



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-2

Date: December 13, 2006

Subject: Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6 by adopting the 2006 International Building Code with amendments.

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Item Reference: Tyler City Code Sections 6-1 through 6-2; Building Code; Texas Local Government Code Section 214.216

ADOPTION OF 2006 INTERNATIONAL BUILDING CODE WITH AMENDMENTS

On October 26, 2005, the City Council adopted the 2003 Edition of the International Building Code, with amendments. This is one of the standard technical codes used nationwide, and such codes are revised and updated every few years by the International Code Council (ICC). Texas Local Government Code Section 214.216(b) states that the International Building Code applies to all commercial buildings in a municipality for which construction begins on or after January 1, 2006, and to any alteration, remodeling, enlargement, or repair of those commercial buildings. Furthermore, Texas Local Government Code Section 214.216(d) provides that a municipality may review and consider amendments made by the International Code Council to the International Building Code after May 1, 2003.

The Development Services Department has reviewed and recommends adoption of the 2006 Edition of the International Building Code, along with the amendments described below. Most of the amendments below are similar to the amendments that were made when the City of Tyler previously adopted the 2003 International Building Code. Adoption of the 2006 International Building Code will facilitate proper inspection activities by the City of Tyler relating to buildings and structures, and is necessary to comply with State law.

The Construction Board of Adjustment and Appeals is responsible for reviewing the various international codes for adoption. On December 4, 2006, the Construction Board of Adjustment and Appeals voted to recommend adoption of the 2006 International Building Code with amendments.

Significant Changes from the 2003 Edition of the International Building Code to the 2006 Edition include the following:

303.1 Assembly Group A: Is now permitted to be classified as a Group B occupancy when less than 50 persons or is less than 750 square feet.

403.3.1 Type of Construction: Buildings no greater than 420 feet in height, Type IA construction shall be allowed to be reduced to Type IB.

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406.1.4 Separation: Garages shall be separated from the dwelling unit and attic with 1/2" sheetrock. Habitable rooms above garage separated by 5/8" sheetrock type X sheetrock. Doors shall be self-closing and self-latching.

419 Group I-1, R-1, R-2 and R-3: A new code section has been created to provide scoping requirements for dwelling-unit and sleeping-unit fire separations. Separation walls shall comply with 708. Horizontal separation shall be constructed as per section 711. (1 hour unit separation walls, ceiling and floors)

Table 508.3.3 Required Separation of Occupancies: Replaces Table **302.3.2** Method of addressing mixed-occupancy as it relates to fire separation (sprinkled and non-sprinkled).

Table 602.4 Type IV construction (heavy timber) New Table: Wood member size, solid wood and glued laminated.

707.14.1 Elevator Lobby: Required where the elevator shaft enclosure connects at least four stories.

The philosophy now addressed in the code is based on reducing the potential for smoke to travel from floor to floor by way of an elevator shaft.

Table 715.4 Fire Door and fire Protection Ratings: New table added to code. The minimum rating for a fire door or fire shutter located in a fire partition with a 0.5 hour fire-resistance rating has been established as one-third of an hour (20 min.).

717.3.1 Draftstopping Materials: Added the use of mineral wool and glass fiber batts.
(used in walls, floors and ceiling)

903.2.1.2 Group A-2 (food and drink is a primary function): fire area exceeds 5,000 square feet. Fire area has an occupancy load of **100** or more (was 300) requires an automatic sprinkler system.

1003.2 Ceiling Height: The means of egress shall have a ceiling height of 7 feet 6 inches (was 7 feet 0 inches).

Table 1004.1.1 Maximum Floor Area Allowances Per Occupant: Occupant load determination for Day Care functions was added to table (35 net).

Table 1015.1 Spaces with One Means of Egress: The maximum occupant load permitted for a Group E Day Care occupancy with a single means of egress has been reduced from 50 occupants to 10 occupants.

1405.12.2 Window Sills: A new code provision regulating operable windows in dwellings (R-2, R-3) mandates a minimum Height of 24" from finished floor to the clear opening of the window where the distance between such opening height and grade below exceeds 6 feet.

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Important amendments to the 2006 International Building Code include the following:

Section 101.2. Scope. A specific provision is added so that the International Building Code shall apply at Tyler Pounds Regional Airport. This is consistent with current practice, but it is recommended that this be explicitly stated in the ordinance. Also, per amended Texas Local Government Code Section 214.213, this section is amended to state that the International Building Code does not apply to the installation and maintenance of electrical wiring and related components. Accordingly, Chapter 27 relating to electrical requirements is deleted, and a specific reference to the National Electrical Code is added.

