

ORDINANCE NO. 1911

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE X "EXISTING BUILDING CODE", OF THE BRYAN CITY CODE; REPEALING 2003 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND ADOPTING LOCAL AMENDMENTS TO THE 2009 EDITION OF THE INTERNATIONAL EXISTING 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 Existing 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 Existing 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 X, "Existing Building Code" is amended to read as follows:

ARTICLE X. EXISTING BUILDING CODE

Sec. 14-298. International Existing Building Code adopted by reference.

(a) The International Existing Building Code, 2009 Edition, published by the International Code Council (the "International Existing 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 14-299 (local amendments to the 2009 Existing Building Code). From the date on which this section shall take effect, the provisions contained therein shall be controlling in the repair, alteration, change of occupancy, and additions of all existing buildings and other existing structures within the corporate limits of the city.

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

Section 112 Board of Appeals

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

Sec. 14-299. Amendments to code.

The following sections of the Existing Building Code are hereby amended—to add the following provisions as local amendments:

Section 101.4.2. (Buildings previously occupied) 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 to read "Division of Building Services."

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

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

105.1.3 Registration of contractors.

Registration of contractors shall be per the adopted International Building Code and amendments as adopted.

Section 105.2 (Work exempt from permit) is amended by deleting this section entirely and replacing with the following: Section 105.2 Work exempt from permitting shall be per the adopted International Building code and amendments as adopted.

Section 106 (Construction documents) is amended by deleting this section entirely and replacing with the following: Section 106 Construction documents shall be per the adopted International Building code and amendments as adopted.

Section 108 (Fees) is amended by deleting this section entirely and replacing with the following: Section 108 Fees shall be per the adopted International Building code and amendments as adopted.

Section 110 (Certificate of Occupancy) is amended by deleting this section entirely and replacing with the following: Section 110 Certificate of occupancy shall be per the adopted International Building code and amendments as adopted.

Section 113.4 (Violation penalties) is amended by deleting text 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 115 (Unsafe Buildings and equipment) is amended by deleting this section entirely and replacing with the following: Section 115 Unsafe buildings and equipment shall be per the adopted International Building code and amendments as adopted.

Section 202 (General definitions) is amended by adding the following terms:

Building official -- The chief building official or other designated authority or his or her duly authorized representative, charged with the administration and enforcement of this code.

Fire official -- The fire chief, fire marshal or other designated authority charged with the administration and enforcement of the fire code, or other duly authorized representative.

Section 307 (Change of Occupancy) is amended by deleting the reference to the "building official" and replacing with "building official and fire official".

Section 310.1 (Scope) 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.

Section 507 (Electrical) is amended by deleting the reference to the "NFPA 70" and replacing with "NFPA 70 and current adopted National Electrical Code and amendments".

Section 603.1 (General) is amended by adding the following text to the end of sentence:  
...and as approved by the fire official.

Section 708 (Electrical) is amended by deleting the reference to the "NFPA 70" and replacing with "NFPA 70 and current adopted National Electrical Code and amendments".

Section 901.2 (Change in Occupancy with no change of occupancy classification) is amended by deleting the reference to the "code official" and replacing with "building official and fire official".

Section 908 (Electrical) is amended by deleting the reference to the "NFPA 70" and replacing with "NFPA 70 and current adopted National Electrical Code and amendments".

Section 1201.2 (Conformance) is amended by deleting the reference to the "International Property Maintenance Code" and replacing with "International Building Code and city adopted ordinances".

Section 1202.2 (Foundation) is amended by deleting this section entirely and replacing with the following: Section 1202.2. The foundation systems of relocated buildings that will be occupied for other than storage use shall be designed by a licensed designer, licensed architect or engineer licensed by State of Texas.

Sec. 14-300. Inspection for asbestos. Inspection for Asbestos shall be per the adopted International Building code and amendments as adopted.

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.

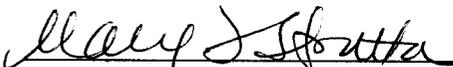
That, the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

8.

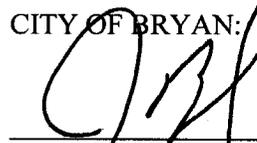
This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be June 1, 2011.

PRESENTED AND GIVEN first reading the 10th day of May, 2011, at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, passed and approved on the 24 day of May, 2011, by a vote of 7 yeas and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.

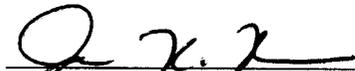
ATTEST:

  
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

  
Jason E. Bienski, Mayor

APPROVED AS TO FORM:

  
Janis K. Hampton, City Attorney