

ORDINANCE NO. 3943

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING ARTICLE XIII IN ITS ENTIRETY AND ADDING A NEW ARTICLE XIII THEREBY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, AND PROVIDING CERTAIN ADDITIONS AND DELETIONS THERETO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 5 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Article XIII in its entirety and adding a new Article XIII to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

ARTICLE XIII. RESIDENTIAL CODE

DIVISION 1. GENERAL

Sec. 5-467. Adopted.

The International Residential Code, 2006 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official residential code of the City of Mesquite to the same extent as if such code were copied verbatim in this Article subject to the amendments prescribed in this Article. The code shall be applicable to all construction, alterations, movement, enlargement, replacement, repairs, equipment, use and occupancy, location, removal and demolition and maintenance of detached one- and two-family units and multiple single-family units (townhouses) not more than three stories in height with separate means of egress and their accessory structures. A copy of the International Residential Code, 2006 Edition, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

DIVISION 2. AMENDMENTS

Sec. 5-468. Amendments to the International Residential Code, 2006 Edition.

The following amendments are made to the International Residential Code, 2006 Edition:

- (1) *Chapter 1, Administration.*

- (a) *Section R102.4.* Amend by deleting the first paragraph in the section in its entirety and adding a new first paragraph and an exception to Section R102.4 to read as follows:

Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced code and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

- (b) *Section R104.2.1.* Amend by adding a new Section R104.2.1 to read as follows:

Every construction project requiring a building permit within the City limits of the City of Mesquite shall have adequate toilet facilities for workers associated with the project. At least one permanent or temporary toilet facility shall be maintained in each subdivision for the employees or subcontractors of each builder holding a permit for a building in that subdivision.

Permanent toilet facility is defined as a room in an existing building or in the building being constructed with a water closet installed in such a room, which conforms to the Plumbing Code and is continuously available to all workers involved in a construction project.

Temporary toilet facility is defined as a portable fully enclosed chemical sanitized toilet, which is serviced and cleaned at least once each week.

- (c) *Section R105.2.* Amend by deleting Section R105.2 in its entirety.
- (d) *Section R108.2.* Amend by deleting the section in its entirety and adding a new Section R108.2 to read as follows:

Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required before work is

commenced, in accordance with the schedule as established by the City of Mesquite.

- (e) *Section R108.4.* Amend by adding an exception to Section R108.4 to read as follows:

Exception: Whenever a permit is required for a building, structure, electrical, gas, mechanical or plumbing system, and work is commenced without securing the applicable permit, the Building Official may charge double the amount of the usual fee for the permit.

- (f) *Section R109.1.3.* Amend by deleting the section in its entirety and adding a new Section R109.1.3 to read as follows:

Floodplain inspections. For construction permitted in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor including basement and prior to further vertical construction, the Building Official may require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R324.

- (g) *Section R110.1.* Amend by deleting Section R110.1 in its entirety.

- (h) *Section R110.2.* Amend by deleting the section in its entirety and adding a new Section R110.2 to read as follows:

Change in tenancy. When a rental dwelling unit is vacated by the tenant, the owner of the unit must apply for and receive a Certificate of Occupancy from the Building Official prior to the unit being occupied by a new tenant. The Building Official or his designated representative will inspect the unit and premises for compliance with this code, the Property Maintenance Code and other applicable ordinances of the City. If deficiencies are found, the Building Official may prohibit occupancy of the unit and premises until such time as the owner takes action needed to bring the unit and premises into compliance. The inspection required by this section shall also be required for a dwelling unit and premises prior to its original occupancy as a rental unit.

R110.2.1. If the dwelling unit is found to be occupied prior to inspection, The Building Official shall assess an administrative fee of One Hundred (\$100.00) Dollars to defray the expense to the City for conducting an inspection of an occupied unit. Said fee shall be paid by the owner

prior to any further inspection or reinspection of the unit and shall be cumulative of all other fees or penalties provided in this code.

- (i) *Section R110.3.* Amend the first paragraph in Section R110.3 to read as follows:

Certificate issued. When the Building Official determines that a rental dwelling unit and premises are in compliance with the provisions of this and other applicable codes, the Building Official shall issue a Certificate of Occupancy containing the following:

1. The address of the structure;
2. The name and address of the property owner;
3. A statement that the described portions of the structure have been inspected for compliance with the requirements of this code;
4. The name of the Building Official;
5. The edition of the code on which the certificate was issued; and
6. The date the Certificate of Occupancy was issued.

- (j) *Section R111.1.* Amend by deleting the section in its entirety and adding a new Section R111.1 to read as follows:

Connection of service utilities. No person shall make connections from a utility, source of energy, power or water to any new dwelling unit, townhouse or system regulated by this code and requiring a permit until such connection is approved by the Building Official. No person shall make connections for water utilities to any rental dwelling unit that is required by this code to be inspected prior to occupancy until the unit is approved as code compliant and the Building Official has issued a Certificate of Occupancy.

- (k) *Section R111.2.* Amend by deleting the section in its entirety and adding a new Section R111.2 to read as follows:

Temporary connection of utilities. The Building Official shall have the authority to authorize and approve the temporary

connection of the building system to the utility source of energy, power or water.

- (l) *Section R111.3.* Amend by deleting the section in its entirety and adding a new Section R111.3 to read as follows:

Authority to disconnect service utilities. In case of an emergency necessitating disconnection of utilities to eliminate an immediate hazard to life or property, the Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4. The Building Official shall notify the service utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If prior notification is not possible, the owner or occupants of the building, structure or service system shall be notified in writing, as soon as practical thereafter. In addition, the Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system, if a building, structure or system is found to be in violation of this code, including a connection made without the approval required by Sections R111.1 and R111.2, or any other ordinance of the City and after notification of the violation has been made to the owner and/or occupant of the building or structure and the violation is not corrected.

- (m) *Section R112.1.* Amend by deleting the section in its entirety and adding a new Section R112.1 to read as follows:

General:

- (A) *Created composition.* There is hereby created a board to be known as the Board of Appeal. The Board shall be composed of five members who are qualified through their experience to pass upon matters pertaining to building construction and who are not employees of the City of Mesquite.
- (B) *Scope and authority of the Board.* The Board shall hear and decide appeals of orders, decisions or the determinations made by the Building Official relating to the application and interpretation of the building and housing codes of the City of Mesquite.
- (C) *Appeal procedures.* An appeal to the Board shall be filed within 30 calendar days after the date the