

ORDINANCE NO. 2583

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, BY ADOPTING THE UNIFORM BUILDING CODE 1988 EDITION WITH CERTAIN AMENDMENTS AND DELETIONS; BY AMENDING ARTICLE 5, FENCES; SECTION 5-6, TENTS; AND 5-7.5, BUILDING PERMIT, FEES - CLASSIFICATIONS; AND ADDING A NEW SECTION 5-7.6, CONTRACTORS REGISTRATION; AND DELETING SECTION 5-7, WALL SIGNS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 5, Articles I-VI, of the Code of the City of Mesquite are hereby amended as follows, in all other respects said code and chapter to remain in full force and effect:

- Sec. 5-1. *Building inspector - Office created; duties.* Amend by deleting in its entirety.
- Sec. 5-2. *Same - Right of entry.* Amend by deleting in its entirety.
- Sec. 5-3. *Demolition permits.* Amend by deleting in its entirety.
- Sec. 5-4. *Adoption of the Uniform Building Code.* Amended by changing the phrase, "Uniform Building Code, 1985 Edition" to "Uniform Building Code, 1988 Edition".
- Sec. 5-5. *Same-Amendments and deletions.*

- (a) *Deletions.* The following provisions of the Uniform Building Code, 1988 Edition, are hereby deleted:

Section 304(c) - Plan Review Fee
Table 3-A permit fees (page 19)
Section 3303(a) - Exception - 3

- (b) *Amendments.* The Uniform Building Code, 1988 Edition, heretofore adopted by the City of Mesquite, is amended as follows:

503. Section 503(d) Exception 3. Amend by deleting in its entirety and inserting a new paragraph to read as follows:

3. In the one-hour occupancy separation between a group R3 and M Occupancy, the separation may be limited to the installation of not less than one-half inch thickness gypsum board construction on the garage side and a weather-stripped door will be permitted in lieu of a one-hour fire assembly. Fire dampers shall not be required in ducts piercing this separation for ducts constructed of not less than No. 26 gauge galvanized steel.

507. Section 507 is amended by adding a third exception to read as follows:

3. Apartments, condominiums and townhouses shall be limited to three (3) stories not to exceed thirty-five (35) feet in height as measured from the lowest level of fire department vehicle access to the top plate of the uppermost story.

2903. Section 2903 is amended by adding section (c) to read as follows:

(c) On construction projects in which trench excavation in excess of five (5) feet is required, bid documents and contracts shall include detailed plans and specifications for trench safety that meet Occupational Safety and Health Administration (OSHA) standards. Plans and specifications shall include an expense item for safety systems relating to trench excavation. Construction projects which will necessitate trenching five (5) feet or more in depth shall include a statement from an engineer licensed by the State of Texas that all trenching and excavation has been designed to comply with Occupational Safety and Health Administration standards.

The quality and design of materials used structurally in excavations, footings and foundations shall conform to the requirements specified in Chapters 23, 24, 25, 26, 27 and 28 of this code.

3304. Section 3304(c). Amend by adding a third exception to read as follows:

3. In Group R, Division 3 Occupancy exits which are not required by Table 33-A may be provided with dead bolts and similar devices which are openable from the inside with the use of a key. Such devices must be mounted at a height not to exceed forty-eight (48) inches above the finished floor.

3310. Section 3310(b). Amend by deleting in its entirety and inserting a new paragraph to read as follows:

(b) When Required. In a building having a floor used for human occupancy which is located more than thirty-five (35) feet but less than seventy-five (75) feet above the lowest level of fire department vehicle access, one of the required exits shall be a smokeproof enclosure. For buildings in excess of seventy-five (75) feet tall, as measured above, all the required exits shall be smokeproof enclosures.

3802. Section 3802(a). Amend by deleting in its entirety and inserting a new paragraph to read as follows:

(a) Where Required. An automatic sprinkler system shall be installed throughout all buildings of more than three (3) stories, or those whose height exceeds thirty-five (35) feet as measured from the lowest level of fire department vehicle access to the top plate of the uppermost story and an automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section.

For special provisions on hazardous chemicals and magnesium, and calcium carbide, see the Fire Code.

3806. Section 3806(b). Amend by deleting in its entirety and inserting a new paragraph to read as follows:

(b) Where Required. Every building four (4) stories or more in height shall be provided with not less than one (1) standpipe for use during construction. Such standpipe shall be installed when the progress of construction is not more than thirty-five (35) feet in height above grade. Such standpipe shall be provided with fire department hose connections at accessible locations adjacent to usable stairs. Such standpipe systems shall be extended as construction

progresses to within one (1) floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a two and one-half inch (2 1/2) valve outlet for fire department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

5103. Section 5103(e). Amend by deleting in its entirety and inserting a new paragraph to read as follows:

(e) Stretcher requirements. In all structures, at least one (1) elevator shall be provided with the minimum inside car measurements of eighty (80) inches by fifty-one (51) inches.

Appendix, Chapter 11, Agricultural Buildings is hereby adopted and made a part hereof as if set out in full.

Sec. 5.6. *Tents.* Section 5.6(j), (k), (l), (m), (n), and (o). Amend by deleting and inserting new paragraphs to read as follows:

(j) Off street parking shall be provided on the premises sufficient to accommodate one (1) automobile for each five (5) seats.

(k) The permit fee for open-air assemblies shall be \$25.00 dollars for each thirty (30) day period. All religious and non-profit organizations will be exempt from such permit fee.