Section 101.4.1. Section 101.4.1 relating to the ICC Electrical Code is deleted, as Section 101.2 references the National Electric Code in accordance with state law.

Section 101.4.5. Section 101.4.5 relating to the Property Maintenance Code is deleted in its entirety, as the City has not adopted this particular code.

Section 102.6. Grandfathers existing legal structures.

Section 104.8. Deletes the liability provisions, as liability of City officials, City employees, and members of City boards is already governed by City Code Section 2-62.

Section 105.5. Adds current ordinance language by authorizing the Building Official to impose a time limit as a condition to a demolition permit. Demolition work in the Fire District must be conducted so that the demolition and clean-up are completed within sixty (60) days after issuance of the demolition permit. The Building Official has the discretion to grant up to two (2) thirty-day extensions for completing demolition work.

New Section 105.5.1. Notice of certain demolitions. When an applicant for voluntary demolition of a building or structure that is in the Fire District and that is located within ten (10) feet of an adjoining property line, and the adjoining property contains a building/structure within three (3) feet of the property line containing the building/structure to be demolished, then the applicant must sent written notice of the proposed demolition to the adjoining landowner not later than ten (10) business days before the date of demolition.

Section 108.6. References relating to refunds are deleted, as fees are already governed by City Code Chapter 6.

Section 112. The 2006 International Building Code contains specific membership and powers of a “Board of Appeals.” A Construction Board of Adjustment and Appeals has been in existence for years. To avoid disrupting the Construction Board’s current membership and powers, the current ordinance language relating to the Construction Board is re-adopted., and the references to a “Board of Appeals” are deleted.

Section 113.4. References to penalties are deleted, as penalties are already governed by City Code Section 1-4.

Chapter 11. Chapter 11 relating to Accessibility Standards for disabled persons is deleted, as such standards are already governed by Federal and State law.

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Appendices. Per Section 101.2.1 of the 2006 International Building Code, provisions in the Appendices shall not apply unless specifically adopted. The attached ordinance specifically adopts Appendices C., D. F. G. and I. The following Appendices are deleted:

Appendix A. Appendix A relating to employee qualifications is deleted, as employee qualifications are already governed by City Charter, City Code, and City Policy.

Appendix B. Appendix B relating to the “Board of Appeals” is deleted due to re-adoption of the “Construction Board of Adjustment and Appeals” provisions in Section 112.

Appendix E. Appendix E. relating to supplementary accessibility standards for disabled persons is deleted, as such standards are already governed by Federal and State law.

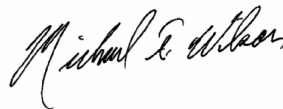
Appendix H. Appendix H. relating to Signs is deleted, as the City already has signage regulations in City Code Section 10-247.

Appendix J. Appendix J. relating to Grading is deleted.

Appendix K. Appendix K. relating to the ICC Electrical Code is deleted.

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Tyler City Code Chapter 6 by adopting the 2006 International Building Code with amendments.



**Drafted/Recommended By:
Department Leader**

Michael T. Wilson

**Edited/Submitted By:
City Manager**

ORDINANCE NO. O-2006-101

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES," ARTICLE I, "BUILDING CODE", OF THE CODE OF ORDINANCES, CITY OF TYLER, TEXAS, RELATING TO ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE WITH AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety, and welfare; and

WHEREAS, the 2003 International Building Code with local amendments is currently in effect; and

WHEREAS, Texas Local Government Code Section 214.216(d) provides that a municipality may review and consider amendments made by the International Code Council to the International Building Code after May 1, 2003; and

WHEREAS, Texas Local Government Code Section 214.216(c) also provides that a municipality may establish procedures to adopt local amendments to the International Building Code, as well as for the administration and enforcement of the International Building Code; and

WHEREAS, the 2006 International Building Code with local amendments as recommended by the Construction Board of Adjustment and Appeals should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS;

PART 1: That Tyler City Code Chapter 6, "Buildings and Structures," Article I, "Building Code," is hereby amended by amending Section 6-1 to read as follows:

Sec. 6-1. Building code adopted.

The 2006 edition of the International Building Code, as amended, is hereby adopted by reference and incorporated herein. Copies of the Building Code and amendments thereto are available in the Inspection and City Clerk's offices. Ord. No. 8-7-70, § 1; Ord. of 9-20-77, § 1; Ord. of 12-19-78, § 1; Ord. of 8-21-79, § 1; Ord. of 9-3-82, § 1; Ord. No. O-86-28, Pt. 1 (Exh. A, Pt. 1), 5-20-86; Ord. No. O-93-46, § 1, 7-12-93) (Ord. No. 0-96-2000, 4/4/96) (Ord. No. 0-2001-59, 12/5/2001) (Ord. No. 0-2005-88; 10/26/05) (Ord. No. 0-2006-101; 12/13/06)

PART 2: That Tyler City Code Chapter 6, "Buildings and Structures," Article I, "Building Code," is hereby amended by deleting current subsections a. through l., and amending Section 6-2 to read as follows:

Sec. 6-2. Amendments to building code.

