2016022783 ORDINANCE Total Pages: 13

ORDINANCE NO. 2016-437

AN ORDINANCE ADOPTING VARIOUS 2015 INTERNATIONAL CODES RELATING TO THE CONSTRUCTION, RENOVATION, USE, AND MAINTENANCE OF BUILDINGS AND BUILDING SYSTEMS AND ADOPTING THE 2014 NATIONAL ELECTRIC CODE BY AMENDING SECTIONS 6-26 THROUGH 6-32, AND SECTION 6-239, OF ARTICLE II, CHAPTER 6 "BUILDINGS AND BUILDING REGULATIONS" AND AMENDING SECTIONS 10-20, 10-21 AND 10-24 OF ARTICLE II, CHAPTER 10 "FIRE PREVENTION AND PROTECTION" OF THE CODE OF ORDINANCES OF THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR AN ENFORCEMENT DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, McLENNAN COUNTY, TEXAS:

Section 1. That Sections 6-26 through 6-32, and Section 6-239, of Article II in Chapter 6, "Building and Building Regulations" and Sections 10-20, 10-21 and 10-24 of Article II in Chapter 10, "Fire Prevention and Protection" of the Code of Ordinances of the City of Waco, McLennan County Texas, are amended as follows (additions, ~~deletions~~):

ARTICLE II IN CHAPTER 6, "BUILDING AND BUILDING REGULATIONS".

Sec. 6-26. Codes adopted.

(a) The following Codes and the standards contained therein, are hereby adopted as the Minimum Building Standard Codes of the City of Waco:

(1) International Property Maintenance Code, ~~2012~~ 2015 Edition;
(2) International Building Code, ~~2012~~ 2015 Edition;
(3) International Residential Code, ~~2012~~ 2015 Edition, including appendices A, B & C; ~~and G;~~
(4) International Plumbing Code, ~~2012~~ 2015 Edition, including appendices D and E; ~~& F~~;
(5) International Mechanical Code, ~~2012~~ 2015 Edition, including appendix A;
(6) International Fuel Gas Code, ~~2012~~ 2015 Edition, including appendices A, B, C, & D;
(7) International Energy Conservation Code, ~~2012~~ 2015 Edition;
(8) International Fire Code, ~~2012~~ 2015 Edition, including appendices B, C, D, E, F, G and I;

(9) International Existing Building Code, ~~2012~~ 2015 Edition; and
(10) National Electrical Code (NEC), ~~2011~~ 2014 Edition.

(b) Where a provision of the International Property Maintenance Code, ~~2012~~ 2015 Edition; International Building Code, ~~2012~~ 2015 Edition; International Residential Code, ~~2012~~ 2015 Edition, including appendices A, B, C & G; International Plumbing Code, ~~2012~~ 2015 Edition, including appendices D~~,~~ and E ~~& F~~; International Mechanical Code, ~~2012~~ 2015 Edition, including appendix A; International Fuel Gas Code, ~~2012~~ 2015 Edition, including appendices A, B, C, & D; International Energy Conservation Code, ~~2012~~ 2015 Edition; International Fire Code, ~~2012~~ 2015 Edition, including appendices B, C, D, E, F, G and I, as set forth in Chapter 10 of this Code; International Existing Building Code, ~~2012~~ 2015 Edition, and the National Electrical Code (NEC), ~~2011~~ 2014 Edition; conflicts with a section of this Article, the language contained in a section of this Article governs. A copy of the codes shall be retained on file in the office of the City Secretary.

Sec. 6-27. Exceptions, amendments and deletions to the International Property Maintenance Code, ~~2012~~ 2015 Edition.