(l) A renewal permit may be obtained upon request for an additional thirty (30) days. In the event any occupant of contiguous property shall raise any objection in writing, the building inspector shall consider this objection in granting or denying the request.

(m) Upon expiration of the permit, the tent, platform, benches and or other appurtenances shall be removed and the premises cleared of all debris and refuse within seven (7) days.

(n) The provisions of this section shall be administered and enforced by the building inspector of the city or such other person as may be designated by the city manager.

(o) In addition to the foregoing requirements, Article 32 of the Uniform Fire Code shall apply.

Sec. 5-7. *Wall Signs.* Amend by deleting in its entirety.

Sec. 5-7.1. *Exit Doors.* Section 5-7.1.(a), (b), and (c). Amend by deleting (a), (b) and (c) in their entirety and inserting a new paragraph (a) to read as follows:

(a) Every single family dwelling shall have not less than two (2) exit doors separated by at least ten (10) feet of distance between openings, and such exit doors shall each open onto an unobstructed way to the outside.

Sec. 5-7.5. *Building permits, fees - Classifications.* Amend by deleting (c) and (e) in their entirety and inserting a new paragraph (c) to read as follows:

(c) Building permit fees shall be as follows:

<i>Occupancy Classification</i>	<i>Building Area in Square Feet</i>	<i>Building Permit Fees</i>
Single-family, duplexes, townhouses, condominiums, per unit	N/A	\$140.00
Multifamily (apartment) per unit	N/A	70.00
Nonresidential	0 to 250	180.00*
	251 to 550	180.00*
	551 to 50,000, per sq. ft.	0.035
	50,001 to 100,000, per sq. ft. Plus \$400.00	0.03
	100,001 or more, per sq. ft. Plus \$800.00	0.02

*Minimum permit fee for nonresidential: \$180.00

Building shell: Permit fee for building shell shall be one-half (1/2) of the permit fee for complete building of same size; fee for completion of the interior of a building shell shall be identical to the fee for building shell.

Additions, alterations, repairs, and demolitions, all groups:

<i>Value of Proposed Work</i>	<i>Permit Fee</i>
\$0 - \$1,000	\$20.00
\$1,001 - \$3,000	25.00
\$3,001 - \$10,000	30.00
\$10,001 - \$50,000	0.0030
\$50,001 - \$100,000	25.00 plus .0025
\$100,001 - or more	75.00 plus .0020

Sec. 5-7.6. *Contractors Registration.* Amend by inserting a new Section 5-7.6 to read as follows:

Sec. 5-7.6. Contractors Registration.

(a) *Required:* It shall be unlawful for any person who is not registered by the city as a contractor to secure permits as provided herein.

Each applicant for registration as a contractor shall have an established place of business or shop, the location of which complies, if within the city, with the requirement of the City Zoning Ordinance.

(b) *Method of Registration:* To register with the city as a contractor, application shall be made in writing on forms furnished for that purpose along with a \$15.00 registration fee to cover administrative costs, and filed with the chief building inspector. The application shall show the contractor's name, address, telephone number and such other information which is reasonably necessary.

Sec. 5-8. *Exemptions.* Amend by deleting in its entirety and inserting a new Section 5-8 to read as follows:

No building permit fee shall be required for the construction or repair of any building or structure the title to which is directly vested in the federal government, state, county, city, the Mesquite Independent School District, or any church. When a request for permit is made, this exemption shall be claimed in writing.

Exception: Building permit fees shall be payed by all public schools and churches for the construction of living quarters, parsonages or commercial day care operations used in connection therewith.

Sec. 5-48. *Restrictions on use of barbed wire.* Amend by deleting in its entirety and inserting a new Section 5-48 to read as follows:

Sec. 5-48. Materials.

(A) Fencing materials shall be chainlink, barbed wire (where allowed), brick, stone, stucco, concrete or wooden pickets. Products manufactured for other uses such as plywood, corrugated steel or fiberglass panels are prohibited as fencing materials.

(B) Fences or walls having wire, metal prongs, spikes, cutting points or edges of any kind, or electrically charged, shall be prohibited except under the following circumstances and conditions.

(1) *Agricultural uses.* In all areas, barbed-wire fences may be constructed and U.L. listed electric fence chargers may be used if:

(a) The property is used to pasture livestock, (b) the tract to be fenced is a minimum of one (1) acre in size, and (c) the fenced pasture is a minimum of three hundred (300) feet from the nearest dwelling, excluding the dwelling of the owner of the tract of land.

(2) *Security.* In all areas zoned for business uses and on public property which requires protection from vandalism, barbed-wire fence with arms extending outward may be constructed. No such barbed-wire arm shall extend, however, outward over the property lines. Fence arms with barbed wire shall not be allowed on fences less than six (6) feet in height.

Sec. 5-53. Easements. Amend by inserting a new Section 5-53 to read as follows:

Sec. 5-53. Easements.

Utility Easements may be fenced, when done in accordance with the regulations contained herein. However, the city shall not be held liable for any damage to such fencing which results from the installation, repair, removal or maintenance of said utilities.

SECTION 2. That should any paragraph, sentence, subdivision clause, phrase, section or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of Chapter 5 or any other provision of the Code of the City of Mesquite.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2000.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of February, 1989.

George A. Venner, Sr.
George A. Venner, Sr.
Mayor

ATTEST:

Lynn Prugel
Lynn Prugel
City Secretary

APPROVED:

B.J. Smith
B.J. Smith
City Attorney