

ORDINANCE NO. 3195

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY ADOPTION OF THE UNIFORM BUILDING CODE, 1997 EDITION, WITH CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; 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 is hereby amended as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 5-26. Adoption of the Uniform Building Code.

(a) The Uniform Building Code, 1997 Edition, published by the International Conference of Building Officials is hereby adopted by 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 the code shall be maintained in the office of the city secretary as an original document and ordinance of the city.

Sec. 5-27. Amendments and deletions.

The Uniform Building Code, 1997 Edition, is amended and changed in the following respects:

(a) *Deletions.* The following provisions of the Uniform Building Code, 1997 Edition, are hereby deleted:

- (1) Section 106.2 - Work exempt from permit;
- (2) Section 107.3 - Plan Review Fee;
- (3) Section 1-A - Building permit fees;
- (4) Section 1004.2.3.2 - Exception - 4.

(b) *Amendments.* The following provisions of the Uniform Building Code, 1997 Edition, are hereby amended as follows:

- (1) Section 105.1. Amend by **deleting** the section in its entirety and **inserting** a new section. The new section shall read:

Section 105.1.

Board of Appeals.

(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, decision, 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 meetings and all records are open to the public.

(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. Amend by **deleting** the Exception 3 in its entirety and **inserting** a new Exception 3. The new Exception 3 shall read as follows:

Exceptions:

(3) In the one-hour occupancy separation between a Group R, Division 3 and U 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. Amend the section by **inserting** a third exception to Section 506. The new Exception 3 shall read as follows:

Exceptions:

(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. Amend the section by **adding** the following text at the end of the section. The addition shall 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) 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 1003.3.1.8. Amend the section by **inserting** a third exception to Section 1003.3.1.8. The new Exception 3 shall read as follows:

Exceptions:

- (3) In Group R, Division 3 Occupancy exits which are not required by Table 10-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.
- (6) Section 904.2.1. Amend by **deleting** the section in its entirety and **inserting** a new section. The new section shall 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.
- (7) Section 3003.5. Amend the section by **inserting** the following text at the end of the section. The addition shall read as follows:
- 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.
- (8) Section 310.9.1.3. Amend the section by **inserting** an exception to Section 310.9.1.3. The new Exception shall read as follows:
- Exception:** Whenever construction occurs or new wiring occurs during the alteration, repair, or addition process that, in the opinion of the building official, makes it possible to hardwire the smoke detectors, then those that can be hardwired shall be installed as required for new construction.
- (9) Section 310.9.1.4. Amend the section by **adding** the following text after the last sentence in the section. The addition shall read:
- If in the opinion of the building official, the sounding of one alarm is not loud enough to be heard in all sleeping areas, one or more detectors may be required to be interconnected.
- (10) Section 403.7, item #1. Amend the section by **inserting** an exception to Section 403.7. The new Exception 4 shall read as follows:

Exceptions:

4. When corridors are not required to be of fire-resistive construction under Section 1004.3.4.3, the elevator lobby is not required.

- (11) Section 504.3. Amend the section by **deleting** the exception in its entirety and **inserting** 2 new exceptions. The new Exceptions 1 and 2 shall read as follows:

Exceptions:

1. The major occupancy classification of a building may be used to determine the allowable area of such building when the major use occupies not less than 90 percent of the area of any floor of a non-sprinklered building, or not less than 80 percent of the area of any floor of a building provided with an automatic sprinkler system throughout; and provided that other minor accessory uses shall not exceed the basic area permitted by Table 5-B for such minor uses and that various uses are separated in Section 302.4.

2. Groups B, F, M and S and Group H, Division 5 Occupancies complying with the provisions of Section 505.2 may contain other occupancies provided that such occupancies do not occupy more than 10 percent of the area of any floor of a non-sprinklered building, or not more than 20 percent of the area of any floor of a building provided with an automatic sprinkler system throughout; nor more than the basic area permitted in the occupancy by Table 5-B for such occupancy, and further provided that such occupancies are separated as specified in Section 302.4.

- (12) Section 505.2. Amend this section by **inserting** the following text at the end of the last sentence in the section. The addition shall read as follows:

In other than Group H, Divisions 1, 2 or 3 Occupancies, the area of the following buildings shall not be limited if the building is provided with an approved automatic sprinkler system throughout as specified in Chapter 9, and entirely surrounded and adjoined by public ways or yards not less than 60 feet (18 288 mm) in width. The unlimited area provisions of this paragraph cannot be used in conjunction with the fire-resistive substitution provisions of Section 508.

- (1) Type II-FR buildings.
- (2) Type II-1 hr buildings with five or less stories.
- (3) Type II-N buildings with three or less stories.