The 2006 International Building Code is amended as follows:

- a. Section 101.2 is amended by adding the following sentences:

The provisions of this code shall apply to Tyler Pounds Regional Airport. State law provides that the International Building Code shall not apply to the installation and maintenance of electrical wiring and related components. Therefore, Chapter 27 of the International Building Code is deleted in its entirety. The latest addition of the National Electrical Code, as adopted in City Code Section 6-23 and as amended in Section 6-44, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

b. Section 101.4.5 is deleted in its entirety.

c. Section 102.6 is amended as follows:

102.6. Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or by other City ordinance.

d. Section 104.8 is deleted in its entirety and a new Section 104.8 is adopted as follows:

104.8. Liability. Indemnification of City officials, City employees, and City Council appointed boards is governed by City Code Section 2-62.

e. Add the following sentences to the end of Section 105.5:

Notwithstanding the provisions of this section, the building official may impose a time limit as an additional condition of a permit for completion of demolition work once such work shall have commenced, provided that for cause one or more extensions of time, for periods not exceeding thirty (30) days each, may be allowed in writing by the building official. Notwithstanding the provisions of this section, demolition work in the Fire District defined in City Code Section 6-120 shall be conducted so that demolition and clean-up are completed within sixty (60) days after issuance of the demolition permit. For cause, up to two (2) extensions of time, each extension for a period not to exceed thirty (30) days, may be allowed in writing by the building official so that demolition work in the Fire District can be completed.

f. Add a new Section 105.5.1 to read as follows:

105.5.1. Notice relating to voluntary demolitions within the Fire District. When an applicant for a demolition permit wishes to demolish voluntarily a building or structure in the Fire District (as defined in City Code Section 6-120) that is located within ten (10) feet of an adjoining property line, and the adjoining property contains a building or structure that is located within three (3) feet of the property line of the property containing the building or structure to be demolished, then the applicant for the demolition permit shall send written notice of the proposed demolition to the adjoining landowner not later than ten (10) business days before the date of demolition.

g. Section 108.6. Delete.

h. Section 112 is deleted in its entirety and new Section 112 is adopted as follows:

112. Construction Board of Adjustment and Appeals

112.1. Appointment.

There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The Board shall be appointed by the applicable governing body.

112.2. Membership.

112.2.1. Membership. The Construction Board of Adjustment and Appeals should consist of seven members. Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. At least one regular member shall have either a Master Electrician's license or be a licensed electrical engineer. In addition to the regular members, there should be two alternate members, one member at large from the building industry and one member at large from the public. A board member shall not act in a case in which the member has a personal or financial interest. Terms shall be set forth in City Code Section 1-20.

112.2.2. Quorum and Voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

112.2.3. Secretary of Board. The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

112.3. Powers.

The Construction Board of Adjustment and Appeals shall have the power, as further defined in 112.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

112.4. Appeals

112.4.1. Decision of the Building Official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

112.4.2. Variances. The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and welfare.

112.4.2.1. Conditions of the Variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

112.4.3. Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

112.4.4. Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

112.5. Procedures of the Board.

112.5.1. Rules and Regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairperson. The board shall meet within 30 calendar days after notice of appeal has been received.

112.5.2. Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

i. Section 113.4 is deleted in its entirety and a new Section 113.4 is adopted as follows:

113.4. Violation penalties. Penalties for violations of this code are set forth in City Code Section 1-4.

j. Chapter 11 is deleted in its entirety and a new Chapter 11 is added as follows:

CHAPTER 11 ACCESSIBILITY. Accessibility standards shall be as set forth in State law.

k. Appendices C., D., F. G. and I. are hereby adopted.

l. Appendices A., B., E., H., J., and K. are hereby deleted in their entirety.

(Ord. No. O-93-46, Pt. 2, 7-12-93; Ord. No. O-93-68, Pt. 2, 9-8-93; Ord No. O-93-83, Pt. 1, 10-1-93) (Ord. No. 0-96-2000, 4/4/96) (Ord. No. 0-2001-59, 12/5/2001) (Ord. No. 0-2005-88; 10/26/05) (Ord. No. 0-2006-101; 12/13/06)

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas. This ordinance shall be become effective on January 1, 2007.

PASSED AND APPROVED this 13th day of December, A. D., 2006.

JOSEPH O. SEEBER, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY