

ORDINANCE NO. 3021

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS BY ADOPTING THE UNIFORM BUILDING CODE, 1994 EDITION, WITH CERTAIN AMENDMENTS AND DELETIONS; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 5, Article II of the Code of the City of Mesquite, Texas is hereby amended as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 5-26. (a) is amended by changing the phrase:

The Uniform Building Code, 1991 Edition

to:

The Uniform Building Code, 1994 Edition

and by changing:

Ordinance No. 2792

to:

Ordinance No. 3021.

Sec. 5-27. (a) is amended to read as follows:

(a) *Deletions.* The following provisions of the Uniform Building Code, 1994 Edition, are hereby deleted:

- (1) Section 106.2 - Work exempt from permit;
- (2) Section 107.3 - Plan Review Fee;
- (3) Table 1-A - Building permit fees;
- (4) Section 1003.1 - Exception - 4.

Ordinance - page 2

Sec. 5-27. (b) is amended to read as follows:

(b) *Amendments.* The following provisions of the Uniform Building Code, 1994 Edition are hereby amended as follows:

- (1) Section 105.1. Delete the existing section 105.1 in its entirety and add a new section 105.1 to read as follows:

Board of Appeals:

Section 105.1. (a). Created; Composition. There is hereby created a board to be known as the Building Code Board of Appeals. The Board shall be composed of five (5) 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 appeal 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 Procedure. An appeal to the Building Code Board of Appeals shall be filed within thirty (30) calendar days after the date the determination or decision of the Building official is made. If the thirtieth (30th) day falls on a Saturday, Sunday, or City holiday then the time for filing the appeal shall be extended to the next day following the thirtieth (30th) day which is not a Saturday, Sunday, or City holiday. The appeal shall be filed at the office of the City Building official, and such notice of appeal shall specify the grounds of such appeals, stating the reasons why the appellant feels the building official's determination should be overturned.

(d). Terms. The Board members are appointed by the City Council to serve without compensation for a two year term. Three (3) members shall be appointed on or about January 1 of odd numbered years, and two (2) members shall be appointed on or about January 1 of even numbered years. The board shall set its rules and regulations and appoint a chairman from among its members.

(e). Vacancies. The City Council shall fill all vacancies by the appointment of a suitable person to serve the unexpired term.

(f). Meetings. Board meetings shall be held at the call of the chairman or at such other times as the Board may determine. All meetings are open to the public. The board shall keep minutes of its meeting and all records are open to the public.

Ordinance - page 3

(g). *Quorum.* Three (3) members shall constitute a quorum. A concurring vote of three (3) members of the board shall be necessary to render a decision in favor of the Appellant.

(2) Section 302.4, Exception 3. Delete the existing section 302.4, exception 3, and add a new exception 3 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.

(3) Section 506. Add a third exception to section 506, 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.

(4) Section 3301.1. Add a paragraph to the end of section 3301.1 to read as follows:

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.

(5) Section 1004.3. Add a third exception to section 1004.3, 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 operable 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.

Ordinance - page 4

(6) Section 1009.7. Add a paragraph to the end of section 1009.7 to read as follows:

In a building having a floor used for human occupancy which is located more than thirty-five (35) feet about 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.

(7) Section 904.2.1. Deleting the existing section 904.2.1 in its entirety and add a new section 904.2.1 to read as follows:

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.

(8) Section 3003.4.7. Add the following language to the end of section 3003.4.7:

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.

(9) *Appendix, Chapter 3, Division II, Agricultural Buildings* is hereby adopted and made a part hereof as if set out in full.


SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

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 (\$2,000.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health, safety and welfare of the inhabitants of the City of Mesquite, 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 and after its passage and publication of said ordinance, as the law in such cases provides.


Ordinance - page 5

DULY PASSED AND APPROVED by the City Council of the City of Mesquite,
Texas, on the 20th day of March, 1995.



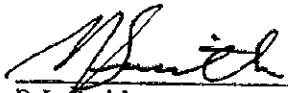
Cathye Ray
Mayor

ATTEST:



Lynn Prugel
City Secretary

APPROVED:



B.J. Smith
City Attorney

00226