(13) Section 505.3. Amend this section by **deleting** items 1 and 3 and **renumbering** the remaining items. The section items shall read as follows:

- (1) Section 904.2.6 for Group H, Division 1 and 2 Occupancies.
- (2) Section 505.2 for unlimited area.

(14) Section 506. Amend this section by **deleting** items 2 and 3 of the second paragraph and **renumbering** the remaining items. The second paragraph of the section shall read as follows:

- (1) Section 904.2.6 for Group H, Division 1, 2, 3, 6 and 7 Occupancies.
- (2) Section 505.2 for unlimited area.
- (3) Section 904.2.7 for Group I, Divisions 1.1 and 1.2 Occupancies used as hospitals, nursing homes or health-care centers in Type II One-hour, Type III One-hour, Type IV One-hour construction.

(15) Section 508. Amend this section by **deleting** item 6 in its entirety and **inserting** a new item 6. The new item 6 shall read as follows:

6. Corridors, except as specifically exempted in Sections 1004.3.4.3 (Sections 1004.3.4.3.1 and 1004.3.4.3.2).

(16) Table 5-A. Amend this Table by **adding** Footnote 8 to the heading "Exterior Walls"⁸. Footnote 8 shall read as follows:

⁸ When the exterior wall of a non-high-rise building is more than 20 feet from the property line, the fire-resistive requirements for exterior bearing and exterior nonbearing walls may be reduced by one-hour when the building is provided with an approved automatic sprinkler system throughout as specified in Chapter 9. However, a wall that is required to be one-hour may not be reduced except as allowed under Section 508.

(17) Table 6-A. Amend this table by **adding** Footnote 4 in building element 8, "Roofs and Roof-ceilings"⁴. Footnote 4 shall read as follows:

⁴ The fire-resistive requirements for roofs of non-high-rise buildings may be reduced by one-hour when the building is provided with an approved automatic sprinkler system throughout as specified in Chapter 9.

- (18) Section 708.3.1.2.1. Amend this section by **deleting** exception 2 and **inserting** a new exception 2. The new Exception 2 shall read as follows:

Exceptions:

2. Where approved sprinklers are installed within the attic space, draftstopping may be as specified in the exception to Section 708.3.1.2.2.

- (19) Section 708.3.1.2.2. Amend this section by **deleting** the exception in its entirety and **inserting** a new exception. The Exception shall read as follows:

Exception: Where approved automatic sprinklers are installed within the attic space, the area between draft stops may be 9,000 square feet (836 m²) and the greatest horizontal dimension may be 100 feet (30 480 mm).

- (20) Section 709.6.1. Amend this section by **deleting** text in the section and **inserting** new text. The new section shall read as follows:

General. When protection of openings is required, through penetrations of the fire-resistive walls shall comply (*remainder of section unchanged*).

- (21) Section 713.10. Amend this section by **deleting** item 5 in its entirety and **inserting** a new item 5. Item 5 shall read as follows:

5. Penetrations of elevator lobbies required by Sections 403.7 and 1004.3.4.5.

- (22) Section 904.2.9. Amend this section by **deleting** the section in its entirety and **inserting** a new section. The new section shall read as follows:

Group R, Division I Occupancies. An automatic sprinkler system shall be installed throughout every apartment house two or more stories in height or containing 16 or more dwelling units, every congregate residence two or more stories in height or having an occupant load of more than 10, and every hotel two or more stories in height or containing 20 or more guest rooms. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building.

- (23) Section 906.1. Amend this section by **adding** an exception 3 to item 1. The new Exception 3 shall read as follows:

Exceptions:

3. Buildings protected throughout by an approved automatic sprinkler system.
- (24) Section 906.6.3. Amend this section by **adding** an exception. The new Exception shall read as follows:
- Exception:** In buildings protected throughout by an approved automatic sprinkler system, curtain boards need only to extend down from the ceiling for a minimum depth of four (4) feet.
- (25) Table 9-A. Amend the table, item 5 by **deleting** the words "No requirement" and **inserting** the notation to Class "T". The table, item 5 shall read as follows:
5. Standpipe Class for sprinklered buildings Class "T".
- (26) Section 1004.2.4. Amend this section by **deleting** the exception in its entirety and **inserting** 2 new exceptions. The new Exceptions 1 and 2 shall read as follows:

Exceptions:

