

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 5-26 AND 5-27 OF ARTICLE II IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-26 AND 5-27 OF ARTICLE II THEREBY ADOPTING THE INTERNATIONAL BUILDING 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 Sections 5-26 and 5-27 of Article II in their entirety and adding new Sections 5-26 and 5-27 of Article II to read as follows, in all other respects said Code, Article and Chapter to remain in full force and effect:

## **ARTICLE II. BUILDING CODE**

### **DIVISION 1. GENERAL**

#### **Sec. 5-26. Adopted.**

The *International Building Code*, 2006 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official building 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, repairs, demolition, maintenance and use or occupancy of all buildings, structures, materials and equipment related to the building industry in the city. A copy of *the International Building 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. 5-27. Amendments to the International Building Code, 2006 Edition.**

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

(1) *Chapter 1, Administration.*

(a) *Section 101.4.* Amend by deleting the section in its entirety and adding a new Section 101.4 to read as follows:

*Referenced codes and standards.* The codes and standards referenced herein shall be those that are listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code when specifically adopted 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 codes and standards each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the *National Electrical Code* as adopted.

- (b) *Section 101.4.1.* Amend by deleting the section in its entirety and adding a new Section 101.4.1 to read as follows:

*Electrical.* The provisions of the *National Electrical Code* as adopted shall apply to all electrical installations.

- (c) *Sections 105.1.1, 105.1.2 and 105.2.* Amend by deleting Sections 105.1.1, 105.1.2 and 105.2 in their entirety.

- (d) *Section 105.2.* Amend by adding a new Section 105.2 to read as follows:

*Permit exemptions.* No building permit fee shall be required for the construction or repair of any building or structure the title of which is directly vested in the federal government, state, county, city or any independent school district. When a request for permit is made, this exemption request shall be made in writing to the Code Official.

*Exception.* Building permit fees shall be paid by all public schools or public day care operations used in connection therewith.

- (e) *Section 105.8.* Amend by adding a new Section 105.8 to read as follows:

*Permit fee refunds.* The Code Official may authorize refunding of any fee paid hereafter which was erroneously paid or collected. The Code Official may authorize not more than 80 percent of the permit fee be refunded when no work was performed under a permit issued in accordance with the code. The Code Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days of fee payment.

- (f) *Section 109.3.5.* Amend by deleting Section 109.3.5 in its entirety.

- (g) *Section 112.* Amend by deleting the section in its entirety and adding a new Section 112 to read as follows:

*Board of Appeal:*

- (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 appeal of orders, decisions or the determinations made by the Code 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 receipt of Board findings. If the 30th day falls on a Saturday, Sunday or city holiday, the time for filing the appeal shall be extended to the next day following the 30th day which is not a Saturday, Sunday or city holiday. The appeal shall be filed at the office of the Code Official and such notice of appeal shall specify the grounds of such appeal stating the reasons appellant feels the Code Official's determination should be overturned.
- (D) *Terms.* The Board members are appointed by the City Council to serve without compensation for two-year terms. Three members shall be appointed on or about January 1 of odd-numbered years, and two 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 members shall constitute a quorum. A concurring vote of three members of the

Board shall be necessary to render a decision in favor of the Appellant.

(2) *Chapter 2, Definitions.*

- (a) *Section 202.* Amend by adding a new definition for “High-Rise Building” to Section 202 to read as follows:

*High-Rise Building.* Building having any floor used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access.

(3) *Chapter 3, Use and Occupancy Classification.*

- (a) *Section 304.1.* Amend Section 304.1 by adding the following to the list of occupancies:

Fire stations  
Police stations with detention facilities for five or less

(4) *Chapter 4, Special Detailed Requirements Based On Use and Occupancy.*

- (a) *Section 403.1.* Amend by deleting the first paragraph in the section in its entirety and adding a new first paragraph in Section 403.1 to read as follows:

*Applicability.* The provisions of this section shall apply to buildings having occupied floors located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access.

- (b) *Section 403.2.* Amend by deleting Exception “2” in Section 403.2 in its entirety.

- (c) *Section 404.1.1.* Amend by deleting the definition of “Atrium” in the section in its entirety and adding a new definition of “Atrium” in Section 404.1.1 to read as follows:

*Atrium.* An opening connecting three or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505.

- (d) *Section 406.1.4.* Amend by adding a new Item #4 in Section 406.1.4 to read as follows:

A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3,048 mm).

- (e) *Section 406.6.1.* Amend by adding a second paragraph to Section 406.6.1 to read as follows:

This occupancy shall include garages involved in servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such non-major repair. When the repair garage is only involved in such minor repair, it need not comply with Section 406.6.2.

(5) *Chapter 5, General Building Heights and Areas.*

- (a) *Section 506.2.2.* Amend by adding a sentence to Section 506.2.2 to read as follows:

In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot-wide pathway from the street or approved fire lane must be provided. (See *International Fire Code*, Section 503.1.1 for hose lay measurement pathway requirements.)

- (b) *Section 508.3.1.* Amend by deleting Exception #2 in its entirety in the section and adding a new Exception #2 in Section 508.3.1 to read as follows:

Assembly areas that are accessory to Group E occupancies are not considered separate occupancies except when applying the assembly occupancy requirements of Chapters 10 and 11.

(6) *Chapter 6. Types of Construction.*

- (a) *Table 602.* Amend the table by adding another sentence to the end of Footnote "b" to read as follows:

For special requirements for Group U occupancies see Section 406.1.2. Group R-3 and Group U when used as accessory to Group R-3, as applicable in 101.2, shall not be required to have a fire-resistance rating where fire-separation distance is three feet or more. Group R-2 and Group U carport, as applicable in 406.1.4, Exception "4," shall be required to have a fire-resistance rating where fire-separation distance is 10 feet or less.

(7) *Chapter 7, Fire-Resistance-Rated Construction.*

- (a) *Section 705.11.* Amend by deleting the exception in its entirety and adding a new exception to Section 705.11 to read as follows:

*Exception:* For other than hazardous exhaust ducts, penetrations by ducts and air transfer openings of fire walls that are not on a line shall be allowed provided the penetrations comply with Sections 712 and 716. The size and aggregate width of all openings shall not exceed the limitations of Section 705.8.

- (b) *Section 706.3.9.* Amend by deleting this section in its entirety and adding a new Section 706.3.9 to read as follows: Fire areas. The fire barrier or horizontal assembly, or both, separating an occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.9 for a single occupancy and the most restrictive value indicated in Table 706.3.9 shall apply to the entire building or portion thereof for a mixed occupancy.

- (c) *Section 707.2.* Amend by deleting Exceptions “7.4” and “7.5” in the section in their entirety and adding a new Exception “7.4” to Section 707.2 to read as follows:

Is separated from floor openings serving other floors by construction conforming to required shaft enclosures.

- (d) *Section 716.5.2.* Amend “Fire Barriers” by adding Exception “4” to Section 716.5.2 to read as follows:

In the duct penetration of the separation between the private garage and its residence when constructed in accordance with Section 406.1.4, Exception “2.”

(8) *Chapter 9, Fire-Protection System.*

- (a) *Section 903.3.1.2.* Amend by adding a new Section 903.3.1.2 to read as follows:

*Residential systems.* The installation of 13R sprinkler systems is prohibited. Where such reference is found in this code, NFPA 13 sprinkler system materials, design and installation shall be installed instead of NFPA 13R. Sprinkler coverage of voids between floors as required by NFPA 13 may be omitted when replacing a NFPA 13R system.

- (b) *Section 903.2.* Amend by deleting the exception in Section 903.2 in its entirety.

- (c) *Section 903.2.8.3.* Amend by adding a new Section 903.2.8.3 to read as follows:

903.2.8.3 Self Service storage facility. An automatic sprinkler system shall be installed throughout all self-storage facilities. Exception: One story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment.

- (d) *Section 903.2.10.3.* Amend by deleting the first paragraph and Exception “2” in the section in their entirety and adding a new first paragraph and Exception “2” to Section 903.2.10.3 to read as follows:

*Buildings over 35 feet in height.* An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouse in compliance with Section 1509, that is located 35 feet (10,668 mm) or more above the lowest level of fire department vehicle access.

