

ORDINANCE NO. 1888

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE II "BUILDING CONSTRUCTION STANDARDS", OF THE BRYAN CITY CODE; REPEALING 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND ADOPTING LOCAL AMENDMENTS TO THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION IN THE NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council of the City of Bryan, Texas to repeal the 2003 Edition of the International Building Code; and

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2009 Edition of the International Building Code, published by the International Code Council; and

WHEREAS, the adoption of additional local amendments to the code will facilitate proper inspection activities by the City of Bryan, Texas relating to the construction and maintenance of buildings within the corporate limits of the City and relating to public, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That Chapter 14, Article II, "Building Construction Standards" is amended to read as follows:

ARTICLE II. BUILDING CONSTRUCTION STANDARDS

Sec. 14-19. International Building Code adopted by reference.

(a) The International Building Code, 2009 Edition, with appendix "A," published by the International Code Council (the "International Building Code") is adopted and incorporated by reference into this section as if set out at length herein with deletions and amendments contained in subsection (b) of this section and in section 14-20 (local amendments to the building code). From the date on which this section shall take effect, the provisions contained therein shall be controlling in the construction of all buildings and other structures within the corporate limits of the city.

(b) The following provisions of the 2009 International Building Code are deleted:

Chapter 34 (Existing structures).

Section 101.4.4 (Property maintenance).

Section 113 (Board of appeals).

Section 1004.2 (Increased occupant load).

Appendix A, Section A101.2 (Chief inspector).

Appendix A, Section A101.4 (Termination of employment).

(c) The city secretary shall retain a copy of the amendments to the 2009 International Building Code, with the official ordinances of the city. A copy of the 2009 International Building Code shall be maintained on file by the chief building official.

Sec. 14-20. Amendments to code.

The building code adopted by section 14-19(a) is amended to add the following provisions as local amendments:

Section 101.4.3 (Plumbing) is amended by deleting the reference to the "International Private Sewage Disposal Code" and replacing with the "Brazos County OSSF Requirements," ON-SITE SEWAGE FACILITY.

Section 102.6 (Existing structures) is amended by deleting the reference to the "International Property Maintenance Code" and replacing with the "City of Bryan Code of Ordinances."

Section 103 (Department of Building Safety) is amended by deleting "Department of Building Safety" and replacing with "The Building Services Division of the Development Services Department."

Section 103.1 (Creation of enforcement agency) is amended by deleting "Department of Building Safety" and replacing with "The Division of Building Services."

Section 103.3 (Deputies) is amended by deleting the reference to the "International Property Maintenance Code" and replacing with the "City of Bryan Code of Ordinances."

Section 105 (Permits) is amended by adding section 105.1.3 to read as follows:

105.1.3 Registration of contractors.

It shall be the duty of every individual who makes contracts to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, and every individual making such contracts and subletting the same or any part thereof, to first register with the chief building official, giving full name, residence, name and place of business, and in case of removal from one place to another to have made corresponding change to the chief building official. Registration fee shall be as set by the city council by resolution.

Exception: Homeowner permits as provided for in section R105.2.4, International Residential Code.

Plumbing contractors. Plumbing contractors shall be licensed as prescribed by the state and shall register their license with the city before a plumbing permit is issued by the city.

Air conditioning, refrigeration and heating contractors. Air conditioning, refrigeration and heating contractors shall be licensed by the state and shall register their license with the city before a mechanical permit is issued by the city.

Licensed irrigators. Irrigation contractors shall be licensed irrigators by the state and shall register their license with the city before a lawn irrigation permit is issued by the city.

Electrical contractors. Electrical contractors shall be licensed by the state or city and shall register their license with the city before an electrical permit is issued by the city.

Electrical sign contractors. Electrical sign contractors shall be licensed by the state or the city and shall register their licenses with the city before a permit is issued.

Before any license is registered with the city, the applicant shall have adequate insurance coverage for general liability as provided for by state law for the respective trade.

Section 105.2 (Work exempt from permit) is amended by deleting item 1 and adding the following under "Electrical":

Electrical:

Replacing fuses. No permit shall be required for replacing fuses of like rating.

Replacing flush or snap switches. No permit shall be required for replacing flush or snap switches, receptacles, lamp sockets, the installation of lamps, or minor repairs on permanently connected electrical appliances.

Conveying signals. No permit shall be required for the installation, maintenance or alteration of wiring, poles and down guys, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the primary side of the source of power at a voltage over 50 volts and of more than 500 watts.

Wiring by Electric Public Service Company. No permit shall be required for the installation, maintenance or alteration of electric wiring, apparatus devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's distribution system, including metering equipment wherever located and transformer vaults in which customer's transformers are located, nor shall any of its employees do any work other than done for said company as hereinbefore provided for by virtue of this exception.

Temporary wiring. No permit shall be required for the installation of temporary wiring, apparatus, devices, appliances or equipment used by a recognized electrical training school or college.

Railway crossing signal devices. No permit shall be required for the installation and maintenance of railway crossing signal devices, when such is performed by due authority of the railroad and in accordance with the standards of the American Railroad Association, and in collaboration with and approval of the city.

Section 107.1 (Submittal documents) is amended to include the following at the end of the section and before the exception:

The design professional shall be an architect or engineer legally registered under the laws of the state and shall affix his or her official seal to said drawings, specifications and accompanying data for the following:

1. All group A, E and I occupancies.
2. Buildings or structures three stories or more high.
3. Buildings or structures 5,000 square feet or more in area.
4. Shipping containers, sea containers, recreational vehicles, trailers, or other structures not originally intended to be used as permanent or occupied structures and not covered by this code.
5. Pier and beam foundations for occupied structures.

Exception: Group R-3 buildings, regardless of size.

Section 109.6 (Refunds) is amended by deleting the existing text in its entirety and replacing it with the following: The city manager or his or her designee is authorized to establish a refund policy.

Section 111.2 (Certificate issued) is amended by deleting: items numbered 4, 5, 7, 10, and 11.

Section 114.4 (Violation penalties) is amended by deleting and replacing the penalty provision as follows: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the chief building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by section 1-14 of the Bryan Code.

Section 116.1 (Conditions) is amended by deleting the sentence "Unsafe structures shall be taken down and removed or made safe, as the chief building official deems necessary and as provided for in this section," and adding "Unsafe structures shall be taken down and removed or made safe, as the chief building official deems necessary and as provided for in article VIII."

Section 303.1 (Assembly Group A) is amended to include tutorial services under A-3.

Section 501.2 (Address identification) is amended by deleting the section in its entirety and adding the following:

501.2 Address identification. An official address, assigned by the chief building official or his or her designee, shall be provided and placed pursuant to this section in such a position as to be clearly visible from the public street or roadway fronting the property. Addresses placed pursuant to this section shall be a minimum four inches in height and stroke of minimum one-half inch, composed of a durable material and of a color that provides a contrast to the background itself. The official address shall be placed a minimum of 36 inches and a maximum of 30 feet in height measured from the ground level. Buildings or structures located more than 50 feet from the street curb shall have an official address at least five inches in height. Durable materials used for the official address shall include, but not be limited to, wood, plastic, metal, weather resistant paint, weather resistant vinyl, or weather resistant material designed for outside use on a glass surface.

A building complex composed of multiple structures or dwellings shall have an official suite or unit number assigned to each building, suite or tenant as well as a street address number. If there is sufficient street frontage, each building, suite or tenant may also be assigned an official street address number. The official street address number of each structure must be prominently posted on the building so that it is visible from the nearest public street or designated fire lane. Each number designated by the chief

building official, or his or her designee, for each individual suite or unit must be conspicuously posted on each suite or unit.

