

**ORDINANCE NO. 221**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS, ADOPTING THE 2015 EDITIONS OF THE INTERNATIONAL FIRE CODE, BUILDING CODE, RESIDENTIAL CODE, PROPERTY MAINTENANCE CODE, PLUMBING CODE, ENERGY CONSERVATION CODE, MECHANICAL CODE, AND FUEL GAS CODE; ADOPTING THE 2014 EDITION OF THE NATIONAL ELECTRIC CODE; ADDING LOCAL AMENDMENTS TO THE ADOPTED CODES; ESTABLISHING THE CITY COUNCIL AS THE BOARD OF APPEALS FOR THESE ADOPTED CODES; ABOLISHING THE BUILDING TRADES BOARD OF ADJUSTMENTS AND APPEALS; PROVIDING FOR SAVING AND SEVERABILITY; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND REPEALING ALL ORDINANCES ADOPTING AND AMENDING PREVIOUS CODE EDITIONS IN CONFLICT HEREWITH.**

\* \* \* \* \*  
**WHEREAS**, the Texas Legislature has adopted the 2000 International Residential Code, the 2001 National Electrical Code, the 2003 International Building Code, and the 2015 International Energy Conservation Code, as the municipal building codes of the state (Tex. Loc. Gov't Code §§ 214.212, 214.214 & 214.216; Tex. Health & Safety Code § 388.002); and

**WHEREAS**, the City adopted the 2006 editions of the International Fire Code, Building Code, Residential Code, Property Maintenance Code, Plumbing Code, Mechanical Code, And Fuel Gas Code in Ordinance No. 179 dated August 19, 2009; and

**WHEREAS**, the City of Wallis ("City") may adopt more recent editions and local amendments to the building codes; and

**WHEREAS**, the City desires to amend its municipal building codes. Now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:**

**"BUILDINGS AND BUILDING REGULATIONS**

**Section 1. Definitions.**

Unless otherwise expressly defined, words and terms used in this ordinance shall have the meanings provided by the International Building Code or any other code adopted in Section 2. The following words, terms and phrases shall be defined as follows.

- (a) *Code official* means the fire marshal, building official, mechanical inspector, plumbing inspector, or any other designee of the appointing authority of the City or a deputy of such designee.

(b) *Owner* shall mean any person, corporation, partnership, or other entity holding legal or equitable title to the property at issue according to public deed and/or tax records, and shall include: a) any person in actual possession of the property; b) any person paying for utility service to the property; c) a lender who has changed the locks on the mortgaged property and for at least ten (10) days after the changing of the locks the owner has not requested entrance to the mortgaged property; d) a lender whose residential mortgagee is more than ninety (90) days delinquent on their residential mortgage loan; and d) a lender who files suit for judgment of foreclosure and sale if the property is vacated by the mortgagee.

(c) *Premises* shall mean the entire portion of real property under the same owner or owners, including all improvements on the property, including but not limited to fences, pipes, utilities, underground and aboveground plumbing and drainage systems, structures, buildings, and trees.

(d) *Complex* means any building or premises containing three or more connected dwelling units.

(e) *Connected* means attached by any means, regardless of the presence of fire walls, fire separations, or other barriers, or closer to another building or structure than is required by the City.

## **Section 2. Adoption of codes and standards.**

There are adopted by the City for the purpose of establishing rules and regulations for: the construction, maintenance and reconstruction of new and existing buildings; the installation, maintenance or repair of all plumbing, mechanical, fire prevention, fuel gas, and electrical systems; fixture piping, appliances and equipment in the city; and minimum standards for all structures within the corporate limits of the city, pursuant to Chapters 214 and 54 of the Texas Local Government Code, the following codes:

- (a) International Building Code, 2015 edition, including appendices J & K;
- (b) International Residential Code, 2015 edition, including appendices M, N, O, & P;
- (c) International Fire Code, 2015 edition, including appendices C & D;
- (d) International Energy Conservation Code, 2015 edition;
- (e) International Fuel Gas Code, 2015 edition;
- (f) National Electric Code, 2014 edition;
- (g) International Mechanical Code, 2015 edition;
- (h) International Plumbing Code, 2015 edition; and
- (i) International Property Maintenance Code, 2015 edition.