*Exceptions:*

2. Open parking structures in compliance with Section 406.3.

- (e) *Section 903.2.10.5.* Amend by adding new Section 903.2.10.5 to read as follows:

*Spray booths and rooms.* Spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

- (f) *Section 903.3.1.1.1.* Amend by deleting the section in its entirety and adding a new Section 903.3.1.1.1 to read as follows:

*Exempt locations.* When approved by the Fire Code Official sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents when approved by the Code Official.
3. Generator and transformer rooms under the direct control of a public utility separated from the remainder of the building by walls and floor/ceiling

or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.

- (g) *Section 903.3.1.2.* Amend by deleting the section in its entirety and adding a new Section 903.3.1.2 to read as follows:

*NFPA 13R sprinkler systems.* The installation of 13R sprinkler systems is prohibited. NFPA 13 sprinkler system materials design and installation shall be installed instead of NFPA 13R when referenced within this code. Sprinkler coverage of voids between floors as required in NFPA 13 may be omitted when replacing a NFPA 13R system.

- (h) *Section 903.3.5.* Amend by adding a second paragraph to Section 903.3.5 to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10-psi safety factor.

- (i) *Section 903.4.* Amend by adding a paragraph after the exceptions in Section 903.4 to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

- (j) *Section 905.2.* Amend by deleting the section in its entirety and adding a new Section 905.2 to read as follows:

*Installation standards.* Standpipe system shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10-psig and a maximum of 40-psig air pressure with a high/low alarm.

- (k) *Section 905.3.8.* Amend by adding a new Section 905.3.8 to read as follows:

*Building area.* In buildings exceeding 10,000 square feet in area per story, Class 1 automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.



- (l) *Section 905.4.* Amend by deleting Item “5” in the section in its entirety and adding a new Item “5” to Section 905.4 to read as follows:

Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of stairways with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

- (m) *Section 905.9.* Amend by adding a second paragraph after the exceptions in Section 905.9 to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

- (n) *Section 907.1.3.* Amend by adding a new Section 907.1.3 to read as follows:

*Design standards.* All alarm systems, new or replacement, serving 20 or more alarm actuating devices, shall be addressable fire detection systems. Alarm systems serving more than 40 smoke detectors or more than 100 total alarm activating devices shall be analog-intelligent-addressable fire detection systems.

*Exception.* Existing systems need to comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30 percent of the building. When cumulative building remodel or expansion exceeds 50 percent of the building, must comply within 18 months of permit application.

- (o) *Section 907.2.1.* Amend by deleting the section in its entirety and adding a new Section 907.2.1 to read as follows:

*Group A.* A manual fire alarm system shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

- (p) *Section 907.2.3.* Amend by deleting the first paragraph and Exception “1” in the section in their entirety and adding a new first paragraph and Exceptions “1” and “1.1” to Section 907.2.3 to read as follows:

*Group E.* A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100 feet of open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

*Exceptions:*

1. Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.
    - 1.1 Residential in-home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2-1/2 or less years of age, see Section 907.2.6.)
- (q) *Section 907.2.12.* Amend by deleting the first paragraph and Exception “3” in the section in their entirety and adding a new first paragraph to Section 907.2.12 to read as follows:

*High-rise buildings.* Buildings having any floor used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communications system in accordance with Section 907.2.12.2.

- (r) *Section 907.4.* Amend by adding a second paragraph to Section 907.4 to read as follows:

Manual alarm actuating devices shall be an approved double action type.

- (s) *Section 907.6.1.* Amend by adding a new Section 907.6.1 to read as follows:

*Installations.* All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six feet separation between supply and return loops. IDC – Class "A" Style D, SLC - Class "A" Style 6, notification Class "B" Style Y.

- (t) *Section 907.8.2.* Amend by deleting the first paragraph in the section in its entirety and adding a new first paragraph to Section 907.8.2 to read as follows:

*High-rise buildings.* In buildings that have floors located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors
2. Sprinkler water-flow devices
3. Manual fire alarm boxes
4. Other approved types of automatic fire detection devices or suppression systems

- (u) *Section 910.1.* Amend by deleting Exception #2 in the section in its entirety and adding a new Exception #2 to Section 910.1 to read as follows:

Where areas of building are equipped with ESFR sprinklers, only manual smoke and heat vents shall be required within these areas.

- (9) *Chapter 10, Means of Egress.*

- (a) *Section 1004.1.1.* Amend by deleting the exception to Section 1007.1.1.
- (b) *Section 1017.1.* Amend by adding Exception "5" to Section 1017.1 to read as follows:

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 the 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.

- (c) *Section 1020.1.7.* Amend by deleting the section in its entirety and adding a new Section 1020.1.7 to read as follows:

*Smoke-proof enclosures.* In buildings required to comply with Sections 403 or 405, each of the exits of a building that serves stories where any floor surface is located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9,144 mm) below the level of exit discharge serving such floor levels shall be a smoke-proof enclosure or pressurized stairway in accordance with Section 909.20.

(10) *Chapter 11, Accessibility.*

- (a) *Section 1101.2.* Amend by adding an exception to Section 1101.2 to read as follows:

*Exception:* Buildings regulated under State law and built in accordance with State certified plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this chapter.

(11) *Chapter 12, Interior Environment.*

- (a) *Section 1210.2.* Amend by deleting Exception “2” in the section in its entirety and adding a new Exception “2” to Section 1210.2 to read as follows:

Toilet rooms that are not accessible to the public and which have no more than one water closet, provided that walls around urinals comply with the minimum surrounding material specified by Section 419.3 of the *International Plumbing Code*.

(12) *Chapter 23, Wood.*

- (a) *Section 2308.2.3.* Amend by adding a new Section 2308.2.3 to read as follows:

*Application to engineered design.* When accepted by the Building Official, any portion of this section is permitted to apply to buildings that are otherwise outside the limitations of this section provided that:

1. The resulting design will comply with the requirements specified in Chapter 16;
2. The load limitations of various elements of this section are not exceeded; and

3. The portions of this section which will apply are identified by an engineer in the construction documents.

(13) *Chapter 29, Plumbing Systems.*

- (a) *Section 2901.1.* Amend by adding a sentence at the end of Section 2901.1 to read as follows:

The provisions of this chapter are meant to work in coordination with the provisions of Chapter 4 of the *International Plumbing Code*. Should any conflicts arise between the two chapters, the more restrictive provision shall apply.

- (b) *Section 2902.1.* Amend by deleting the section in its entirety and adding a new Section 2902.1 to read as follows:

*Minimum number of fixtures.* Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as follows:

1. *Assembly occupancies:* At least one drinking fountain shall be provided at each floor level in an approved location.

*Exception:* A drinking fountain need not be provided in a drinking or dining establishment.

2. *Groups A, B, F, H, I, M and S occupancies:* Buildings or portions thereof where persons are employed shall be provided with at least one water closet for each sex except as provided for in Section 2902.2.
3. *Group E occupancies:* Shall be provided with fixtures as shown in Table 2902.1.
4. *Group R occupancies:* Shall be provided with fixtures as shown in Table 2902.1.

It is recommended, but not required, that the minimum number of fixtures provided shall comply with the number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the Code Official. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3.

- (c) *Section 2902.1.1.* Amend by adding a new Section 2902.1.1 to read as follows:

*Finish materials.* Finish materials shall comply with Section 1210.

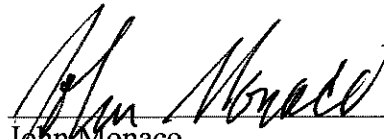
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

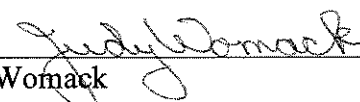
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That this ordinance shall take effect on April 16, 2008.

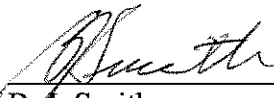
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of March, 2008.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B.J. Smith  
City Attorney