(1) **IPMC Section 103.5** Fees shall be deleted.
(2) **IPMC Section 103.6** Permits, shall read:
Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change a building or structure or to cause any work to be done shall first make application to the code official and obtain the required permit thereof. Ordinary minor repairs may be made with the approval of the code official without a permit, provided that such repairs shall not violate any of the provisions of this code.
(3) **IPMC Section 106.3** Prosecution of violation, shall read:
Any person failing to comply with ~~a notice of violation or order served in accordance with Section 107~~ the provisions of this code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. ~~If a notice of violation is not complied with,~~ The code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation~~, or to require the removal or termination of the unlawful occupancy of the structure in violation of this code or of the order or direction made pursuant thereto~~. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such estate.
(4) **IPMC Section 107.2** Form, shall read:
4. Include a correction order allowing time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
(5) **IPMC Section 108.2** Closing of Vacant Structures, shall read:
If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to have the structure closed. Upon the structure being closed, the code official will send a bill to the owner for the cost of the closure and inform the property owner of their right to appeal the closure of the structure to the Building Standards Commission pursuant to Chapter 6, Article V, Section

6-320 of the City of Waco code of Ordinances. The code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the closure shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(6) **IPMC Section 108.4** Placarding, shall read:
The code official shall post on the premises or on defective equipment a placard and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(7) ~~**IPMC 108.5** Prohibited Occupancy, shall be amended to read:~~
~~Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.~~
~~Exception. Owners of record shall not be required to vacate a condemned and placarded structure.~~

(8) **IPMC Section 109.4** Emergency repairs shall be deleted.

(9) **IPMC Section 109.5** Costs of emergency repairs shall be deleted.

(10) **IPMC Section 110.1** General shall be amended to read:
The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure that is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation and occupancy, ~~and~~ such that it is unreasonable to repair the structure, to demolish and remove such structure; to include but not be limited to, the removal of the concrete foundations and their components, porches, steps, walkways, and curbs. Lot must be left in a raked clean condition and must not pond water. The site must be graded to a smooth uniform condition that will provide adequate surface drainage without ponding.

(11) **IPMC Section 111.1** Application for appeal, shall read:
Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Standards Commission, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of this code would cause an undue hardship.

(12) **IPMC Sections 111.2 – 111.8** shall be deleted.

(13) **IPMC Section 112.4** Failure to comply shall be amended to read:
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, is subject to a fine of not less than one dollar ($1.00) and no more than two thousand dollars ($2,000.00), and each day work continues in violation of this section shall be a separate offense.

(14) **IPMC Section 302.4** Weeds shall be deleted.

(15) **IPMC Section 302.8** Motor vehicle shall be deleted.

(16) **IPMC Section 302.9** Defacement of property shall be deleted.

(17) **IPMC Section 302.10** Care of Premises, shall read:
It shall be unlawful for the owner or occupant of a building, structure, or property to utilize the premises of such property for the open storage of the following items, including but not limited to, ice box, refrigerator, stove, glass, carpet, upholstered furniture, tires, auto parts, building materials, building rubbish or other similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and in compliance with this section.

(18) **IPMC Section 303.2** Enclosures shall be amended to read:
Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at 72 inches (1830 mm) in height above the finished ground level measured on the side of the barrier away from the pool. The remainder of the section is unchanged.
Exception: When the yard in which the private swimming pool, hot tub and spa is constructed is completely enclosed with an approved fence or barrier.

(19) **IPMC Section 304.3** Premises Identification, shall read:
Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch (12.7mm). The numbers shall be on the building or a structure facing the main Right-of-Way. The curbs are not an acceptable location for addresses for 911 purposes.

(20) **IPMC Section 304.5.1** Ventilation shall be added and shall read:
Crawl space under buildings without basements shall be ventilated by approved mechanical means or by openings in foundation walls. The minimum net area of ventilation openings shall not be less than 1 sq. ft. for each 150 sq. ft. of crawl space area. Ventilation openings shall be covered for their height and width with any of the following materials, provided that the least dimension of the covering shall not exceed 1/4 inch (6mm):

1. Perforated sheet metal plates not less than .070" (1.8mm) thick.
2. Expanded sheet metal plates not less than .047" (1.2mm) thick.
3. Cast iron grills or gratings.
4. Extruded load bearing vents.
5. Hardware cloth of .035" (.89 mm) wire or heavier.
6. Corrosion resistant wire mesh, with the least dimension not exceeding 1/8" (3.2mm).