**Section 3. Local amendments to adopted codes.**

**(a) Building Code Amendments**

The following sections of the building code adopted in Section 2 are amended as follows.

Section 101.1. Insert: City of Wallis.

Section 103. Including all subsections, is deleted in its entirety.

Section 105.2. Is amended to delete the following subsection from the "Building" category:

1. One-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.

Section 113.3. Is deleted in its entirety.

Section 1612.3. Insert: City of Wallis.

Section 1612.3. Insert: February 16, 1983.

Section 3410.2. Insert: May 1, 2017, effective date of building codes.

In the case of metal-clad buildings, the owner shall submit a certificate bearing the signature of a registered professional engineer stating that every part of the proposed structure has been designed in accordance with the design load, stresses and other requirements of state law and this ordinance.

**(b) Residential Code Amendments**

The following sections of the residential code adopted in Section 2 are amended as follows.

Section R101.1. Insert: City of Wallis.

Section R103.1. Is deleted in its entirety.

Section R104.8. Is deleted in its entirety.

Section R105.2. Is amended to delete the following subsection from the "Building" category:

1. One-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.

Section R112.3. Is deleted in its entirety.

Table R301.2(1). Insert the following as a single chart:

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Underlay Required
			Weathering	Frost Line Depth	Termite	Decay		
0	120 b or c	A	Negligible	6"	Very heavy	Slight to moderate	32	No
Flood Hazards					Air Freezing Index	Mean Annual Temp		
Ord. No. 660 11-30-87 2-16-83 Firm and FBFM					9	69.9		

Section P2603.5.1. Insert: six inches (6")

Section P2603.5.1. Insert: eighteen inches (18")"

Chapter 11 is amended to refer to the requirements of the International Energy Conservation Code adopted in Section 2 and amended in Section 1-103."

Section 112, Board of Appeals, is deleted in its entirety, including all subsections, and replaced with the following: Appeals shall be in accordance with the procedure in the building code adopted in Section 2.

**(c) Fire Code Amendments**

The following sections of the code adopted in Section 2 are amended as follows.

Section 903.2.8, is amended to read as follows: An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*, including multi-family structures, *townhouses, tri-plex* and *quadplex (fourplex)* apartments with no minimum square footage and regardless of any *fire rated walls*, shall have a *fire sprinkler system* installed, when they contain three or more dwelling units. This section shall not apply to detached one- and two-family dwelling units.

Appendix C is amended as follows. Section C103.1, C105 and Table C105.1 are deleted and amended to read: The minimum number of fire hydrants available to a building shall not be less than 1 hydrant per every 4,000 square feet of floor area. Additional hydrants shall be required for a complex or subdivision if the average spacing between hydrants is greater than 500 feet when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within 250 feet.

**(d) Energy Conservation Code Amendments**

The following sections of the energy conservation code adopted in Section 2 are amended as follows.

Section C102.1.2 and R102.1.2 are added and shall read as follows:

*C102.1.2 Alternative compliance.* A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

*R102.1.2 Alternative compliance.* A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.

R402.4.1.2, 1<sup>st</sup> paragraph is amended to read as follows: Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 3.

R402.4.1.2, an additional last paragraph is added and shall read as follows: Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

R403.3.3, an additional last paragraph is added and shall read as follows: Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

TABLE R406.4, is amended to read as follows in accordance with the International Energy Conservation Code as amended and adopted by the Texas Legislature:

TABLE R406.4 MAXIMUM ENERGY RATING INDEX  
(This table is effective until August 31, 2019)

CLIMATE ZONE	ENERGY RATING INDEX
3	65

TABLE R406.4 MAXIMUM ENERGY RATING INDEX  
(This table is effective from September 1, 2019 to August 31, 2022)

CLIMATE ZONE	ENERGY RATING INDEX
3	63

TABLE R406.4 MAXIMUM ENERGY RATING INDEX  
(This table is effective on or after September 1, 2022)

CLIMATE ZONE	ENERGY RATING INDEX
3	59

**(e) Fuel Gas Code Amendments**

The following sections of the fuel gas code adopted in Section 2 are amended as follows.

Section 101.1, Insert: City of Wallis.

Section 103, (FGC) Department of Inspection, is deleted in its entirety, including all subsection.

Section 106.6.2 and 106.6.3. Amended to read as follows: The fee for work schedule shall be as adopted by City Council.

Section 108.4 Misdemeanor

Section 108.5 \$2,000.00

Section 109, Means of Appeal, is deleted in its entirety, including all subsections, and replaced with the following: Appeals shall be in accordance with the procedure in the building code adopted in Section 2.

**(f) Electrical Code Amendments**

Reserved.

**(g) Mechanical Code Amendments**

The following sections of the mechanical code adopted in Section 2 are amended as follows.

Section 103.4. Is deleted in its entirety.

Section 106.5.2. Is amended to read as follows: The fees for mechanical work shall be in accordance with the fee schedule adopted by the City of Wallis.

Section 109, Means of Appeal, is deleted in its entirety, including all subsections, and replaced with the following: Appeals shall be in accordance with the procedure in the building code adopted in Section 2.

**(h) Plumbing Code Amendments**

The plumbing code adopted in Section 2 is amended as follows.

Section P101.1. Insert: City of Wallis.

Section P108.4. Amended to read as follows: Any person, firm, or corporation violating the terms of the plumbing code shall be guilty of a misdemeanor and punished by a fine up to \$2,000.00. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section.

Section P108.5. last sentence is amended to read as follows: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than two thousand dollars (\$2,000).

Section P305.6.1. Insert: six inches (6").

Section P305.6.1. Insert: eighteen inches (18").

Section P903.1. Insert: six inches (6").

Notwithstanding any provision of the plumbing code to the contrary, the following local requirements shall also apply to any plumbing system or portion thereof constructed, altered, installed or maintained inside the jurisdiction of the City.

- (1) No sewer connection shall be made to any premises not connected with the water system.
- (2) Where it is established that a public sewerage system will be available in less than four years and groundwater conditions are favorable to septic tanks, septic tanks may be installed for single-family dwellings or for other limited uses when first approved by the plumbing and mechanical inspector and following other local, state and federal laws governing such installations.
- (3) Whenever the city deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly

shall be installed on the service line of the identified consumer's water system immediately after the meter at the customer's expense.

(4) It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the city deems the hazard to be great, the city may require certified surveys/inspections and tests at a more frequent interval.

(5) No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.

(6) If violations exist or if there has not been any corrective action taken by the consumer within ten days of the written notification of deficiencies noted within the survey, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with state law and city codes relating to plumbing, safe drinking water supplies and the regulations adopted pursuant to such law or code.

(7) Every abandoned building sewer or part shall be plugged and capped in an approved manner at the property line.

(8) Every cesspool, septic tank and seepage pit which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected shall have the sewage removed and be completely filled with earth, sand, gravel, concrete or other approved material.

**(i) Property Maintenance Code Amendments**

The following sections of the property maintenance code adopted in Section 2 are amended as follows.

Chapter 1 is replaced with Exhibit A showing amendments and deletions to that chapter, attached to this ordinance and incorporated herein by reference.

Section 302.4. Insert eighteen inches (18")

Section 303.1. Is amended to read as follows: Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Swimming pools containing water that is black or green in color, or that contain algae or other plants shall be deemed unsanitary.

Section 303.3. Is added and shall read as follows: All swimming pools, spas, hot tubs, ponds or other aesthetic or recreational areas designed to contain water more than 24 inches in depth shall be treated or emptied when not in use to prevent creation of breeding grounds for mosquitos.



Section 304.14. Is amended to require ventilation screens year round.

Section 602.3. Insert: November 1, February 28

Section 602.4. Insert: November 1, February 28

**Section 4. Licensed construction/trade personnel.**

(a) All property owners/occupants or other persons engaged in maintenance, construction or reconstruction activity shall be responsible for ensuring that the activity is accomplished by licensed maintenance and construction/trades personnel qualified for such work using approved materials and performing in accordance with the adopted codes and state and federal laws regulating such activity.

When state law does not regulate licensing, the contractor and/or trade personnel shall provide the city with a permit and license bond in the amount of \$10,000.00 as licensing.

(b) Any person holding a valid masters license issued by the state need not procure a lesser license, and any person holding a valid mechanical license need not procure a lesser license. When two or more master plumbers or mechanical contractors are working on the same job, the supervision, direction and control of the permitted work shall be the responsibility of the person to whom the permit is issued. There shall be a minimum of one licensed master or journeyman plumber on any plumbing job site. The following classes of plumbing, gas or mechanical work may be carried out by persons who are not licensed plumbers or licensed mechanical contractors: plumbing, gas or mechanical work on one's own homestead, as reflected by public records, performed only by the person owning such homestead and where one's family lives; provided that such person shall comply with all requirements and provisions of this article.

**Section 5. Insurance required of master plumbers and mechanical contractors.**

(a) Each licensee requesting plumbing, gas or mechanical permits from the city shall have in force personal liability insurance in the amount of not less than \$100,000.00 for bodily injury sustained by one or more persons as the result of any one occurrence, and \$300,000.00 aggregate with the attachment of the comprehensive general liability form, including products completed operations liability. This insurance coverage (umbrella) with limits in excess of \$100,000.00 bodily injury, \$100,000.00 property damage liability, and \$100,000.00 aggregate is required, provided the licensee has a base coverage that satisfies the excess coverage (umbrella) minimum requirements. The products and completed operations liability covers the public and the contractor from claims arising from an occurrence after the job is completed for one year.

(b) A license holder shall furnish the city with a certificate of insurance evidencing the required insurance coverage.

(c) The city may reduce or waive the insurance requirements for licensees who do not contract with the general public. All requests to waive or reduce the insurance requirements shall be submitted in writing to the building trades board of adjustment and

appeals and shall contain a detailed explanation of the condition on which the license holder is requesting the reduction or waiver. All licensees who contract with the general public shall meet the insurance requirements.

**Section 6. Application and conformity with other codes.**

If there is a conflict between any section of this ordinance and a section of any code adopted by this ordinance or any other City ordinance, the most restrictive section shall apply.

**Section 7. Penalty and unlawful acts.**

Any person, firm, corporation, or organization violating the terms of this Ordinance shall, upon conviction, be guilty of a misdemeanor and fined in an amount not to exceed \$2,000.00 per offense. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section. This penalty shall be in addition to all other remedies available at law or equity.

It shall be unlawful for any person to:

- (a) Display or cause or permit to be displayed or to have in one's possession any instrument purporting to be any license for the doing of any plumbing or mechanical work, knowing such instrument to be fictitious or to have been canceled.
- (b) Lend or knowingly permit the use of any license for the doing of any plumbing or mechanical work when such license has not been lawfully issued to the person so displaying the license.
- (c) Display or to represent as one's own any license for the doing of any plumbing or mechanical work when such license has not been lawfully issued to the person so displaying the license.
- (d) Use a false or fictitious name or address in any application for any permit provided for in this article or any renewal or duplicate of such permit, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application.
- (e) Perform any character of plumbing, gas or mechanical work for which a license is required without the license required or while such license is suspended or canceled.
- (f) Interfere with the plumbing and mechanical inspector or his assistants in the discharge of his duties or to in any manner prevent him from carrying out the provisions of this article.
- (g) Deviate from approved plans, specifications or layouts without the prior written approval of the code official.

(h) Make connection from a source of water, gas or electrical energy to any plumbing, gas or mechanical piping, devices or equipment on an installation for which a permit is required until it has been approved by the code official authorizing such connection and the use of such plumbing, gas or mechanical piping or equipment.

(i) Change or alter plumbing, gas or mechanical piping fixtures, or equipment in or on any building.

(j) Do work for which a license is required by the state without such license or without the required supervision, direction and control.

(k) For any water or gas utility operating in the city to furnish service to any new building, tent or structure of any kind, nature or description without first obtaining clearance from the plumbing and mechanical inspector, stating that such plumbing, gas or mechanical work is approved and a permit has been issued for the use of water or gas. Whenever any gas service is disconnected for six months to any building structure for any cause whatsoever (excepting nonpayment of bill), a gas inspection shall be necessary before each building or structure can be reconnected. On all commercial buildings which are vacated, the gas supply agency shall lock the meter until the plumbing and mechanical inspector shall inspect the building and issue a clearance by permit number.

(l) For any unauthorized person to disconnect any service, except in case of emergency from the utility.

(m) For any person, as owner, agent lessee, renter or otherwise, to violate, disobey or refuse to comply with the provisions of this ordinance; and it shall be unlawful for any person to occupy or maintain any building or structure in which the plumbing, gas or mechanical work, fixtures or appliances are in violation of this ordinance.

### **Section 8. Appeals.**

The Board of appeals shall be the City Council for all codes adopted by this ordinance. Any person aggrieved by any interpretation or decision by the building official or fire marshal under any of the adopted codes, or when it is claimed that the provisions of the code in question do not apply or that any equally good or more desirable form, method or material can be employed in any specific case, or when it is claimed that the true intent and meaning of a code or any of the regulations in a code have been misconstrued or wrongly interpreted shall appeal to the building trades board of adjustment and appeals. Notice of appeal shall be in writing and filed within ten days after the decision is rendered by the building official or fire marshal.

### **Section 9. Application for permits generally; time limit for permits.**

(a) Permits shall be issued to licensed master plumbers or licensed mechanical contractors qualified to secure permits as determined by state law providing for state licensing of plumbing contractors and mechanical contractors or their duly authorized agents who shall be certified to the plumbing and mechanical inspector by affidavit stating that the plumbing or mechanical contractor assumes all and full responsibility of any permit taken out or applied for by the agent.

(b) Permits shall be issued to a person performing plumbing, gas or mechanical work with his own hands in a single-family dwelling owned by him and claimed as his homestead.

(c) Application for permits shall be made in writing upon forms provided by the zivity for that purpose. The application shall include a diagram or plan showing clearly the character and kind of plumbing, gas or mechanical piping or installation of fixtures or equipment work to be done. The plan or layout diagram shall show the manner in which the plumbing, gas or mechanical installation is to be made and shall show the point at which the service connection is required, the arrangement of fixtures, piping equipment and the number of units connected to the equipment. The applications shall also contain the following information.

- (1) The date the application is made;
- (2) The name of the person actually offering the application.
- (3) The address where the plumbing, gas or mechanical work is to be done;
- (4) A description of the plumbing, gas or mechanical work to be done; and
- (5) Other pertinent information required by the building official.

(d) If plumbing, gas or mechanical piping, fixtures or equipment work authorized under a permit is not started within 90 days after issuance of such permit, or if the work is started and then discontinued, and the work remains discontinued for a period of 90 days, the permit shall become void; and no work shall be done on the premises until a new permit is issued and all necessary fees are paid. No refund shall be made for permits that have become void.

#### **Section 10. Restriction on code officials.**

An inspector, code official or deputy code official connected with the City shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the City.

#### **Section 11. Repeal.**

This ordinance expressly repeals Ordinance No. 179, dated August 19, 2009, but is otherwise intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

**Section 12. Effective date.**

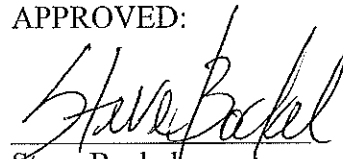
This ordinance shall be effective immediately, except where a later date is expressly provided, upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

**Section 13. Severability.**

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wallis, 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, or whether there be one or more parts."

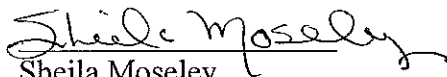
PASSED AND APPROVED on first reading this 20<sup>th</sup> day of Sept, 2017.

APPROVED:



Steve Bockell  
Mayor

ATTEST:



Sheila Moseley  
City Clerk