

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE MESQUITE CITY CODE, BY REORGANIZING PORTIONS OF THE TABLE OF CONTENTS FOR CHAPTER 5 “BUILDINGS AND CONSTRUCTION” AND BY REVISING, REPEALING, AND REPLACING CERTAIN ARTICLES, DIVISIONS, AND SECTIONS; ADOPTING THE 2018 EDITIONS OF CERTAIN INTERNATIONAL CODES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL (I.C.C.) AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2017 NATIONAL ELECTRICAL CODE, A PUBLICATION OF THE NATIONAL FIRE PROTECTION ASSOCIATION; SAID CODES ARE ADOPTED OR REVISED AS FOLLOWS: ARTICLE II-A “BUILDING CODE” (I.B.C.); ARTICLE II-B “EXISTING BUILDING CODE” (I.E.B.C.); ARTICLE VI “PLUMBING CODE” (I.P.C.); ARTICLE VII “MECHANICAL CODE” (I.M.C.); ARTICLE VIII “ELECTRICAL CODE” (N.E.C.); ARTICLE IX “SWIMMING POOL AND SPA CODE” (I.S.P.S.C.); ARTICLE X “FUEL GAS CODE” (I.F.G.C.); ARTICLE XI “RESIDENTIAL CODE” (I.R.C.); ARTICLE XII “ENERGY CONSERVATION CODE” (I.E.C.C.); PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”) to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas, (“**City**”) is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072](#)(a); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, the City shall have the power to provide for the issuance of permits for erecting all buildings, for the inspection of the construction of buildings in respect to proper wiring for electric lights and other electrical appliances, piping for gas, flues, chimneys, plumbing, and sewer connections; and to enforce proper regulations in regard thereto; and the City shall also have the power to provide for license, permit and inspection fees, pursuant to Article III, [Section 28](#) of the Mesquite City Charter; and

WHEREAS, on July 28th and July 30, 2020, the Building Standards Board held public hearings to discuss the adoption of certain 2018 Editions of the International Code Council (**I.C.C.**) codes and the 2017 National Electrical Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, the Building Standards Board, by majority vote, has recommended the City Council adopt the attached 2018 Editions of the I.C.C. codes and the additions, deletions, and amendments (“**the local amendments**”) thereto, and the 2017 National Electrical Code; and

WHEREAS, upon the favorable recommendation of the Building Standards Board and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

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

SECTION 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT: Reorganizing the Chapter 5 Table of Contents and Revising, Repealing, and Replacing certain Articles, Divisions, and Sections. That Chapter 5 of the Mesquite City Code, as amended, is hereby amended by reorganizing the Chapter 5 Table of Contents and revising, repealing, and replacing certain Articles, Divisions, and Sections; thereby adopting certain 2018 Editions of international codes published by the International Code Council (I.C.C.) and providing local amendments thereto; and adopting the 2017 National Electrical Code, a publication of the National Fire Protection Association; said amendments are attached hereto and incorporated herein by reference and made a part hereof as identified below in **EXHIBITS “A” through “K”** and in all other respects said Code and Chapter to remain in full force and effect.

EXHIBIT A	Chapter 5 - Table of Contents
EXHIBIT B	Article I In General
EXHIBIT C	Article II-A Building Code
EXHIBIT D	Article II-B Existing Building Code
EXHIBIT E	Article VI Plumbing Code
EXHIBIT F	Article VII Mechanical Code
EXHIBIT G	Article VIII Electrical Code
EXHIBIT H	Article IX Swimming Pool and Spa Code
EXHIBIT I	Article X Fuel Gas Code
EXHIBIT J	Article XI Residential Code
EXHIBIT K	Article XII Energy Conservation Code

SECTION 3. Repealing Clause. 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 4. Conflicts Resolution Clause. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 5. Severability Clause. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 6. Savings Clause. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 7. Penalty Clause. Criminal. Any violation of the provisions or terms of this ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000.00) dollars for each offense, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended. **Civil.** The City may also file a civil action for enforcement of this ordinance with civil penalties up to ONE THOUSAND (\$1,000.00) dollars per day for each offense as authorized by V.T.C.A. Local Government Code, Title 2, Subtitle D, [Chapter 54, Subchapter B](#), as amended. The City may also file any other civil actions for enforcement of this ordinance as authorized by law. **Maximum penalties.** If the maximum penalties provided for by this ordinance for an offense or civil action is greater than the maximum penalty provided for the same offense or civil action under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense or civil action shall be the maximum penalty provided by the laws of the State of Texas.