(21) **IPMC Section 304.7.1** Ventilation shall be added and shall read:
For gabled and hipped roofs, ventilation shall be provided to furnish cross ventilation of each separate attic space with weather protected vents. All vents shall be screened to protect the interior from intrusion of birds. The ratio of total net free ventilating area to the area of the ceiling shall be not less than 1/150. That ratio may be reduced to 1/300 provided:

1. A vapor barrier having permeance not exceeding one perm is installed on the warm side of the ceiling, or
2. At least 50% and not more than 80% of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated (at least 3

ft. (914mm) above eave or cornice vents) with the balance of the required ventilation provided by eave or cornice vents.

For flat roofs, blocking and bridging shall be arranged so as not to interfere with the movement of air. Such roofs shall be ventilated along the overhanging eaves, with the net area of opening being not less than 1/150 of the area of the ceiling below.

All openings shall be covered with screening, hardware cloth or equivalent to prevent the entry of birds, squirrels, rodents, etc. The openings therein shall not exceed 1/4 inch (6.4mm).

(22) **IPMC Section 304.14** Insect Screens, shall read:

Every door, window, and other outside opening 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 device in good working condition.

Exception: Screens on exterior doors and windows shall not be required where a central air conditioning system is provided.

(23) **IPMC 308.2.2** Refrigerators shall be deleted.

(24) **IPMC 308.3.1** Garbage facilities shall be deleted.

(25) **IPMC 403.2** Bathrooms and toilet rooms shall be amended to read:

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required in section 403.1, except that a window shall not be required in such spaces equipped by a mechanical ventilation system.

(26) **IPMC Section 602.3** Heat Supply, shall read:

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 to maintain a temperature of not less than 68F in all habitable rooms, bathrooms, and toilet rooms. ~~Exceptions shall be:~~

~~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.~~

(27) **IPMC Section 602.4** Occupiable work spaces, shall read:

Indoor occupiable work spaces shall be supplied with heat 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.

(28) **IPMC Section 603.2 Removal of combustion products.** Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception:

1. Fuel-burning equipment and appliances that are labeled for unvented

operation.

2. Existing approved unvented room heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Building Official unless an unsafe condition is determined to exist as described in Section 108.7 of the International Fuel Gas Code.

(29) **IPMC Section 604.2** Service shall read:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by an electrical service having a rating of not less than 60 amperes.

Amendments to the 2015 International Building Code

Sec. 6-28. Exception, amendments and deletions to the International Building Code, 2015 Edition ~~and adopt the new design values for Southern Pine dimension lumber.~~

(1) **IBC Section 109.2**. Schedule of permit fees is amended to read as follows:

A schedule of fees for building permits issued by the City of Waco shall be approved by the city council by minute entry or as a part of annual budget. A copy of the permit fee schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid. However, the city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people.

(2) **IBC Section 113**. Board of Appeals shall be renamed "Means of Appeals" and the body deleted and replaced with: An appeal shall be pursuant to Division 2, "Building Inspections Advisory and Appeals Board" of Article I "In General" of Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances of the City of Waco.

(3) **IBC Section 1101.2**. Design shall be changed to read as follows:

Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC/ANSI A117.1. All buildings governed by Texas Department of Licensing and Regulations will take precedence over this code or ICC/ANSI A117.1.

(4) ~~**IBC Chapter 17** (2012 Edition IBC) Structural Tests and Special Inspections shall be deleted in its entirety.~~

(5) **IBC Chapter 17** (2015 Edition IBC) Special Inspections and Tests shall be added in its entirety.

(6) **IBC Section 3109.3** Public Swimming Pools. Public swimming pools is amended to read as follows:

Public swimming pools shall be completely enclosed by a fence at least 6 feet (1830 mm) in height or a screen enclosure. The remainder of the section is unchanged.

(7) **IBC Section 3109.4.1** Barrier height and clearances. The top of the barrier shall be at least 72 inches (1830 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The remainder of the section is unchanged.

(Ord. No. 2004-0714, 12-7-04)

Amendments to the 2015 International Residential Code

Sec. 6-29. Exception; amendments and deletions to the International Residential Code, 2015 Edition, including appendices A, B & C ~~and G and adopt the new design values for Southern Pine dimension lumber.~~

(1) **IRC Part VIII**--Electrical Chapters 34-43 shall be deleted.

(2) **IRC Section R108.2**. Schedule of Permit Fees is amended to read as follows:
On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a schedule of fees for building permits issued by the City of Waco shall be approved by the city council. A copy of the permit fee schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid.

(3) **IRC Section 112**. Board of Appeals shall be renamed "Means of Appeals" and the body deleted and replaced with: An appeal shall be pursuant to Division 2, "Building Inspections Advisory and Appeals Board" of Article I "In General" of Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances of the City of Waco.

(4) **IRC Section R313.2** One and two family dwellings automatic fire systems shall be deleted.

(5) **IRC Section G2417.4.1 (406.4.1)** Test pressure is changed to read:
The test pressure to be used shall be no less than 1 1/2 times the maximum working pressure, ~~but not less than 1 1/2 times the working pressure,~~ but not less than 3 psig, irrespective of design pressure.
Exception- When using a Fisher gauge the test pressure shall be the two (2) times the working pressure of the system.
Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified yield strength of the pipe.

(6) **IRC Section G2445.2 (621.2) Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.
Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.

(7) **IRC Section P2903.10** Hose Bibb shall be deleted.

(8) ~~**Appendix G, AG105.2 Outdoor swimming pool.** Outdoor swimming pools is amended to read as follows: 1. The top of the barrier shall be at least 72 inches (1830 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The remainder of the section is unchanged.~~

(Ord. No. 2004-0714, 12-7-04; Ord. No. 2005-532, § 1, 9-20-05)

Amendments to the 2015 International Plumbing Code

Sec. 6-30. Exceptions, amendments and deletions to the International Plumbing Code, 2015 Edition, including appendices D and E~~F~~

(1) **IPC Section 106.6.2**, Fee Schedule, shall read:
A schedule of fees for plumbing permits issued by the City of Waco shall be approved by resolution or as part of the annual budget. A copy of the schedule shall be on file with the

city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid. However, the city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people in accordance with state law.

(2) **IPC Section 106.6.3,** Fee Refunds, shall read:
The code official shall authorize the refunding of fees as follows:
1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(3) ~~**IPC Section 109,** Means of Appeal, shall be deleted and shall be replaced with Article IV, Division 2 Board of Plumbing and Mechanical Contractors, Section 6-191 through 6-202, City of Waco Code of Ordinances.~~

(4) **IPC Section 109**. Board of Appeals shall be renamed "Means of Appeals" and the body deleted and replaced with: An appeal shall be pursuant to Division 2, "Building Inspections Advisory and Appeals Board" of Article I "In General" of Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances of the City of Waco.

(5) **IPC Section 305.4~~6~~.1**, Sewer depth is changed to read: Building sewers shall be a minimum of six inches below grade.

(6) **IPC Section 608.14.2. Protection of backflow preventers.** Protection of backflow preventers shall be amended to read**:**
Backflow preventers shall not be located in areas subject to freezing except where ~~they can be removed by means of unions or are~~ protected from freezing by heat, insulation or both.

(7) **IPC Section 1103**, Traps, shall be deleted.

