

ORDINANCE NO. 2005-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ARTICLE II OF CHAPTER 14 THEREOF AND SUBSTITUTING THEREFORE A NEW ARTICLE II OF CHAPTER 14 ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE AND PROVIDING FOR AMENDMENTS TO THE INTERNATIONAL BUILDING CODE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Article II of Chapter 14 thereof and substituting therefore a new Article II of Chapter 14 to read as follows:

“ARTICLE II. BUILDING CODE*"

Sec. 14-35. International Building Code adopted.

The *International Building Code*, 2003 Edition (non-residential), hereinafter sometimes referred to as the “Code,” as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which shall be kept on file with the city secretary.

Sec. 14-36. Amendments to the International Building Code.

(a) Section 101.4.1 of said Code is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the *National Electrical Code*, 1999 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(b) Section 103 of said Code is hereby amended to provide as follows:

103 Department of Building Safety. The enforcement of this Code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Council and may be removed without cause by City Council. The building official may appoint deputies to assist him/her, subject to

City Council approval. Said deputies shall serve at the pleasure of the City Council and may be removed without cause by City Council.

(c) Section 104 of said Code is hereby amended to provide as follows:

104 Powers and Duties of the Building Official.

104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this Code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code.

104.3 Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

(d) Section 105 of said Code is hereby amended by adding a new Section 105.8 to provide as follows:

105.8 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.

(e) Section 108.4 of said Code is hereby amended to provide as follows:

108.4 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.

(f) Section 110.1 of said Code is hereby amended to provide as follows:

110.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure

or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this Code, or other ordinances of the City shall not be valid.

(g) Section 112.1 of the Code is hereby amended to provide as follows:

112.1 Appeals. Appeals of orders, decisions, or determinations made by the City's building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.

(h) Section 112.3 of the Code is hereby deleted in its entirety.

(i) Section 903, entitled "Automatic Sprinkler Systems" is hereby deleted in its entirety. Sprinkler systems are required as provided in the *International Fire Code*, 2000 Edition, as adopted.

(j) Section 1507.8 of said Code is hereby amended to provide as follows:

1507.8 Wood Shingles and Shakes.

- (a) Allowed roof coverings of any structure regulated by this Code shall be as provided in this Section.
- (b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or reproofing of any structure.
- (c) Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, providing the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(k) Section 1507.9 of said Code is hereby deleted in its entirety.

(l) Appendices. The following Appendices contained in this Code are deleted in their entirety:

Appendix A, Employee Qualifications;

Appendix B, Board of Appeals;

Appendix D, Fire Districts;

Appendix E, Supplementary Accessibility Requirements;

Appendix H, Signs; and

Appendix I, Patio Covers.

The following Appendices are hereby adopted in their entirety:

Appendix C, Group U – Agricultural Buildings;

Appendix F, Rodent Proofing;

Appendix G, Flood-Resistant Construction;

Appendix J of said Code is hereby amended to provide as follows:

J106.1 Maximum Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 2 horizontal to 1 vertical (50 percent) provided that all the following are met:
 - 1.1. It is not intended to support structures or surcharges.
 - 1.2. It is adequately protected against erosion.
 - 1.3. It is no more than 8 feet (2438 mm) in height.
 - 1.4. It is approved by the building official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

J107.6 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by soils reports or engineering data.

* **Cross reference** – Fire prevention code § 34-71 et seq.”

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 5TH DAY OF DECEMBER 2005.

COUNCILMEMBER QUINN	<u> AYE </u>
COUNCILMEMBER FORD	<u> AYE </u>
COUNCILMEMBER FAGAN	<u> AYE </u>
COUNCILMEMBER GATLIN	<u> AYE </u>
COUNCILMEMBER DRIVER	<u> AYE </u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 19TH DAY OF DECEMBER 2005.

COUNCILMEMBER QUINN	<u> AYE </u>
COUNCILMEMBER FORD	<u> AYE </u>
COUNCILMEMBER FAGAN	<u> AYE </u>
COUNCILMEMBER GATLIN	<u> AYE </u>
COUNCILMEMBER DRIVER	<u> AYE </u>

(signed) H. G. Harrington _____
H. G. HARRINGTON, Mayor
City of Tomball

ATTEST:

(signed) Doris Speer _____
Doris Speer, City Secretary
City of Tomball