

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING ARTICLES 3.100, 3.200, 3.300, 3.400, 3.500, 3.600 AND 3.700 OF THE CODE OF ORDINANCES TO ADOPT THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTANENCE CODE, INTERNATIONAL ENERGY CODE AND THE 2008 NATIONAL ELECTRICAL CODE; PROVIDING A SEVERABILITY, SAVING CLAUSE, SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspections and completion of construction, plumbing, electrical work and buildings within the City of Leander, Texas; and

Whereas, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT;

Section 1. Finding of Fact. The above and forgoing recitals are hereby found to be true and correct and are incorporation herein as finding of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Adoption of Codes

This ordinance repeals all past versions and amendments of the Building Codes with the exception of the Fire Code amendments Ordinance # 05-039-00 Section 3.304, Article 3.300 as they pertain to sprinkler systems in the City of Leander.

- a) All previous code versions adopted are hereby repealed and the following is substituted as the Codes of the City of Leander.

2009 International Building Code and local amendments

2009 International Plumbing Code and local amendments

2009 International Mechanical Code and local amendments

2009 International Fuel Gas Code and local amendments

2008 National Electrical Code and local amendments

2009 International Residential Code and local amendments

2009 Existing Building Code and local amendments

2009 Property Maintenance Code and local amendments

2009 International Energy Conservation Code and local amendments

Section 3. Codes Amendments

That certain documents one copy of the codes are available for viewing at the City Secretary's office, being marked and designated as the 2009 Edition of the adopted codes, published by the International Code Council or the National Fire Protection Association in the case of the 2008 National Electrical code, is hereby adopted as the construction codes for the City of Leander to regular the design, construction, quality of materials, installation, erection alterations repair location relocation, replacements or additions to, use or maintenance of any building or building system; provide for the issuance of permits and collections of permit fees and each and all of the regulations, provisions, conditions and terms of the 2009 edition of the International Code Council publications as outlined above are hereby referred to, adopted and made part of this sections if fully set out in this article.

b) General amendments:

1) Each reference to Jurisdiction, AHJ, or a location or an insertion of name of jurisdiction shall mean the City of Leander, TX.

2) The fee schedule as adopted by the City of Leander supersedes any fees notated in the codes.

3) The Building Official shall authorize refunding of fees as follows:

A) Not more than 70 percent of the permit fee paid when NO work has been done under a permit in accordance with these codes.

B) Not more than 30 percent of the plan review fee paid when a permit application is withdrawn or canceled before any plan review effort has been expended.

4) Any person who shall continue to work in or about the structure after having been served with a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than \$200 dollars or more than \$2000 dollars, per day, per violations.

c) Amendments 2009 International Building Code

1) Appendix C – Group U (Agricultural Buildings) and Appendix J (Grading) are adopted by ordinance.

2) All reference to insulation or thermo-ply, for use as a draft stop or fire stop is deleted. The use of these materials as a draft stop or fire stop is prohibited.

3) Permits are required for fences 6 feet in height or greater.

d) Amendments 2009 International Plumbing Code

- 1) Appendix B (Rates of Rainfall) and Appendix C (Gray Water Recycling) are adopted by ordinance.
- 2) Section 305.6.1 the sewer depth shall be a minimum of 6 inches below grade.
- 3) Section 904.1 Plumbing vents shall terminate a minimum of 6 inches above the roof.
- 4) Section 917 The Building Official may approved the use of Air Admittance Valves as a vent of last resort.

e) **Amendments** **2009 International Mechanical Code**

- 1) None

f) **Amendments** **2009 International Fuel Gas Code**

- 1) None

g) **Amendments** **2008 National Electrical Code**

- 1) Non-Metallic Cable (NMC) shall be a minimum of 12-2 for all branch circuits. 14-2 NMC is prohibited.
- 2) Aluminum wiring is prohibited.
- 3) Refrigerators and freezers shall be installed on a dedicated circuit.
- 4) Concrete encased electrodes in Section 250-52 is the preferred grounding method in rocky Soils with the city limits.

h) **Amendments** **2009 International Residential Code**

1) Appendix C (Exit Terminals for Direct Vent appliances), Appendix E (Manufactured Housing), Appendix G (Swimming Pools, Hot Tubs and Spas) and Appendix O (Gray Water Recycling Systems) are adopted by ordinance.

2) Section R105 Permits

- A) A permit is required for an accessory structure if the floor area exceeds 120 square feet.
- B) A permit is required for a fence 6 feet in height or taller.

3) Table R301.2 (1) Design Criteria

- A) Ground Snow load – 0 to 5
- B) Wind design - 90 miles per hour (no special topographical effect)

- C) Seismic Design Category - A
 - D) Weathering – Negligible
 - E) Frost Line Depth – less than 6 inches
 - F) Termites – Moderate
 - G) Winter Design Temperature - 32 degrees
 - H) Summer Design Temperature – 90 degrees -Hot and Humid environment
 - H) Flood Hazard – Current FEMA maps
 - I) Mean Annual Temperature - 70 degrees
 - J) Rainfall – 4.25 inches per hour, 100 year.
- 4) Section R311.1 Means of Egress
- 311.1(a) Front door shall be a minimum of 36 inches wide and 78 inches tall.
- 5) Section R315 Carbon Monoxide Alarms are optional not mandatory.
- 6) Section P2904 is deleted and is substituted by the previously adopted City of Leander Sprinkler ordinance for single family homes of 6000, or more, square feet in total floor area and the third story of a three story structure regulated by this code.
- 7) Section P3114 - The Building Official may approved the use of Air Admittance Valves as a vent of last resort.
- 8) Part VIII Electrical is deleted in its entirety. Electrical systems shall be installed under the 2008 National Electrical Code and local amendments.

i) **Amendments** **2009 International Existing Building Code**

A) Appendix B (Supplemental Accessibility Requirements for Existing Buildings and Facilities) and Resource A (Guidelines on Fire Ratings of Archaic Materials and Assemblies) are adopted by ordinance.

j) **Amendments** **2009 International Property Maintenance Code**

- A) Section 107.3. Notice shall be posted on the front door of the structure.
- B) Section 111. Texas Local Government Code 214 supersedes all notification and processes listed in this section. Texas Local Government Code 214 is adopted by reference.
- C) Appendix A (Boarding Standards) is adopted by ordinance.

k) **Amendments** **2009 International Energy Conservation Code**

A) None

Section 4 **Amendment of Ordinances.**

Article 3.100, 3.200, 3.300, 3.400, 3.500, 3.600 and 3.700 of the Leander Code of Ordinances are hereby amended as provided herein. All ordinances of parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are amending to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of this city, there terms and provisions of the more restrictive shall govern.

Section 5 **Saving Clause.**

All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinance affecting building construction, building codes, plumbing codes, mechanical codes, electrical codes and other codes affect hereby including permit issuance or contractor registration within the City which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6 **Effective Date.**

This ordinance takes effect January 1, 2011.