(8) **IPC Section 1109~~8~~**, Combined Sanitary and Storm System, shall be deleted.
(Ord. No. 2004-0714, 12-7-04)

Amendments to the 2015 International Mechanical Code

Sec. 6-31. Exceptions, amendments and deletions to the International Mechanical Code, 2015 Edition, including Appendix A

(1) **IMC Section 106.5.2** Fee Schedule, shall be changed to read:
A schedule of fees for Mechanical permits issued by the City of Waco shall be approved as part of the annual budget or by resolution or as part of the annual budget. A copy of the schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid. However, the city council may waive permits fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people.

(2) **IMC Section 106.5.3** Fee Refunds, shall read:
The code official shall authorize the refund of fees as follows:

1. The full amount of any fee paid here that was erroneously paid or collected.
2. Not more than 70% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application submitted by the original permittee not later than 180 days after the date of fee payment.

(3) ~~**IMC Section 109**, Means of Appeal, shall be deleted and shall be replaced with Article IV, Division 2, Board of Plumbing and Mechanical Contractors, Sections 6-191 through 6-202, City of Waco Code of Ordinances.~~

(4) **IMC Section 109**. Board of Appeals shall be renamed "Means of Appeals" and the body deleted and replaced with: An appeal shall be pursuant to Division 2, "Building Inspections Advisory and Appeals Board" of Article I "In General" of Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances of the City of Waco.

(5) ~~**IMC Section 304.7** Private Garages shall be changed to read:~~
~~Appliances located in private garages and carports shall be installed in a manner, which provides protection from vehicular traffic.~~
(Ord. No. 2004-0714, 12-7-04)

Amendments to the 2015 International Fuel Gas Code

Sec. 6-32. Exceptions, amendments and deletions to the International Fuel Gas Code, 2015 Edition, including appendices A, B, C and D

(1) **IFGC Section 106.6.2** Fee Schedule, shall read:
A schedule of fees for plumbing permits issued by the City of Waco shall be approved by the city council by resolution or as a part of the annual budget. A copy of the schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to permit until the fees prescribed under this section have been paid. However, the city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people.

(2) **IFGC Section 106.6.3** Fee Refunds, shall read:
The code official shall authorize the refunding of fees as follows:
1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(3) ~~**IFGC Section 109**. Means of Appeal shall be deleted and be replaced with Article IV, Division 2 Board of Plumbing and Mechanical Contractors, Sections 6-191 through 6-202, City of Waco Code of Ordinances.~~

(4) **IFG Section 109**. Board of Appeals shall be renamed "Means of Appeals" and the body deleted and replaced with: An appeal shall be pursuant to Division 2, "Building Inspections Advisory and Appeals Board" of Article I "In General" of Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances of the City of Waco.

(5) ~~**IFGC Section 305.5**. Private Garages shall be changed to read:~~
~~Appliances located in private garages and carports shall be installed in a manner, which provides protection from vehicular traffic.~~

(6) **IFGC Section 406.4.1**. Test pressure, changed to read:
The test pressure to be used shall be no less than 1 1/2 times the maximum working pressure, ~~but not less than 1 1/2 times the working pressure,~~ but not less than 3 psig, irrespective of design pressure.
Exception: When using a Fisher gauge the test pressure shall be two (2) times the working pressure of the system.
Where the test pressure exceeds 125 psig, the test pressure shall not exceed a valve that produces a hoop stress in the piping greater than 50% of the specified yield strength of the pipe.
Secs. 6-36--6-50. Reserved.

(7) **IFGC Section 621.2 Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit. Add exception.
Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.

Delete Sec. 6-239, City of Waco Code of Ordinances

Sec. 6-239. - Cancellation of Permit. Delete in its entirety.

~~Every permit shall be considered cancelled if active work is not commenced within 60 days of the date of issue. In case of cancellation of permit from the above cause, all permit fees already paid shall be retained by the city as compensation for work done in checking plans and issuance of permits.~~

Amendments to the 2015 International Fire Code

Sec. 10-20. Adoption of Fire Code.

Fire codes adopted. There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the International Fire Code, 2015 Edition, including appendices B ,C, D, E, F, G, and I as published by the International Code Council. Where this chapter or a provision in the International Fire Code makes reference to a section or provision contained within the National Fire Code published by the National Fire Protection Association, that reference shall be considered as being adopted by the city for application in the city as though it were set out entirely within this chapter or the International Fire Code.

Sec. 10-21. Exceptions, amendments and deletions.

The following exceptions, amendments and deletions are hereby made to the International Fire Code adopted in section 10-20:

(1) **Section 108** shall be renamed "Means of Appeal" and shall be changed to read as

follows: An appeal shall be pursuant to Section 10-24 of Article II "Fire Codes" of Chapter 10 "Fire Protection and Prevention" of the Code of Ordinances of the City of Waco, Texas.

(2) **Section 310.3.1** is added to state:
Section 310.3.1. "No Smoking" signs shall be of cardboard, metal or cloth, and not less than six inches by 16 inches in size. Lettered upon such signs shall be the words "No Smoking" which shall be not less than four inches in vertical length, and the words "By Order of the Fire Marshal" shall be in letters at least one-half inch in vertical length. No owner, manager, operator, supervisor or other person having charge of any building or premises listed in subsection (a) of this section shall fail to have posted "No Smoking" signs at the places designated by the fire marshal after having received three days' notification to erect such signs.

(The rest of section 10-21 remains the same except for the following addition:)

(4) **2015 IFC Section , 503.2.1 Dimensions,** shall be changed to read:
Fire apparatus access roads shall have an unobstructed width of not less than ~~20~~ 26 feet (~~6096~~ 7925 mm), unless given approval from AHJ, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

(5) **2015 IFC Section 903.2.8**. The following exception is added to this section:
Exceptions: One and two family dwellings.

Sec. 10-24. Appeals.

Whenever the fire marshal shall disapprove an application or refuse to grant a modification requested as provided in section 10-23 above, or disapprove a permit applied for, or when it is claimed that the provisions of the fire codes do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the affected party may appeal from the decision of the fire marshal to the ~~board of appeals and adjustments as provided for in section 108 of the International Fire Code. This board shall be the same board created by section 108 of the International Building Code, as adopted by the city.~~ "Building Inspections Advisory and Appeals Board" of Article I "In General" of Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances of the City of Waco.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Waco not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 6. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

Section 7. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than one dollar ($1.00) and no more than two thousand dollars ($2,000.00), and each day a violation exists shall be a separate offense.

Section 8. That, except in cases of imminent harm to the health or safety of the public, the implementation and enforcement of this ordinance shall be delayed until September 1, 2016 to permit persons affected to comply with the ordinance.

PASSED AND APPROVED:

First Reading: **June 21, 2016**

Second Reading: **July 5, 2016**

Kyle Deaver, Mayor
City of Waco, Texas

ATTEST:

Esmeralda Hudson, City Secretary

CITY OF WACO TEXAS

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney

Return To:
City of Waco
City Secretary's Office
P.O. Box 2570
Waco, TX 76702

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

J. A. "Andy" Harwell, County Clerk
07/15/2016 12:49 PM
Fee: $60.00
2016022783 ORDINANCE
McLennan County, Texas

ORDINANCE NO. 2016-534

AN ORDINANCE ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2015 EDITION, BY AMENDING SECTION 6-26 AND ADDING A SECTION, TO BE NUMBERED SECTION 6-36 OF ARTICLE II, CHAPTER 6 "BUILDINGS AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR AN ENFORCEMENT DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, McLENNAN COUNTY, TEXAS:

Section 1. That Section 6-26 of Article II in Chapter 6, "Building and Building Regulations" of the Code of Ordinances of the City of Waco, McLennan County Texas, is hereby amended as follows (additions, ~~deletions~~):

ARTICLE II IN CHAPTER 6, "BUILDING AND BUILDING REGULATIONS".

Sec. 6-26. Codes adopted.

(a) The following Codes and the standards contained therein, are hereby adopted as the Minimum Building Standard Codes of the City of Waco:

(1) International Property Maintenance Code, 2015 Edition;
(2) International Building Code, 2015 Edition;
(3) International Residential Code, 2015 Edition, including appendices A, B & C;
(4) International Plumbing Code, 2015 Edition, including appendices D and E;
(5) International Mechanical Code, 2015 Edition, including appendix A;
(6) International Fuel Gas Code, 2015 Edition, including appendices A, B, C, & D;
(7) International Energy Conservation Code, 2015 Edition;
(8) International Fire Code, 2015 Edition, including appendices B, C, D, E, F, G and I;
(9) International Existing Building Code, 2015 Edition;
(10) National Electrical Code (NEC), 2014 Edition; and
(11) International Swimming Pool and Spa Code, 2015 Edition.

(b) Where a provision of the International Property Maintenance Code, 2015 Edition; International Building Code, 2015 Edition; International Residential Code, 2015 Edition, including appendices A, B~~,~~ & C ~~& G~~; International Plumbing Code, 2015 Edition,

including appendices D and E; International Mechanical Code, 2015 Edition, including appendix A; International Fuel Gas Code, 2015 Edition, including appendices A, B, C, & D; International Energy Conservation Code, 2015 Edition; International Fire Code, 2015 Edition, including appendices B, C, D, E, F, G and I, as set forth in Chapter 10 of this Code; International Existing Building Code, 2015 Edition; ~~and~~ the National Electrical Code (NEC), 2014 Edition; or, the International Swimming Pool and Spa Code, 2015 Edition conflicts with a section of this Article, the language contained in a section of this Article governs. A copy of the codes shall be retained on file in the office of the City Secretary.

Section 2. That the Code of Ordinances, City of Waco, Texas is hereby amended by adding a section, to be numbered Section 6-36 in Article II of Chapter 6, "Building and Building Regulations" of the Code of Ordinances of the City of Waco, McLennan County Texas, and shall read as follows (additions, ~~deletions~~):

Sec. 6-36. Exceptions, amendments and deletions to the International Swimming Pool and Spa Code, 2015 Edition.

(1) **ISPSC Section 101.1 Title.**
These regulations shall be known as the Swimming Pool and Spa Code of the City of Waco, Texas, hereinafter referred to herein as "this code".

(2) **ISPSC Section 105.6.2 Fee schedule.**
~~The fees for work shall be as indicated in the following schedule:~~
A schedule of fees for building permits issued by the City of Waco shall be approved by the city council by minute entry or as a part of annual budget. A copy of the permit fee schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid. However, the city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people.

(3) **ISPSC Section 105.6.3 Fee Refunds.**
The code official shall authorize the refunding of fees as follows:
1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. No permit fees shall be refunded after 30 days from the date of payment. ~~Not more than **[SPECIFY PERCENTAGE]** percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~
3. No permit fees shall be refunded if any plans have been reviewed within the initial 30 days from the date of payment. ~~Not more than **[SPECIFY PERCENTAGE]** percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.~~
4. No permit fees shall be refunded if any inspections have been made within the initial 30 days from the date of payment.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee. ~~not later than 180 days after the date of fee payment.~~

(4) **ISPSC Section 107.4 Violation Penalties.**

~~Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a **[SPECIFY OFFENSE]**, punishable by a fine of not more than **[AMOUNT]** dollars or by imprisonment not exceeding **[NUMBER OF DAYS]**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

A violation of this ordinance shall be a Class "C" misdemeanor. The penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, and each day a violation exists after due notice has been served shall be deemed a separate offense.

(5) **ISPSC Section 107.5 Stop Work Orders.**

Upon notice from the *code official*, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine ~~of not less than **[AMOUNT]** dollars or more than **[AMOUNT]** dollars.~~ as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, and each day a violation exists after due notice has been served shall be deemed a separate offense.

(6) **ISPSC Section ~~108.1 Application for appeal.~~**

~~Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.~~

(7) **ISPSC Section ~~108.2 Membership of board.~~**

~~The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

(8) **ISPSC Section ~~108.2.1 Qualifications.~~**

~~The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:~~

~~1. Registered design professional who is a registered architect; or a builder or superintendent of building~~

~~construction with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

~~2. Registered design professional with structural engineering or architectural experience.~~

~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical and plumbing contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

~~4. Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

~~5. Registered design professional with pool or spa experience; or a contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

(9) **ISPSC Section ~~108.2.2 Alternate members.~~**

~~The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for 5 years or until a successor has been appointed.~~

(10) **ISPSC Section ~~108.2.3 Chairman.~~**

~~The board shall annually select one of its members to serve as chairman.~~

(11) **ISPSC Section ~~108.2.4 Disqualification of member.~~**

~~A member shall not hear an appeal in which that member has any personal, professional or financial interest.~~

(12) **ISPSC Section ~~108.2.5 Secretary.~~**

~~The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of proceedings in the office of the chief administrative officer.~~

(13) **ISPSC Section ~~108.2.6 Compensation of members.~~**

~~Compensation of members shall be determined by law.~~

(14) **ISPSC Section ~~108.3 Notice of meeting.~~**

~~The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or at stated periodic meetings.~~

(15) **ISPSC Section ~~108.4 Open hearing.~~**

~~Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.~~

(16) **ISPSC Section ~~108.4.1 Procedure.~~**
~~The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

(17) **ISPSC Section ~~108.5 Postponed hearing.~~**
~~When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

(18) **ISPSC Section ~~108.6 Board decision.~~**
~~The board shall modify or reverse the decision of the code official by a concurring vote of three members.~~

(19) **ISPSC Section ~~108.6.1 Resolution.~~**
~~The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.~~

(20 **ISPSC Section ~~108.6.2 Administration.~~**
~~The code official shall take immediate action in accordance with the decision of the board.~~

(21) **ISPSC Section ~~108.7 Court review.~~**
~~Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.~~

(22) **ISPSC Section 108.1 Means of Appeal.**
An appeal shall be pursuant to Division 2, "Building Inspections Advisory and Appeals Board" of Article I "In General" of Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances of the City of Waco.

(23) **ISPSC Section 305.2.1 Barrier height and clearances.**
Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 72 inches (1,830 mm) ~~48 inches (1219 mm)~~ above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.

2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.

3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.
4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

(24) **ISPSC Section 305.5 Onground residential pool structure as a barrier.**
An onground *residential* pool wall structure or a barrier mounted on top of an onground *residential* pool wall structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 72 inches (1,830 mm) ~~48 inches (1219 mm)~~ above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.

2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 72 inches (1,830 mm) ~~48 inches (1219 mm)~~ above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.

3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section 305.

4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.

5. Barriers that are mounted on top of onground *residential* pool walls are installed in accordance with the pool manufacturer's instructions.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Waco not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance

shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 6. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 7. That a violation of this ordinance shall be a Class "C" misdemeanor. The penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, and each day a violation exists shall be a separate offense.

Section 8. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

Section 9. That, except in cases of imminent harm to the health or safety of the public, the implementation and enforcement of this ordinance shall be delayed until September 1, 2016 to permit persons affected to comply with the ordinance.

PASSED AND APPROVED:

First Reading: **August 2, 2016**

Second Reading: **August 16, 2016**

Kyle Deaver, Mayor
City of Waco, Texas

ATTEST:

Esmeralda Hudson, City Secretary

CITY OF WACO TEXAS

APPROVED AS TO FORM & LEGALITY:

for

Jennifer Richie, City Attorney

Return To:
City of Waco
City Secretary's Office
P.O. Box 2570
Waco, TX 76702

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

J. A. "Andy" Harwell, County Clerk
09/20/2016 02:13 PM
Fee: $40.00
2016031124 ORDINANCE
McLennan County, Texas