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ORDINANCE NO. 1402

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER V OF THE CODE OF THE CITY OF MESQUITE BY DELETING CERTAIN PROVISIONS THEREIN, INCLUDING THE ADOPTION OF THE NATIONAL BUILDING CODE AND BY ADOPTING INSTEAD THE UNIFORM BUILDING CODE; BY ESTABLISHING FIRE ZONES IN THE CITY; BY AMENDING CERTAIN PROVISIONS OF THE UNIFORM BUILDING CODE; BY ESTABLISHING CERTAIN REQUIREMENTS FOR THE ERECTION OF TENTS, THE MAINTENANCE OF A WALL SIGN; THE CONSTRUCTION OF WOODSHAKE OR SHINGLE ROOFS, THE PROVISION OF TWO EXITS FOR RESIDENTIAL UNITS, THE REQUIREMENT OF MASONRY EXTERIOR WALLS AND NON-COMBUSTIBLE MATERIALS BETWEEN OPENINGS AND A VERTICAL SEPARATION THEREOF AND PROVIDING CERTAIN REQUIREMENTS FOR FIREWALLS; BY CONTINUING THE EXISTING FEE SCHEDULE IN EFFECT AND BY PROVIDING A PENALTY FOR VIOLATION OF THE UNIFORM BUILDING CODE, BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter V of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect:

1. Deletions:

Section 5-3
Section 5-4
Section 5-5
Section 5-6
Section 5-7

2. Additions:

Section 5-3 Fire Zones established. For the purpose of protecting life and property fire zones of the City are hereby declared to be as follows:

Fire Zone I: That area that is presently or may in the future comprise the Zoning District described in the Comprehensive Zoning Ordinance of the City of Mesquite as the Central Business District (CBD), subject, however, to such modifications as the City Council may by Ordinance provide. The limits of Fire Zone I shall coincide with the limits of the Central Business District as shown on the Official Zoning Map of the City of Mesquite as amended from time to time.

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Fire Zone II: Fire Zone II shall comprise that area of the City designated as Industrial, Commercial, General Retail Office, Service Station and A-1, A-2 and A-3 on said Zoning Map.

Fire Zone III: Fire Zone III shall comprise the remainder of the City not included in Fire Zone I and II, including any new area annexed to the City.

As the Official Zoning Map is amended by change in zoning, each Fire Zone is likewise amended to conform with such change in the Official Zoning Map.

Section 5-4 Uniform Building Code-Adoption. The Uniform Building Code, 1976 Edition, published by the International Conference of Building Officials is hereby adopted by the City of Mesquite as the official building code of the City of Mesquite and shall be applicable to all construction, alteration, repair, demolition maintenance, use and occupancy of all buildings, structures, materials and equipment related to the building industry in the City. A copy of said Uniform Code shall be attached hereto and maintained in the office of the City Secretary as an original document and ordinance of the City.

Provided, however, that any amendment, deletion or modification of said Uniform Building Code hereinafter adopted by Ordinance of the City Council shall take precedence over any provision of the Uniform Building Code to the contrary.

Section 5-5 Amendments and Deletions. The following provisions of the Uniform Building Code are hereby deleted:

Section 205
Section 303

A new Section 205 is hereby added to the Uniform Building Code to read as follows:

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

A new Section 303 is added to the Uniform Building Code to read as follows:

Until a new ordinance is adopted by the City Council setting forth the applicable fees for permits required under this code the fees in existence on January 1, 1977, shall continue in effect.

Section 1704 of the Uniform Building Code is amended to read as follows:

Roof coverings shall be of fire retardant materials except wood shakes and shingles may be allowed on single family residential structures with ten (10) feet separation between structures.

Section 5-6 Tents. The erection and maintenance of tents shall be governed by that portion of Section 5-6 (a) (9) heretofore deleted. To the extent same is applicable to tents same is hereby reinstated without its reference to the National Building Code.

Sub-Section (c) (27, Wall Signs); Sub-Section (d) (2 exit doors) heretofore deleted are hereby reinstated without its reference to the National Building Code.

Section 5-6 (e) (Masonry Construction) is hereby reinserted without reference to the National Building Code and is modified to read as follows:

Exterior walls of all multi-family residential structures shall be not less than 75% masonry construction.

The area to be computed for the foregoing requirement shall be that area of exterior wall between the ground and eight feet above the topmost floor level of such structure.

To the extent possible, vertical separations between openings shall be a minimum of four feet and the exterior surface between same shall be of non-combustible material to retard ignition from lower to upper floors.

Where it is impractical to provide four feet of separation between openings on a vertical plane due to design of structure a horizontal projection of non-combustible material between openings may be substituted in whole or in part for vertical separation.

Material between openings, horizontal or vertical, need not be of masonry, but shall be non-combustible with a minimum of one hour fire rating.

Where openings are beneath projections from the structure such as a balcony, porch or other construction, or the soffit or roof overhang and within four feet of such projection the underside of such projection shall be of non-combustible material of not less than one (1) hour fire rating the width of said opening and extending two (2) feet either side of the outer edge of said opening.

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Notwithstanding anything to the contrary in Chapter 33, exterior stairs and exit stairs shall be of non-combustible materials from any level to ground.

The term multi-family residential structure shall mean structures designed for more than one occupancy unit, whether such unit is designed for one or more persons.

Section 5-6 (f) (Firewalls) Section 5-6 (f) heretofore deleted is hereby reinserted without reference to the National Building Code and the following language is hereby added:

Where any portion of attic area (enclosed space permitting travel of air, smoke or flame) protrudes outward from or overhangs the masonry firewall a separation shall be extended from the firewall to the outermost portion of such area to inhibit the spread of fire and travel of smoke around the firewall. Such separation of attic space shall be of at least one hour fire rating construction such as sheetrock or other approved material and shall not be pierced.

SECTION 2. Single family residential construction- exterior fire resistant construction.

All main buildings shall be of exterior fire resistant construction, having at least seventy-five (75) per cent of the total exterior walls below the first floor plate line, excluding doors and windows, constructed of brick, stone, concrete block, or other masonry or material of equal characteristics.

SECTION 3. Should any word, phrase, sentence, paragraph, or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 5. The fact that the Code of the City of Mesquite, Texas, is inadequate for the necessary protection of the public comfort and general welfare creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provide.

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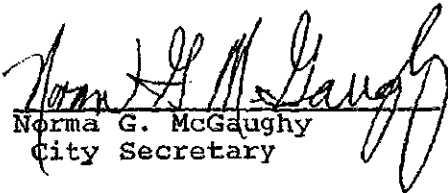
DULY PASSED by the City Council of the City of Mesquite,
Texas on the 5th day of December, 1977, A.D., 1977



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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