1. The separation distance determined in accordance with this section may be measured along a direct path of exit travel within a corridor serving exit enclosures. The walls of any such exit enclosure shall not be less than 30 feet (9144 mm), measured in a straight line, from the walls of another exit enclosure.
 2. When the building is provided with an automatic sprinkler system throughout, at least two of the exits or exit-access doorways shall be placed a distance apart equal to not less than one third of the length of the maximum overall diagonal dimension of the area served, in lieu of one half, measured in a straight line between the center of such exits or exit-access doorways.
- (27) Section 1004.2.5.2.5. Amend the section by **deleting** the words "one story" after the words "In a" and by **deleting** the words "and is also provided with smoke and heat ventilation as specified in Section 906", after the word "throughout". The section shall read as follows:

In a building classified as a Group H, Division 5 aircraft repair hangar, or as a Group F or Group S Occupancy, the travel distance

shall not exceed 300 feet (91 440 mm) and may be increased to 400 feet (121 920 mm) if the building is equipped with an automatic sprinkler system throughout.

- (28) Section 1004.2.6. Amend the section by **adding** new exceptions 1 and 2 after the paragraph. The new Exceptions 1 and 2 shall read as follows:

Exceptions:

1. In occupancies in Use Group B where the building is equipped throughout with an automatic sprinkler system, the length of dead-end corridors shall not exceed 50 feet (15 240 mm).
2. A dead-end corridor shall not be limited in length where the length of the dead-end corridor is less than 2.5 times the least width of the dead-end corridor.

- (29) Section 1004.3.4.3. Amend this section by **deleting** exceptions 4, 5 and 6 and **inserting** new exceptions 4, 5 and 6. The new Exceptions 4, 5 and 6 shall read as follows:

Exceptions:

4. Corridor walls and ceilings of Group B Occupancies need not be of fire-resistive construction when the entire story in which the space is located is equipped with an automatic sprinkler system throughout and an automatic smoke-detection system installed within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor.

Use of this exception will not permit the use of non-rated non-protected construction in the following:

- for the exit enclosure separation in exception #1 of Section 1004.2.4.
- to obtain the 100 foot travel distance increase of Section 1004.2.5.2.3.
- to convey air to or from rooms as stated in Section 601.2 of the Mechanical Code except that private corridors within a single tenant space may be used to convey air provided that smoke detectors are installed within the tenant corridor in accordance with their listing.

5. Except for Groups H, I and R-1 Occupancies, corridors shall not be required to be protected when the building is protected by an approved automatic sprinkler system throughout.

Use of this exception will not permit the use of non-rated non-protected construction in the following:

- for the exit enclosure separation in exception #1 of Section 1004.2.4.
- to obtain the 100 foot travel distance increase of Section 1004.2.5.2.3.
- to convey air to or from rooms as stated in Section 601.2 of the Mechanical Code.

6. In Group B office buildings corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

- (30) Section 1004.3.4.5. Amend the section by **inserting** a fourth exception to Section 1004.3.4.5. The new Exception 4 shall read as follows:

Exceptions:

4. When corridors are not required to be of fire-resistive construction under Section 1004.3.4.3, the elevator lobby is not required.

- (31) Section 1005.3.3.7. Amend the section by **deleting** the number "75" and **inserting** the number "55" and **deleting** the numbers "22 860" and **inserting** the numbers "16 764". Also, amend the section by **inserting** a new 2nd exception. The revised section and Exceptions 1 and 2 shall read:

Pressurized enclosure. In a building having a floor level used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access, all required exit enclosures shall be pressurized in accordance with Section 905 and this section. Pressurization shall occur automatically upon activation of an approved fire alarm system.

Exceptions:

1. If the building is not equipped with a fire alarm system, pressurization shall be upon activation of a spot-type smoke detector listed for releasing service located within 5 feet (1524 mm) of each vestibule entry.

2. Open parking garages in compliance with Section 311.9. A controlled relief vent capable of discharging a minimum of 2,500 cubic feet per minute (1180 L/s) of air at the design pressure difference shall be located in the upper portion of such pressurized exit enclosures.

- (32) Section 1202.2.1. Amend this section by **inserting** an exception to Section 1202.2.1. The new Exception shall read:

Exception: Bathroom exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present and the duct does not penetrate an occupancy separation.

- (33) Table 15-A. Amend this table by **deleting** footnotes 1, 3 and 4 and **inserting** new footnotes 1 and 2. **Insert** footnote 2 in the heading, "Table 15-A - MINIMUM ROOF CLASSES"². The new Footnotes 1 and 2 to read as follows:

¹ When exceeding 120 sq. ft. of projected roof area, the roof class shall be a minimum of Class C or shall be non-combustible.

² All individual replacement shingles or shakes shall be in compliance with the rating required by this table.

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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of December, 1997.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. Smith
City Attorney