Commercial buildings with side or rear access in addition to the main entrance shall also display the business name and official address on each side or rear door with characters at least two inches in height. Residential structures which provide for rear vehicular access from a dedicated public alley, street or designated fire lane shall conspicuously post an official address at least two inches in height so that it is visible from the public alley, street or designated fire lane.

The owner or manager of a building complex, which contains an enclosed shopping mall, shall submit to the fire official four copies of diagrams acceptable to the fire marshal of the entire complex, indicating the location and number of each business. When a change in a business name or location is made, the owner or manager shall so advise the fire marshal in writing of the change.

Table 803.9 (Interior wall and ceiling finish rating by occupancy) is amended by deleting the existing text in footnote "d" and replacing it with the following: Class A interior finish material shall be required in all areas of all assembly occupancies, whether sprinklered or not, except as provided for in notes e and f below.

Section 903.2 (Where required) is amended by adding the following text at the end of said section: In addition to the requirements of this section, an automatic sprinkler system shall be provided throughout all new buildings and structures as follows:

1. Where the building area or fire area exceeds 12,000 square feet (1115m²).
2. Where the height exceeds two stories, regardless of area.

Section 903.2.4 (Group F-1) is amended by replacing "three" with "two" in item "2".

Section 903.2.7 (Group M) is amended by replacing "three" with "two" in item "2".

Section 903.2.8 (Group R) is amended by adding the following exception:

Exceptions:

1. R2 occupancies with 4 or less units.
2. Boarding houses (transient), rooming houses (transient), bed and breakfast inns and other similar occupancies (not including hotels or motels) containing not more than four guest rooms for which rent is paid and that are occupied by transient guests only.

Section 903.2.9 (Group S-1) is amended by replacing "three" with "two" in item "2".

Section 907.5.2.3.2 (Employee work areas) is amended by deleting the existing text in its entirety and replacing it with the following:

Where a fire alarm and detection system is required, employee work areas shall be provided with devices that provide audible and visible alarm notification.

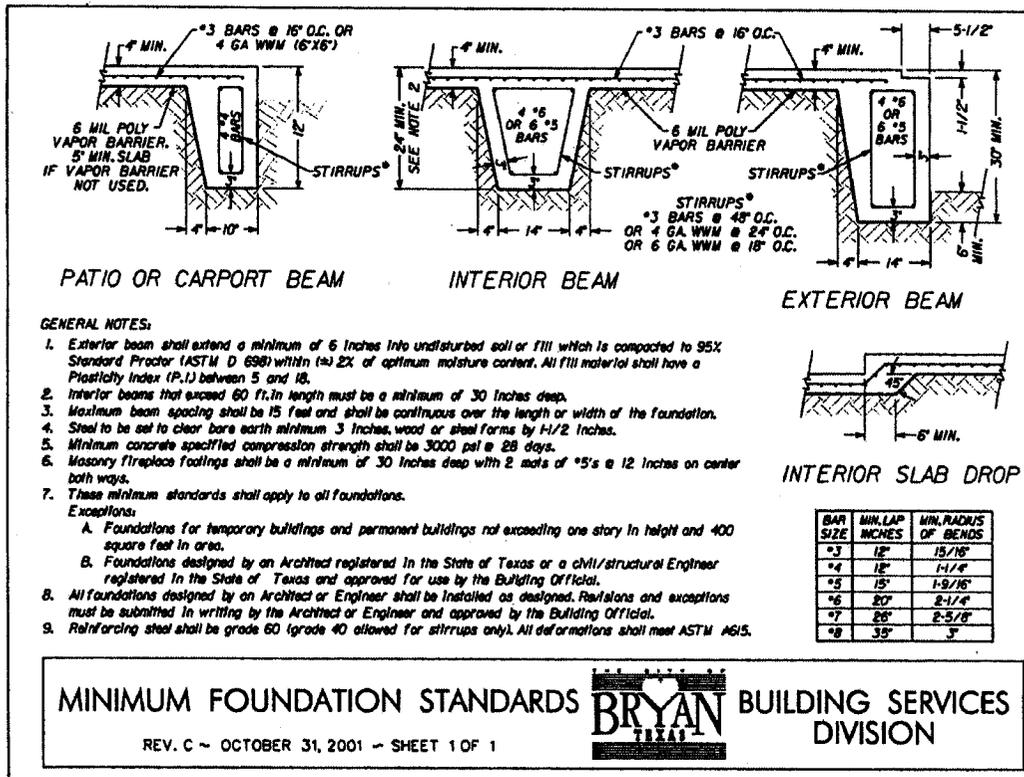
Section 1004.3 (Posting of occupant load) is amended by adding the following text to the end of said section:

