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-13.1, entitled *Local Amendments*, to read as follows:

“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:

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101.1 Title. These regulations shall be known as the *Building Code Of the city of Pearland, Texas*, hereinafter sometimes referred to as “this code.”

(b) Section 101.2.1 is hereby amended to read as follows:

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

- Appendix B “Board of Appeals”
- Appendix C “Agricultural Buildings” Group “U”
- Appendix D “Fire District”
- Appendix E “Supplementary Accessibility”
- Appendix F “Rodent Proofing”
- Appendix G “Flood Resistant Construction”
- Appendix I “Patio Covers”
- Appendix J “ADA for Historic Buildings”

(c) Section 101.4.1 is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the NFPA 70, National Electric Code (NEC 2011) as published by the National Fire Protection Association, hereto adopted by the City, as amended, shall apply to the installation of electrical systems, including alterations, repairs and replacement of fixtures.

(d) Section 101.4.5 is hereby amended to read as follows:

101.4.5 Property maintenance. The provisions of the 2012 ICC International Property Maintenance Code along with Life Safety Code 2012 shall apply as the standard guide for repairs, alterations, renovations and maintenance of all commercial and residential buildings and appurtenances.

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

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

The following entities shall be exempt from permit fees and inspections:

- U.S. Government
- Federal agencies
- Federal independent contractors
- State of Texas

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Brazoria County

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

School Districts

City of Pearland

City of Pearland Economic Development Corporation

(f) Section 106.3.4.1 is hereby amended to add the following to the end of said section:

106.3.4.1 General.

...

For all projects whether privately or publicly funded, except one and two family dwellings, that are classified as Commercial, Educational, Institutional or Assembly type occupancy with three or more stories in height or more than five thousand (5,000) square feet in area, the Designer shall be an Architect or Engineer legally registered under the laws of this state.

(g) Section 108.2 is hereby amended to add the following to the end of said section:

108.2 Permit fees.

...

When the valuation of the proposed construction exceeds \$1,000 and a plan is required to be submitted, a plan-checking fee shall be paid to the Permit Office at the time when plans and specifications are submitted for review. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in the City Permit Fee Schedule.

(h) Section 108.4 is hereby amended to read as follows:

108.4 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.

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(i) Section 110.1 is hereby amended to add the following to the end of said section:

110.1 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.

(j) Section 112.3 is hereby amended to read as follows:

112.3 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.

(k) Section 903.2.8 is hereby amended to read as follows:

903.2.8 Group R. All "R-1 to R-4" occupancy type (*apartments, etc.*) regardless of number of units or story height shall be fully sprinklered, including balcony, patios and porches. Only Single Family Residencies are exempt from this requirement.

(l) Section 903.2.10 is hereby amended to read as follows:

903.2.10 Group S. All storage facilities (S-1/S-2) with a floor area of 5,000 square feet or more shall be fully sprinklered, regardless of the fire area and aggregate floor area.

(m) Section 907.2.11 is hereby amended to read as follows:

907.2.11 Special Amusement Buildings. 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 907.2.11.1 is hereby amended to read as follows:

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907.2.11.1 Alarm System. Where required, alarm systems shall be installed per NFPA-72 standards and monitored by off premise central station. Systems shall also have occupant notification throughout the building.

(o) Section 1505.6 is hereby amended to read as follows:

1505.6 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.

(p) Section 1507.8 is hereby deleted in its entirety.

(q) Section 1507.9 is hereby deleted in its entirety.

(r) Section 1612.4 is hereby amended to read as follows:

1612.4 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.

(s) Section 1805.1 is hereby amended to read as follows:

1805.1 Footing and Foundations. All structural members (footing & foundations) for commercial structures shall be approved by a registered professional engineer. Plans shall be submitted with original wet seals applied and signed.

(t) Section 2308.9.1 is hereby amended to add the following to the end of said section:

2308.9.1 Size, height and spacing.

...

Two inch by four inch (2"x4") studs shall be spaced a maximum of sixteen inches (16") apart on center, and two inch by six inch (2"x6") studs shall be spaced a maximum of twenty-four inch (24") apart on center O.C.

(u) Section 3410.2 is hereby amended to read as follows:

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3410.2 Applicability. Structures existing prior to the effective date hereof, in which there is work involving additions, alterations (50% of size or market value), or changes of occupancy (after 6-month vacancy), shall be made to conform to the requirements of this section or the provisions of Sections 3402 through 3406 for Additions, Alterations or Repairs.”

Section 3. That Article II ½, *Swimming Pools*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-26, entitled *Swimming Pool Code Adopted*, to read as follows:

“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 2012 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 2012 ICC Building and 2012 ICC Mechanical Codes.”

Section 4. That Article II ½, *Swimming Pools*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-26.1, entitled *Local Amendments*, to read as follows:

“Sec. 7-26.1. Local amendments.

The swimming pool code adopted in section 7-26 hereof is hereby modified in the following respects:

Section 303.4 is deleted in its entirety.

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Section 5. That Article III, *Mechanical Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-51, entitled *Mechanical Code Adopted*, to read as follows:

“7-51. Mechanical code adopted.

The International Mechanical Code, 2012 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.”

Section 6. That Article III, *Mechanical Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby amended to AMEND Section 7-51.1, entitled *Local Amendments*, to read as follows:

“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 sometimes referred to as “this code.”

(b) Section 106.5.2 is hereby amended to read as follows:

106.5.2 Fees. The fees for permits required hereunder shall, from time to time, be established by the city council, and a fee schedule shall be kept in the office of the city secretary.

(c) Section 106.5.3 is hereby added to read as follows:

106.5.3 Refunds. The Building Official shall authorize the refunding of fees where any fee paid hereunder was erroneously paid or collected.

(d) Section 108.4 is hereby amended to read as follows:

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108.4 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, shall be fined not less than one 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.

(e) Section 109.2 is hereby amended to read as follows:

109.2 Board of Appeal: The Building/Fire Code Board of Adjustment and Appeals as established by the city council shall also serve as the mechanical board of appeals for this code.

(f) Section 202 is hereby amended to add the following to the end of said section:

202 Definitions.

...

Whenever the terms “local governing body” or “chief appointing authority” or “administrative authority” or “appropriate authority of the jurisdiction” are used in this code, they shall be construed to mean the City Council of the City of Pearland, Texas.

Whenever the term “department of law” is used in this code, it shall be construed to mean the office of the City Attorney of the City of Pearland, Texas.

Whenever the term “mechanical official” is used in this code, it shall mean the city building official or his duly authorized deputy or assistants or any officer of the city designated by the city council having the duty to enforce the mechanical regulations of the city.

(g) Section 606.1 is hereby amended to read as follows:

606.1 Controls Required. All mechanical systems with over 2000 cubic feet per minute (cfm) capacity shall be equipped with smoke/duct detectors on the supply side of the system, and all mechanical systems with capacity over 15,000 cfm shall be equipped with smoke/duct detectors on both supply and return sides of the system to eliminate smoke travel. If the required control is

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connected to building alarm system, activation shall trigger a general alarm.

(h) Section 1107 is hereby amended to read as follows:

1107 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 7. That Article II ³/₄, *Existing Building Code*, of Chapter 7, *Building*, of the City of Pearland Code of Ordinances, is hereby ADDED, to read as follows:

"ARTICLE II ³/₄. EXISTING BUILDING CODE

10-31. Existing building code adopted.

The International Existing Building Code, 2012 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."

Section 8. 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 9. 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.

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Section 10. **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 11. **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 12. **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, 2013.

PASSED and APPROVED on FIRST READING this the 8th day of July, A.D., 2013.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED on SECOND and FINAL READING this the 22nd day of July, A.D., 2013.

TOM REID
MAYOR

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ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY