

ORDINANCE NO. 2023-O-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING PERMITS; AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, TO ADOPT NEW TECHNICAL CODES GOVERNING THE CONSTRUCTION OF STRUCTURES WITHIN THE CITY; ADOPTING THE INTERNATIONAL BUILDING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL BUILDING CODE; ADOPTING THE INTERNATIONAL PLUMBING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PLUMBING CODE; ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL FUEL GAS CODE; ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL MECHANICAL CODE; ADOPTING THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS; ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

\* \* \* \* \*

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

**Section 1.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article II, Building Permits, to read and provide as follows:

“Chapter 17 - BUILDINGS AND BUILDING REGULATIONS

...

**ARTICLE II. - BUILDING PERMITS**

Sec. 17-23. - Building permits.

(a) The fee for obtaining a building permit in the city shall be set at an amount as is determined from time to time by resolution.

(b) The standard minimum requirements for light frame wood structures must comply with the International Building Code; or International Residential Code as well as the current regulations adopted by the Texas Department of insurance.

~~[The standard minimum requirements for roof framing and decking shall be upgraded to the following standards: all rafters 16 inches on center shall have a minimum one-half inch thick plywood decking and all rafters 24 inches on center shall have a minimum five-eighth inch thick plywood decking for any building within the limits of the city.]~~

(c) A building permit is required for the moving of a mobile home into the city, with this exception: When moving a mobile home into an area that is in the flood plain or flood zone, the mobile home must be moved in, set up, and secured. An elevation permit must be obtained before the issuance of a building, electrical, or plumbing permit.

Sec. 17-24. – On-site Sewage Facilities. ~~[Plumbing.]~~

(a) The following fee and types of sewage discharge shall be lawful:

- (1) The fee for obtaining a plumbing permit in the city shall be set at an amount as is determined from time to time by resolution.
  - (2) Sewage discharged into an organized disposal system approved by the state and city building inspector and/or city health officer.
  - (3) Sewage discharged into a private sewage facility which, on the effective date of the ordinance from which this article is derived was already in existence and in compliance with all applicable laws, rules, and regulations; provided, however, that when any such facility is replaced or modified it shall be in accordance with the regulations contained in this article.
  - (4) The sewage discharged shall come up to the standards of the state and shall meet the approved discharge limits provided by the state.
  - (5) Sewage discharged into a private sewage facility permitted in accordance with the regulations contained in this article.
- (b) All sewer systems modified, enlarged or replaced must be permitted and inspected by the city building inspector and/or city health officer. Residential lots, where not served by a public water and sewer systems, shall not be less than one acre.
  - (c) Residential lots served by the state approved public water supply systems shall not be less than one-half acre, unless the lots are served by both public water and sewer, then said lot may be as small as one-third of an acre.
  - (d) Private sewage facilities installed for use by commercial establishments must meet the requirements of residential lots.
  - (e) A minimum state requirement will be enforced as stated in the booklet entitled "Construction Standards for On-site Sewage Facilities" as the same now exists or as hereafter enacted, published by the state department of health and available upon request from the permit department.

Sec. 17-25. [~~Electrical.~~] Reserved.

~~[(a) — The fee for obtaining an electrical permit in the city shall be set at an amount as is determined from time to time by resolution.~~

~~(b) — The National Electrical Code edition adopted by the state commission of licensing and regulation pursuant to state law is hereby adopted by reference as the electrical code for the city in its entirety, except that the standard for all electrical wiring shall be upgraded so that all electrical wiring to be used in any building within the limits of the city shall be at least 600 volt UL approved wiring with no exceptions. No 300 volt wiring or similar inferior electrical wiring shall be permitted and no aluminum wiring of any kind is permitted for use within the city limits.~~

~~(c) — No person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the city, which is regulated by this article, unless said person shall hold a valid, unexpired electrician's license issued pursuant to state law.~~

~~(d) — Nothing in this code shall prevent a home owner from installing or maintaining electrical work within his own property boundaries, providing such electrical work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this code, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.~~

~~(e) — Aluminum wiring shall not be used in the city. Utilities who service and maintain all of their installations may use aluminum wiring.]~~

Sec. 17-26. - Violation and penalties.

Any person, firm, corporation or agent who shall violate or cause to be violated any provision of this article, or fail to comply herewith, or with any of the requirements hereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or

demolished a building or structure in violation of a detailed statement or drawing submitted and approved hereunder, shall be guilty of a misdemeanor, and, upon conviction shall be fined not more than \$500.00. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each day during which any violation of any of the provisions of this article is committed or continued.

Sec. 17-27. - Permit required.

(a) Excluding work expressly stated to be exempt from permits, it [H] shall be unlawful for any person within the city limits or areas developed constructed in accordance with a Development Agreement within the extraterritorial jurisdiction of the city to commence construction or excavation for construction of any building or structure, including accessory buildings, or to commence the erection, reconstruction, conversion, or alteration of any building or structure, including accessory buildings, until the building inspector has issued a building permit for such work. The movement of buildings and other structures into the city is prohibited except upon written authorization of the building official. No building permit shall be issued for any building or structure where the construction, reconstruction, conversion, moving, alteration or use thereof would be in violation of any provisions of this chapter or of the code(s) adopted by the City of Manvel.

(b) No building permit shall be issued for any building or structure, including accessory buildings, unless the lot, plot, tract or parcel of land complies with Sec. 62-3 of the Subdivision Ordinance.

~~[where said building, structure or accessory buildings would be situated upon any lot, plot, tract or parcel of land less than the original size of said lot, plot, tract or parcel of land as previously platted or replatted.]~~

(c) Any person, firm or corporation wishing to obtain a building permit or certificate of occupancy for the erection, construction, reconstruction or expansion of any structure, of which any portion of such erection, construction, reconstruction or expansion would occur within 100 feet, but not closer than

within 50 feet, of any existing pipeline or pipeline easement shall, prior to and as a condition of the issuance of such building permit, execute the following acknowledgment and hold harmless agreement, which shall be duly acknowledged in the manner provided by law, and which shall thereafter be recorded in the appropriate deed or other permanent county records, before issuance of said permit:

"I, (applicant), do hereby state, on my oath, that I fully realize that I am applying for a permit or certificate of occupancy from the City of Manvel to build and/or occupy a structure within 100 feet, but not closer than within 50 feet, of an existing pipeline or pipeline easement; that I am fully aware of the dangers inherent in building near such pipeline or pipeline easement, including, but not limited to, explosion and release of noxious, toxic and flammable substances; and, further, that I do hereby RELEASE and agree to forever INDEMNIFY, DEFEND AND HOLD HARMLESS the City of Manvel, Texas, its officers, successors and assigns from all liability in any way arising from the building, use or habitation of the structure described in the said permit."

No such permit shall be issued where the proposed construction will constitute a violation of dedicated easement rights, and any permit so issued in error shall be void ab initio.

Secs. 17-28—17-55. - Reserved."

**Section 2.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 2, Building Code to adopt the *International Building Code*, 2021 Edition (non-residential), with certain local amendments and deletions thereto, to read and provide as follows:

**“Chapter 17 - BUILDINGS AND BUILDING REGULATIONS**

...

**ARTICLE III. – TECHNICAL CODES**

## **DIVISION 2. - BUILDING CODE**

### **Sec. 17-84. International Building Code.**

(1) The International Building Code, 2021 [2015] Edition (nonresidential), 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 has been filed with the city secretary.

(2) The reference to "building code official" and/or "fire chief" in the International Building Code shall mean the "fire marshal," and/or "building code official" or a duly authorized representative with the duties of administration and enforcement of the code.

### **Sec. 17-85. - Amendments to the International Building Code.**

The International Building Code is expressly amended as follows:

(1) Section 103 of said code is hereby deleted and a new Section 103 is substituted therefor as follows:

103. Building Official. [~~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 manager and may be removed without cause. The building official may appoint deputies to assist him/her, subject to city manager approval. Said deputies shall serve at the pleasure of the city manager and may be removed without cause.

(2) Section 104 of said code is hereby deleted and a new Section 104 is substituted therefor 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.

104.6 [104.2] *Right of Entry*. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or

upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.10 *Modifications*. When there are practical differences involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this code impractical and that modification is in conformance with the intent and purpose of this code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the City.

104.11 *Alternate Materials, Alternative Design and Methods of Construction*. The provisions of this code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate. The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the City.

104.11.2 *Tests*. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or work does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to the City.

Test methods shall be as specified by this code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(3) Sections 105.1, 105.1.1, and 105.1.2 of said code are hereby deleted in their entirety.

(4) Section 105.2 of said code is hereby amended by deleting the exemptions listed 1 through 13 under "Building" and replacing said list as follows:

105.2 *Work exempt from permit*.

...

**Building:**

1. Non-city sidewalks and walkways, unless required by other law such as the ADA or Texas Architectural Barriers Act.
2. Painting, papering, tiling, carpeting, cabinets, countertops, or similar finish work.
3. Prefabricated swimming pools accessory to a group R-3 occupancy, which are less than twenty-four inches (24") deep, do not exceed five thousand (5000) gallons, and are installed above ground.
4. Swings and other playground equipment accessory to one and two family dwellings.

(5) Section 105.5 of said Code is hereby deleted and new Section 105.5 is substituted therefor as follows:

105.5. *Expiration:* No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within one year after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1-1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

Work pursuant to a construction schedule. A permit may be issued for a reasonable period of time, which coincides with a written construction schedule prepared by a licensed architect or engineer, and filed with the City. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed two (2) years. If any permitted work is not completed within this limitation, the permit shall become invalid and must be reissued in order to perform or resume work, together with payment of fees for such reissued permit.

(6) Section 105 of said code is hereby amended by adding a new Section 105.8, which provides 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.

(7) Section 109.2 of said code is hereby deleted and a new Section 109.2 is substituted therefor as follows:

Section 109.2 *Schedule of permit fees.* For buildings, structures, or electrical, gas, mechanical, and plumbing systems or alterations thereof requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Manvel's Fee Schedule, as it may be amended from time to time by City Council.

(8) Section 109.4 of said code is hereby deleted and a new Section 109.4 is substituted therefor as follows:

109.4 *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.

(9) Section 111.1 of said code is hereby deleted and a new Section 111.1 is substituted therefor as follows:

111.1 *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 a 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.

(10) Section 113.1 of the code is hereby deleted and new Section 113.1 is substituted therefor as follows:

113.1. *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. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

(11) Section 113.3 of the code is hereby deleted in its entirety.

(12) Section 114 of the code is deleted in its entirety and the penalty provision of this ordinance is substituted in its place.

(13) Section 202 *Definitions*. The following definitions in Section 202 are amended to read as follows:

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

~~[(14) Section 303.1.3; is hereby amended by add a sentence to read as follows:~~

~~303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy except when applying the assembly requirements of Chapter 10 and 11.~~

~~(15) Section 307.1.1; is hereby amended by add the following sentence to Exception 4:~~

~~4. Cleaning establishments.....with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711 or both. See also IFC Chapter 21, Dry-Cleaning Plant provisions.]~~

(16) Section 903.1.1; is hereby amended to read as follows:

[F] 903.1.1 *Alternative protection*. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as approved by the fire code official.

(17) Section 903.2 is amended to read as follows:

903.2 *Where required*. Approved automatic sprinkler systems shall be required in new buildings and structures when the gross square footage of the building or structure exceeds eight thousand (8,000) square feet, regardless of occupancy use. For any building constructed 6 months after the adoption of this code that exceeds 8,000 sq. ft. or any attached construction, alteration, or in the case of an addition to an existing structure of any group that causes the structure to exceed 8,000 sq. ft., for purposes of this section, an automatic fire sprinkler system shall be installed in the non-conforming or existing structure in addition to the new construction area, regardless of separation. Approved automatic sprinkler systems shall be required in buildings with less than 8,000 square feet, where the code expressly requires it. If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.

(18) Section 903.2.9 is hereby amended to add Section 903.2.9.3 to read as follows:

903.2.9.3 *Self-Service Storage Facility*. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

(19) Section 903.2.11; is hereby amended to change 903.2.11.3 and add new sections 903.2.11.7 and 903.2.11.8, as follows:

903.2.11.3 *Buildings 55 feet or more in height*. An automatic sprinkler system shall be installed throughout buildings that have one or more stories, other than penthouses in compliance with Section 1510 of the International Building Code, located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

1. Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.

2. [deleted]

903.2.11.7 *High-Piled Combustible Storage*. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

903.2.11.8 *Spray Booths and Rooms*. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

(20) Section 903.3.1.2. is hereby amended to read as follows and to add section 903.3.1.2.3 to read as follows:

903.3.1.2 *NFPA 13R Sprinkler Systems*—Automatic sprinkler systems in Group R occupancies up to and including 2 stories in height shall be permitted to be installed throughout in accordance with NFPA 13R.

Section 903.3.1.2.3 *Attics and Attached Garages*. Sprinkler protection is required in attic spaces of such buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

(21) Section 903.3.1.3 is hereby amended to read as follows:

903.3.1.3 *NFPA 13D sprinkler systems*. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4 Condition 1 and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

(22) Section 905.3 is hereby amended to add Section 905.3.9 and exception to read as follows:

905.3.9 *Buildings exceeding 10,000 sq. ft.* In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

(23) Section 907.1 is hereby amended by adding section 907.1.4 to read as follows:

Section 907.1.4 *Design Standard*. All new fire alarm systems installed in structures with more than one story, or larger than two thousand five hundred (2,500) square feet shall be addressable and communication devices shall be compatible for emergency force notification. The system shall have occupant notification throughout the building in compliance with ADA requirements, and manual pull stations shall be required by all exits regardless of any conflicting provision in the code. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

(24) Section 907.2.9.1 is hereby amended to read as follows and all exceptions deleted:

907.2.9.1 *Manual Fire Alarm System*. A Manual Fire Alarm System that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where:

1. Any dwelling unit or sleeping unit is located two or more stories above the lowest level of exit discharge.

2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit, or;

3. The building contains more than 12 dwelling units or sleeping units.

(25) Section 907.6.1 is hereby amended to add Section 907.6.1.1 to read as follows:

907.6.1.1 *Wiring Installation.* All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

(26) Section 907.6.3 is hereby amended by deleting all four exceptions.

(27) Section 907.6.6 is hereby amended by adding a sentence at end of paragraph to read as follows:

See 907.6.3 for the required information transmitted to the supervising station.

(28) Sections 1507.8 is hereby amended by deleting the entire section in its entirety replacing it to read as follows:

1507.8 *Wood Shingles.*

(a) Allowed roof coverings of any structure regulated by this International Building Code shall be as provided in this Section.

(b) Wood shingles are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or re-roofing of any structure.

(c) Existing structures which have wood shingles 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, 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 shingled roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(29) Sections 1507.9 is hereby amended by deleting the entire section in its entirety replacing it to read as follows:

1507.9 *Wood Shakes.*

(a) Allowed roof coverings of any structure regulated by this International Building Code shall be as provided in this Section.

(b) Wood shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or re-roofing of any structure.

(c) Existing structures which have wood 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 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 shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.

(30) *Appendices.* The following appendices contained in the International Building Code are deleted their entirety:

Appendix A, Employee Qualifications;

Appendix B, Board of Appeals;

Appendix D, Fire Districts;

Appendix G, Section G501 Manufactured Homes;

Appendix H, Signs; and

Appendix I, Patio Covers.

Appendices C, E, F, and J contained in such code are hereby adopted.”

**Section 3.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 4, Plumbing Code to adopt the *International Plumbing Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

**“Sec. 17-138. - International Plumbing Code.**

The International Plumbing Code, 2021 [2012] Edition, 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 has been filed with the city secretary.

**Sec. 17-139. - Amendments to the International Plumbing Code.**

- (1) Section 101.1 is hereby deleted in its entirety and a new Section 101.1 is substituted therefor as follows:

101.1 *Title.* These regulations shall be known as the Plumbing Code of the City of Manvel, Texas, hereinafter sometimes referred to as "this Code."

- (2) Section 103 is hereby deleted in its entirety and shall be replaced with the following:

103.1 The code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

- (3) Sections 106.6.2 and 106.6.3 of the Code are hereby deleted in their entirety and a new Section 106.6.2 is substituted therefor as follows:

Section 106.6.2 *Fee Schedule.* The fees for all plumbing work shall be paid as required, in accordance with the City of Manvel's Fee Schedule, as it may be amended from time to time by City Council.

- (4) Sections 108.3 and 108.4 of the Code are deleted in their entirety and the penalty provision of the ordinance from which this section was derived is substituted in its place.

- (5) Section 109 is hereby deleted in its entirety and a new Section 109 is substituted therefor as follows:

109.1. *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. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

Secs. 17-140—17-159. - Reserved.”

**Section 4.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 5, Fuel and Gas Code, to adopt the *International Fuel Gas Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

**“Sec. 17-160. - International Fuel Gas Code.**

The International Fuel Gas Code, 2021 [2012] Edition, 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 has been filed with the city secretary.

**Sec. 17-161. - Amendments to International Fuel Gas Code.**

(1) Section 101.1 is hereby deleted in its entirety and a new Section 101.1 is substituted therefor as follows:

101.1 *Title.* These regulations shall be known as the Fuel Gas Code of the City of Manvel, Texas, hereinafter sometimes referred to as "this Code."

(2) Section 103 is hereby deleted in its entirety and shall be replaced with the following:

103.1 The code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(3) Sections 106.6.2 and 106.6.3 of the code are hereby deleted in their entirety and a new section 106.5.2 is substituted therefor as follows:

Section 106.6.2 *Fee Schedule.* The fees for all plumbing work shall be paid as required, in accordance with the City of Manvel's Fee Schedule, as it may be amended from time to time by City Council.

(4) Sections 108.3, 108.4, and 108.5 of the code are deleted in their entirety and the penalty provision of the ordinance from which this section was derived is substituted in its place.

(5) Section 109 is hereby deleted in its entirety and a new section 109 is substituted therefor as follows:

109.1. *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. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

- (6) Section 409.2 is hereby deleted in its entirety and a new section 409.2 is substituted therefor as follows:

409.2. *Meter Valve.* Every meter shall be equipped with a shutoff valve located on the supply side of the meter, outside of any structure or dwelling, and shall be downstream of the meter, between the meter and point of entry into any structure or dwelling.

Secs. 17-162—17-188. - Reserved.”

**Section 5.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 6, Energy Conservation Code, to adopt the *International Energy Conservation Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

**“Sec. 17-189. - International Energy Conservation Code.**

The International Energy Conservation Code, 2021 [2012] Edition, 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 has been filed with the city secretary.

**Sec. 17-190. - Amendments to International Energy Conservation Code.**

- (1) Section C101.1 is hereby deleted in its entirety and a new section C101.1 is substituted therefor as follows:

C101.1 *Title.* These regulations shall be known as the Energy Conservation Code of the City of Manvel, Texas, hereinafter sometimes referred to as "this code."

- (2) Section C109. *Means of Appeal* is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

Secs. 17-191—17-222. - Reserved.”

**Section 6.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 7, Mechanical Code, to adopt the *International Mechanical Code*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

**“Sec. 17-223. - International Mechanical Code.**

The International Mechanical Code, 2021[ ~~2012~~] Edition, 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 has been filed with the city secretary.

**Sec. 17-224. - Amendments to International Mechanical Code.**

(1) Section 103 of said code is deleted in its entirety and shall be replaced with the following:

103.1 The code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(2) Section 104 of said Code is hereby deleted in its entirety and a new section 104 is substituted therefor as follows:

*104. Duties and powers 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.

104.2. *Right of entry.* When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

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.

105.1. *Modifications.* When there are practical differences involved in carrying out the provisions of this Code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this Code impractical and that modification is in conformance with the intent and purpose of this Code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the city.

105.2. *Alternate materials, alternative design and methods of construction.* The provisions of this Code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this Code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this Code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this Code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate. The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the city.

105.3. *Tests.* Whenever there is insufficient evidence of compliance with any of the provisions of this Code or evidence that any material or work does not conform to the requirements of this Code, the building official may require tests as proof of compliance to be made at no expense to the city.

Test methods shall be as specified by this Code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(3) Section 106.4.3 and 106.4.4 of said code are deleted in their entirety and a new section 106.4.3 is substituted therefor as follows:

106.4.3. *Expiration.* Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of such permit shall not exceed 1-1/2 years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

(4) Section 106 of said code is amended by adding a new section 106.5.4, which provides as follows:

106.5.4. *State license.* All persons performing work within the city governed by this Code shall be licensed by the State of Texas, and shall submit to the city proof of insurance as required by the state or by statute.

(5) Section 106 of said code is amended by adding a new section 106.5.5, which provides as follows:

106.5.5. *Construction hours.* Within the City of Manvel, Texas, and ETJ, outdoor (unenclosed) construction of buildings and structures and related activities is permitted during the time periods allowed by section 17-415 of The City Code, and the Design Criteria Manual.

The building official shall include written notice of these construction hours with each building permit issued.

These hours shall apply except in cases of extreme and urgent necessity, which are in the interest of public safety and convenience, and then only by permit obtained from and issued by the City's building official. Such permit may be renewed during the time the emergency exists.

(6) Section 106 of said code is amended by adding a new section 106.5.1, which provides as follows:

106.5.1. *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.

(7) Said code is amended by deleting section 106.5.2 and appendix B, entitled "Permit fee schedule" as fees shall be charged in accordance with the city's fee schedule, as it may be amended from time to time.

(8) Section 108 of said code is deleted in its entirety and the penalty provision of this division is substituted in its place.

(9) Section 109 of said code is deleted in its entirety and a new section 109 substituted therefor as follows:

109. *Means of appeal.* Appeals of orders, decisions, or determinations made by the 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 the particular subject under consideration. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official.

(10) Appendix A contained in the International Mechanical Code is hereby adopted.

Secs. 17-225—17-240. - Reserved.”

**Section 7.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 9, Residential Building Code, to adopt the *International Residential Code for One and Two Family Dwellings*, 2021 Edition, with certain local amendments and deletions thereto, to read and provide as follows:

**“Sec. 17-275. Residential Building Code.**

The International Residential Code for One and Two Family Dwellings, 2021 [2012] Edition, 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 has been filed with the city secretary.

**Sec. 17-256. - Amendments to Residential Building Code.**

(1) Section R103 of said code is hereby deleted in its entirety and a new section R103 is substituted therefor as follows:

R103 Building Official. [~~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 manager and may be removed without cause. The building official may appoint deputies to assist him/her, subject to city manager approval. Said deputies shall serve at the pleasure of the city manager and may be removed without cause. If the building official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(2) Section R104 of said code is hereby deleted in its entirety and a new section R104 is substituted therefor as follows:

*R104 Duties and Powers of the Building Official.*

R104.1 *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.

R104.2 *Right of Entry.* When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may

request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

R104.3 *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.

R104.4 *Modifications*. When there are practical differences involved in carrying out the provisions of this Code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this Code impractical and that modification is in conformance with the intent and purpose of this code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the City.

R104.5 *Alternate Materials, Alternative Design and Methods of Construction*. The provisions of this code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this Code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this Code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate. The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the City.

R104.6 *Tests*. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or work does not conform to the requirements of this Code, the building official may require tests as proof of compliance to be made at no expense to the City.

Test methods shall be as specified by this Code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(3) Section R105.2 of said Code is hereby amended by adding the following to the list of exemptions: (a) carports (attached) of area less than 400 square feet; and (b) decks of less than

30 inches in height. [~~Additionally, carports (detached) of area less than 600 square feet are still required to be permitted, but are exempt from the payment of the permit fee, with the following conditions:~~

- ~~a. — Less than 600 square feet in area;~~
- ~~b. — Enclosed on no more than two sides;~~
- ~~c. — Unfinished on the interior;~~
- ~~d. — No utilities connected to the structure;~~
- ~~e. — Can be used only for parking and limited storage and not used for habitation (no working, sleeping, living, cooking, or restroom areas);~~
- ~~f. — Must be detached from residential structure;~~
- ~~g. — Must be firmly anchored to prevent floatation, collapse, and lateral movement;~~
- ~~h. — Must abide by the same setbacks as required by zoning on the property;~~
- ~~i. — No elevation certificate is required; and~~
- ~~j. — A site drawing (can be hand drawn) is required to show where the structure will be located.]~~

(4) Section R105.5 of said code is hereby deleted in its entirety and a new section R105.5 is substituted therefor as follows:

*R105.5 Expiration.* No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1-½) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

(5) Section R105 of said code is hereby amended by adding a new section R105.10, which provides as follows:

*R105.10 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.

(6) Section R108 of the code is amended by adding to section R108.2 the following provision:

R108.2 *Schedule of permit fees.* Fees shall be charged in accordance with the City's Fee Schedule, as it may be amended from time to time.

(7) Section R108 of said code is hereby amended by adding a new section R108.6, which provides as follows:

R108.6 *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.

(8) Section R110.1 of said code is deleted in its entirety and a new section R110.1 is substituted therefor, which provides as follows:

R110.1 *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 a 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.

(9) Section R112.1 of the code is hereby deleted and new section 112.1 is substituted therefor 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. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the building official.

(10) Section R112.3 of the code is hereby deleted in its entirety.

(11) Section R113 of the code is deleted in its entirety and the penalty provision of the ordinance from which this section was derived is substituted in its place.

(12) Chapter 4, section R401.1—Application, shall be amended to provide:

- (a) All flat work shall be reinforced to city requirements; and
  - (b) All reinforcement shall be elevated as required in ACI 318 and ACI 302.
- (13) Sections R905.7 and R905.8 of the code are deleted in their entirety and a new section R905.7 is substituted therefor as follows:

*R905.7 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 re-roofing of any structure.

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.

- (14) The following appendices contained in the code are deleted their entirety:

Appendix AD, AE, AF, AH, AI, AJ, AK, AL, AM, AO, AQ, AR, AS, AT, AU, AV, AW, AX

~~[The following appendix contained in the code is deleted its entirety:~~

~~Appendix E, Manufactured Housing Used As Dwellings]~~

- (15) Section G2420.2 (409.2) is hereby deleted in its entirety and a new section G2420.2 (409.2) is substituted therefor as follows:

Section G2420.2 (409.2) Meter Valve. Every meter shall be equipped with a shutoff valve located on the supply side of the meter, outside of any structure or dwelling, and shall be downstream of the meter, between the meter and point of entry into any structure or dwelling.

~~[Appendices A through D, and F through K contained in the Code are hereby adopted.]~~

Appendices AA, AB, AC, AG, AN, and AP contained in the Code are hereby adopted.

(16) Section P2904 Dwelling Unit Fire Sprinkler Systems is amended to provide that residential sprinkler systems are optional and not required.

Secs. 17-257—17-260. - Reserved.”

**Section 8.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 10, International Swimming Pool and Spa Code, to adopt the *International Property Maintenance Code*, 2021 [~~2012~~] Edition, with certain local amendments and deletions thereto, to read and provide as follows:

**“DIVISION 10. – PROPERTY MAINTENANCE CODE**

**Sec. 17-261. - The International Property Maintenance Code.**

The International Property Maintenance Code, 2021 [~~2018~~] Edition, 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 has been filed with the city secretary.

**Sec. 17-262. - Amendments to the International Property Maintenance Code.**

(1) Section 101.1 of said Code is hereby deleted in its entirety and a new Section 101.1 is substituted therefor to read as follows:

Section 101.1 *Title*. These regulations shall be known as the International Property Maintenance Code of the City of Manvel, Texas, hereinafter sometimes referred to as the "Code."

(2) Section 101.4 of said Code is hereby deleted in its entirety.

(3) Section 102.3 of said Code is hereby deleted in its entirety.

(4) Section 103.2 of said Code is hereby deleted in its entirety and a new Section 103.2 is substituted therefor to read as follows:

103.2 *Appointment*. The code official shall be appointed by the city manager and may be removed without cause at any time. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

(5) Section 103.5 of said Code is hereby deleted in its entirety and a new Section 103.5 is substituted therefor as follows:

103.5 *Fees*. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be approved by resolution adopted by City Council; said fees may be changed from time to time by resolution adopted by City Council.

(6) Section 104.1 of said Code is hereby amended by amending Section 104.1 to read and provide as follows:

104.1 *Rule-making authority*. The code official shall have authority as necessary in the interest of the public health, safety and general welfare, to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

(7) Section 111, *Means of Appeal* is hereby modified to provide that an appeal from [a] an interpretation of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within twenty (20) calendar days from receipt of the decision of the code official. Any appeal of an interpretation decision does not constitute an appearance in any related criminal case filed in municipal court. The municipal court judge, at his or her discretion, may stay a pending criminal case until the appeal has been decided by the city council.

(8) Section 112.4 is hereby amended to read as follows:

112.4 *Failure to comply*. Any person who shall continue any work 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 assessed a fine up to \$2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(9) Section 302.3 of the Code is hereby amended to read as follows:

302.3 *Sidewalks and driveways*. All non-City sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(10) Section 302.4 of said code is hereby deleted in its entirety and a new amended section 302.4 is substituted therefore to read as follows:

302.4 *Weeds*. All premises and exterior property shall be maintained free from weeds or plant growth in the excess of nine inches (9"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 302.4 and as prescribed by the authority having jurisdiction. Upon failure to comply with the

notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(11) Section 304.14 of said code is hereby deleted in its entirety and a new section 304.14 is substituted therefor to read as follows:

304.14 *Insect screens*. During the period from January 1st to December 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing devise in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(12) Section 602.3 of said code is hereby deleted in its entirety and a new section 602.3 is substituted therefor to read as follows:

Section 602.3 *Heat supply*. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1st through May 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(13) Section 602.4 of said code is hereby deleted in its entirety and a new section 602.4 is substituted therefor to read as follows:

Section 602.4 *Occupiable work spaces*. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to May 1st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.”

**Section 9.** The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending Chapter 17, Buildings and Building Regulations, Article III, Technical Codes, Division 12, International Swimming Pool and Spa Code, to adopt the *International Swimming Pool and Spa Code*, 2021 [2012] Edition, with certain local amendments and deletions thereto, to read and provide as follows:

**“DIVISION 12. - SWIMMING POOL AND SPA CODE**

**Sec. 17-264. - The International Swimming Pool and Spa Code.**

The International Swimming Pool and Spa Code, 2021 [2012] Edition, is hereby adopted. A copy of said code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

**Sec. 17-265. - Amendments to the International Swimming Pool and Spa Code.**

- (a) Section 101.1 of said code is hereby deleted in its entirety and a new section 101.1 is substituted therefor to read as follows:

Section 101.1 *Title.* These regulations shall be known as the International Swimming Pool and Spa Code of the City of Manvel, Texas, hereinafter sometimes referred to as the "Code."

- (b) Section 103, *Code Official* [~~Department of Building Safety~~], shall be amended to provide that the code official and any deputies shall be appointed by, and serve at the pleasure of, the city manager. If the code official or any deputy is hired as a city employee, he/she shall be an at-will employee and shall be subject to the city's ordinances and personnel policies governing all city employees.

- (c) Section 108, *Means of Appeal*, is hereby modified to provide that an appeal from a decision of the code official shall be to the city council, who shall act as the board of appeals. Any appeal must be filed within 20 calendar days from receipt of the decision of the code official.

- (d) Section 304, *Flood Hazard Areas*, is deleted.

- (e) Chapter 7, *Onground Storable Residential Swimming Pools*, is deleted.

Secs. 17-28—17-55. - Reserved. “

**Section 10.** Future Amendments. Future amendments of these codes not including clarifications or technical notices of any type, are not adopted by this Ordinance and must be subsequently approved and adopted by the City Council.

**Section 11.** Effect of Code. This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the City Council, the City, its agents or representatives assume any such liability by reason of these regulations or the inspections authorized by this Code or any permits or certificates issued under this code.

**Section 12.** Penalty. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense. Any person who shall continue any work after being 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 in an amount not to exceed \$2,000.00.

**Section 13.** Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 14.** Severability. In the event any 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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, 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.

PASSED AND APPROVED on first reading this 6 day of February, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this February 21, 2023.

Debra Davison  
Debra Davison, Mayor

ATTEST:

Tammy Bell

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Bobby Gervais

Bobby Gervais, City Attorney