For the purposes of this section, the occupant load shall be the number of occupants computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1.

Section 1101.2 (Design) is amended by adding the following text to the end of said section:
 All buildings governed by Texas Department of Licensing and Regulations will take precedence over this code or ICC/ANSI A117.1.

Section 1612.3 (Establishment of flood hazard areas) is amended by inserting "Brazos County" for name of jurisdiction and "July 2, 1992" for the date of issuance.

Section 1910 (Minimum slab provisions) shall be amended by adding section 1910.2 to read as follows:
 "All foundations shall comply with the minimum foundation standard as shown in Figure 1."



Section 3109.3 (Public swimming pools) is amended by replacing "4 feet (1290 mm) in height or screen enclosure" with "54 inches height measured on side of barrier which faces away from the swimming pool."

Sec. 14-21. Inspection for asbestos.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Asbestos survey shall mean an inspection of a public building to determine the location, quantity, and condition of asbestos containing material therein by taking samples for analysis or by visual inspection.

Demolition shall mean operations in which load-bearing structural members of a public building are wrecked or removed.

Person shall mean any individual, partnership, company, association, trust, foundation, governmental subdivision or agency, or any other entity recognized by law to be responsible for the renovation or demolition of a public building.

Public building shall mean the interior space of a building used or to be used for purposes that provide for public access or occupancy. The term includes any building during a period of vacancy, including the period during preparations prior to actual demolition. The term does not include:

- (1) An industrial facility to which access is limited principally to employees of the facility because of processes or functions that are hazardous to human safety or health;
- (2) A federal building or installation;
- (3) A private residence;
- (4) A manufacturing facility or building that is part of a facility that is limited to workers and invited guests under controlled conditions;
- (5) A building, facility, or any portion thereof which has been determined to be structurally unsound and in danger of imminent collapse by a professional engineer, registered architect, or a city, county, or state government official.

Renovation shall mean additions to or alterations of the interior surfaces of a public building for purposes of restoration by removal, repairing, and rebuilding.

(b) Survey. Prior to issuance of a permit to any person for the renovation or demolition of any public building located within the city limits of the city, an asbestos survey shall be conducted of the areas to be renovated or demolished and a copy of the asbestos survey shall be furnished to the city's building services division.

(c) Requirements; license. An individual licensed by the state to do an asbestos survey shall conduct any asbestos survey required herein.

(d) Penalty. Any person who shall fail to have an asbestos survey performed when required under subsection (b) of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That, the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

8.

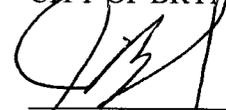
This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be December 1, 2010.

PRESENTED AND GIVEN first reading the 26 day of October, 2010, at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, passed and approved on the 9th day of November, 2010, by a vote of 7 yeases and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.

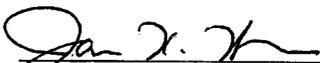
ATTEST:


Mary Lynn Stratta, City Secretary

CITY OF BRYAN:


Jason P. Bienski, Mayor

APPROVED AS TO FORM:


Janis K. Hampton, City Attorney