SECTION 8. Publication. This ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 9. Effective Date. This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the **21st day of SEPTEMBER, 2020**.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary



David L. Paschall
City Attorney

EXHIBIT “A” TO ORDINANCE NO. _____
MESQUITE CITY CODE, CHAPTER 5, BUILDINGS AND CONSTRUCTION

Editor’s Note: This table has been provided for reference purposes only. This document identifies the general outline of how Chapter 5 is organized as it currently exists (left column) and how the new organization should generally appear (right column) after the amendments are codified. All divisions and sections may not be identified herein – this is provided only as an overview of the organizational or name changes made to certain articles and divisions.

EXISTING	NEW
Chapter 5 BUILDINGS AND CONSTRUCTION	Chapter 5 BUILDINGS AND CONSTRUCTION
ARTICLE I. In General	ARTICLE I. In General
Secs. 5-1—5-19. - Reserved.	Division 1. Generally
	Division 2. Building Standards Board
ARTICLE II. Building Code	ARTICLE II-A. Building Code (I.B.C.)
Division 1. Generally	Division 1. Generally
Division 2. Amendments	Division 2. Amendments
---	Division 3. Other Regulations
---	Division 4. Registration
ARTICLE II-A. Existing Building Code	ARTICLE II-B. Existing Building Code (I.E.B.C.)
Division 1. Generally	Division 1. Generally
Division 2. Amendments	Division 2. Amendments
---	Division 3. Other Regulations
---	Division 4. Registration
ARTICLE III. Moving of Buildings and Heavy Equipment	ARTICLE III. Moving of Buildings and Heavy Equipment
ARTICLE IV. Nuclear Fallout Shelters	ARTICLE IV. Nuclear Fallout Shelters
ARTICLE V. Construction of Fences	ARTICLE V. Construction of Fences
ARTICLE VI. Plumbing Code	ARTICLE VI. Plumbing Code (I.P.C.)
Division 1. Generally	Division 1. Generally
Division 2. RESERVED	Division 2. Amendments
Division 3. Building Official	Division 3. Other Regulations
Division 4. Registration; License; Permit	Division 4. Registration
Division 5. Installations	Division 5. Installations
Division 5.5. Control of Backflow and Cross-connections	Division 6. Control of Backflow and Cross-connections
Division 6. Inspections; Tests; Variances	Division 7. Inspections; Tests; Variances
ARTICLE VII. Mechanical Code	ARTICLE VII. Mechanical Code (I.M.C.)
Division 1. Generally	Division 1. Generally
Division 2. Amendments	Division 2. Amendments
---	Division 3. Other Regulations
---	Division 4. Registration
ARTICLE VIII. Electricity	ARTICLE VIII. Electrical Code (N.E.C.)
Division 1. Generally	Division 1. Generally
Division 2. License	Division 2. Amendments
Division 3. Permit	Division 3. Other Regulations
---	Division 4. Registration

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EXISTING	NEW
Chapter 5 BUILDINGS AND CONSTRUCTION	Chapter 5 BUILDINGS AND CONSTRUCTION
ARTICLE IX. Swimming Pools	ARTICLE IX. Swimming Pool and Spa Code (I.S.P.S.C.)
---	Division 1. Generally
---	Division 2. Amendments
---	Division 3. Other Regulations
---	Division 4. Registration
---	Division 5. Public and Semi-Public Pools and Spas
ARTICLE X. RESERVED	ARTICLE X. Fuel Gas Code (I.F.G.C.)
---	Division 1. Generally
---	Division 2. Amendments
---	Division 3. Other Regulations
---	Division 4. Registration
ARTICLE XI. Public and Semi-Public Pools and Spas	ARTICLE XI. Residential Code (I.R.C.)
---	Division 1. Generally
---	Division 2. Amendments
---	Division 3. Other Regulations
---	Division 4. Registration
ARTICLE XII. Fuel Gas Code	ARTICLE XII. Energy Conservation Code (I.E.C.C.)
Division 1. Generally	Division 1. Generally
Division 2. Amendments	Division 2. Amendments
---	Division 3. Other Regulations
---	Division 4. Registration
ARTICLE XIII. Residential Code	ARTICLE XIII. RESERVED
ARTICLE XIV. Energy Code	ARTICLE XIV. RESERVED

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

ARTICLE I. – IN GENERAL

DIVISION 1. – GENERALLY

Secs. 5-1 – Reserved.

Sec. 5-2. – Building Official.

The Building Official is hereby authorized and directed to enforce the provisions of this Article. The Building Official shall have the authority to render interpretations of the adopted codes in this Chapter and to adopt policies and procedures in order to clarify the application of any provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of the adopted codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in any adopted code.

Sec. 5-3. - Inspections—Right of entry of building official.

Where it is necessary to make an inspection to enforce the provisions of this Chapter, or where the Building Official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

Sec. 5-4. Certain regulations regarding building products, materials or aesthetic methods prohibited.

* * *

[Editor's note: The contents of existing Section 5-19 titled "Certain regulations regarding building products, materials or aesthetic methods prohibited" shall be moved hereto.]

DIVISION 2. – BUILDING STANDARDS BOARD

Sec. 5-5. –Board Establishment and Rules

[Editor's Note: The contents of existing Section 5-25 titled "Building Standards Board" shall be moved here.]

Secs. 5-6 – 5-10. – Reserved.

Editor's note:

[Existing Article II. – "Building Code" shall be repealed in its entirety and replaced with the following text.]

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-6 – 5-10. – Reserved.

ARTICLE II-A. – BUILDING CODE

DIVISION 1. – GENERALLY

Sec. 5-11. Short title.

This article shall be known and cited as the "Mesquite Building Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-12. Adopted.

The [International Building Code \(I.B.C.\), 2018 Edition](#), a publication of the International Code Council (I.C.C.), is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") prescribed in this article. A copy of the International Building Code, 2018 Edition, and the local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-13. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-14 – 5-15. – Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-16. – Local Amendments to the International Building Code, 2018 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published [International Building Code \(I.B.C.\), 2018 Edition](#), and this section, the specific provisions of this section shall control.
2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the I.B.C., 2018 Edition.
 - b. Table Legend.
 - (1) Column 1: Item Reference Number
 - (2) Column 2: Related I.B.C. Code Section Number and Title
 - (3) Column 3: Local Amendment to I.B.C.
 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.B.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.
 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.B.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL BUILDING CODE		
No.	IBC Code Section No. Title	Local Amendment to IBC
01	IBC 101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>101.1 Title. These Regulations shall be known as the Building Code of the City of Mesquite, Texas, ("Mesquite Building Code") and may be hereinafter referred to as "this code."</p>
02	IBC 105.1.1 Annual permit.	<i>Delete this section.</i>
03	IBC 105.1.2 Annual permit records.	<i>Delete this section.</i>
04	IBC 105.2 Work exempt from permit.	<i>Amend by deleting number 1, 2, 6 and 9 [the remainder of the section is unchanged].</i>
05	IBC 105.3.2 Time limitation of application.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>105.3.2. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 45-days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 45-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
06	IBC 105.5 Expiration.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>105.5. Expiration. Every permit issued shall expire and become null and void if (i) the permittee fails to commence work on the site authorized by such permit within 30-days after its issuance, or (ii) the permittee fails to have the work authorized on the site by such permit inspected during any 90-day period after the work has commenced. It shall be unlawful to commence or recommence work after a permit expires without obtaining a new permit or receiving an extension from the Building Official. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
07	IBC 105.7 Placement of permit.	<i>Amend by deleting the section in its entirety.</i>

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08	IBC 109.2 Schedule of permit fees.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>R109.2 Schedule of permit fees. * * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>
09	IBC 109.6 Refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>109.6 Refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official may authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180-days from the date of fee payment.</p>
10	IBC 110.3.11 Final inspection.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>110.3.11. Final Inspection. Every permit required by this Code shall be required to pass a final inspection after all work has been completed.</p>
11	IBC SECTION 113 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION 113 APPEALS</p> <p>113.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.</p>
12	IBC 114.1 Unlawful acts.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>114.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with, or in violation of, any of the provisions of this code.</p>
13	IBC 114.2 Notice of violation.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>114.2 Notice of violation. The <i>building official</i> is authorized to serve a notice of violation or order on the owner of the premises, or any person, firm, corporation, or other entity responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure, in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order may direct the discontinuance of the illegal action or condition and the abatement of the violation.</p>

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14	IBC 114.3 Prosecution of failure to promptly comply with Notice of Violation.	<p><i>Amend section title and section in its entirety to read as follows:</i></p> <p>114.3 Prosecution of failure to promptly comply with Notice of Violation. Failure to promptly comply with notice of violation issued by the building official shall constitute a separate violation of this code and may be prosecuted as such by the City. This section shall not be construed as requiring notification, or any other condition, to any proceeding seeking to address any violation of the provisions of this code.</p>
15	IBC 114.4 Violation penalties.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>114.4 Violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issue under the provisions of this code shall be subject to penalties as prescribed by law and herein in this Article.</p> <p>Nothing in this code shall be construed to interfere, inhibit, or otherwise affect the pursuit of legal remedies or proceedings to restrain, correct, abate, or otherwise address any violation of this code, or to remove or terminate unlawful occupancy of a premises in violation of the provisions of this code.</p>
16	IBC SECTION 202 Definitions	<p><i>Amend section by changing the definition for "Ambulatory Care Facility" to read as follows:</i></p> <p>Ambulatory Care Facility. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation. This group may include but not be limited to the following:</p> <ul style="list-style-type: none"> - Dialysis centers - Sedation dentistry - Surgery centers - Colonic centers - Psychiatric centers
17	IBC SECTION 202 Definitions	<p><i>Amend section by changing the definition for "Atrium" to read as follows:</i></p> <p>Atrium. An opening connecting three or more stories other than enclosed stairways, elevators, hoist ways, 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.</p>
18	IBC SECTION 202 Definitions	<p><i>Amend section by changing the definition for "High-Rise Building" to read as follows:</i></p> <p>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.</p>

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19	IBC SECTION 202 Definitions	<p><i>Amend section by changing the definition for "Repair Garage" to read as follows:</i></p> <p>Repair garage. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages for minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor parts replacement and other such minor repair.</p>
20	IBC 403.3.2 Water supply to required fire pumps.	<p><i>Amend section by changing the first sentence to read as follows:</i></p> <p>403.3.2 Water supply to required fire pumps. In buildings that are more than 120 feet (36.5 m) in building height, required fire pumps shall be supplied by connections to not fewer than two water mains located in different streets.</p> <p style="text-align: center;">* * *</p>
21	IBC 403.5.4 Smokeproof enclosures.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>403.5.4 Smokeproof enclosures. Every required interior exit stairway serving floors more than 55 feet (16 765 mm) above the lowest level of fire department vehicle access shall be a smokeproof enclosure in accordance with Sections 909.20 and 1023.11.</p>
22	IBC 423.5 Modifications.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>423.5 Modifications. The Building Official, upon application of the owner or the owner's representative, shall have the authority to grant modifications to the size of storm shelters in Group E occupancies based upon the practical capacity of educational space and subject to Peer Review in Section 106 of ICC 500. The approved capacity of the storm shelter shall be noted on the facility certificate-of-occupancy.</p>
23	IBC TABLE 506.2 Allowable area factor in square feet.	<p><i>Amend section by deleting sentence " i " in its entirety.</i></p>
24	IBC 718.3 Draft stopping in floors.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>718.3 Draft stopping in floors. Draft stopping shall be installed to subdivide floor/ceiling assemblies where required by section 708.4.2. Draft stopping shall be installed to subdivide combustible floor/ceiling assemblies so that horizontal floor areas do not exceed 1000 square feet (93m3).</p>

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25	IBC 718.4 Draft stopping in attics.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>718.4 Draft stopping in attics. Draft stopping shall be installed to subdivide attic spaces where required by section 708.4.2. Draft stopping shall be installed to subdivide combustible attic spaces and combustible concealed roof spaces such that any horizontal area does not exceed 3000 square feet (279m²). Ventilation of concealed roof spaces shall be maintained in accordance with Section 1202.2.1.</p>
26	IBC 903.1.1 Alternate protection.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as approved by the fire code official.</p>
27	IBC 903.2 Where required.	<p><i>Amend section by adding a paragraph after the first sentence to read as follows and delete the exception in its entirety:</i></p> <p>903.2 Where required.</p> <p style="text-align: center;">* * *</p> <p>Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY – NO STORAGE ALLOWED."</p>
28	IBC 903.2.9.3 Self-Service Storage Facility.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>903.2.9.3 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.</p>
29	IBC 903.2.11.3 Building 35 feet or more in height.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>903.2.11.3 Buildings 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories, other than penthouses in compliance with Section 1510 of the International Building Code, located 35 feet or more above the lowest level of fire department vehicle access, measured to the finished floor.</p> <p>Exception: Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.</p>
30	IBC 903.2.11.7 High-Piled combustible storage.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>903.2.11.7 High-piled combustible storage. For any building with a clear height exceeding 14 feet, see Chapter 32 to determine if those provisions apply.</p>

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31	IBC 903.2.11.8 Spray booths and rooms.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>903.2.11.8 Spray booths and rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.</p>
32	IBC 903.2.11.9 Buildings over 6,000 sq. ft.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>903.2.11.9 Buildings over 6,000 square feet. An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 square feet or greater and in all existing buildings that are enlarged to be 6,000 square feet or greater. For the purpose of this provision, fire walls shall not define separate buildings.</p> <p>Exception: Open parking garages in compliance with Section 406.5 of the International Building Code and aircraft hangars in compliance with Section 914.8 of the International Fire Code.</p>
33	IBC 903.3.1.1.1 Exempt locations.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>903.3.1.1.1 Exempt locations. When approved by the fire code official, automatic 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.</p> <ol style="list-style-type: none"> 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 fire 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. 4. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

34	<p>IBC 903.3.1.2.3 Attached attics and garages.</p>	<p><i>Amend section in its entirety to read as follows:</i></p> <p>903.3.1.2.3 Attached Garages and Attics. Sprinkler protection is required in attached garages, and in the following attic spaces.</p> <p>1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.</p> <p>2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.</p> <p>3. Attic spaces of buildings that are two or more stories in height above grade plane or above the lowest level of fire department vehicle access.</p> <p>4. Group R-4, Condition 2 occupancy attics not required by Item 1 or 3 to have sprinklers shall comply with one of the following:</p> <p style="padding-left: 40px;">4.1. Provide automatic sprinkler system protection.</p> <p style="padding-left: 40px;">4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.</p> <p style="padding-left: 40px;">4.3. Construct the attic using noncombustible materials.</p> <p style="padding-left: 40px;">4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.</p> <p style="padding-left: 40px;">4.5. Fill the attic with noncombustible insulation.</p>
35	<p>IBC 903.3.1.4 Freeze protection.</p>	<p><i>Amend by adding a new section to read as follows:</i></p> <p>903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.</p>

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36	IBC 903.3.1.4.1 Attics.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.</p> <p>Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:</p> <ol style="list-style-type: none"> 1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and 2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and 3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.
37	IBC 903.1.4.2 Heat trace/ insulation.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>903.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.</p>
38	IBC 903.3.5 Water supplies.	<p><i>Amend by adding a second paragraph to read as follows:</i></p> <p>903.3.5 Water supplies. Water supplies for automatic sprinkler systems...</p> <p style="text-align: center;">* * *</p> <p>Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 10 psi safety factor. Reference Section 507.4 for additional design requirements.</p>
39	IBC 903.4 Sprinkler system supervision and alarms.	<p><i>Amend section by adding a paragraph after the exceptions to read as follows:</i></p> <p>903.4 Sprinkler system supervision and alarms. Valves controlling the water supply for automatic sprinkler systems...</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">Exceptions:</p> <p style="text-align: center;">* * *</p> <p>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.</p>

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40	IBC 903.4.2 Alarms.	<p><i>Amend section by adding a second paragraph to read as follows:</i></p> <p>903.4.2 Alarms. An approved audible device, located on the exterior of the building...</p> <p style="text-align: center;">* * *</p> <p>The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.</p>
41	IBC 905.2 Installation standard.	<p><i>Amend section by adding a second sentence to read as follows:</i></p> <p>905.2 Installation standard. Standpipe systems shall be installed in accordance...</p> <p style="text-align: center;">* * *</p> <p>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.</p>
42	IBC 905.3.9 Buildings exceeding 10,000 sq. ft.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the fire code official. 2. R-2 occupancies of four stories or less in height having no interior corridors.
43	IBC 905.4 Location of Class I standpipe hose connections.	<p><i>Amend section by changing item 1 to read as follows:</i></p> <p>905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:</p> <ol style="list-style-type: none"> 1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the main floor landing between stories, unless otherwise approved by the fire code official. <p style="text-align: center;">* * *</p>

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44	<p style="text-align: center;">IBC 905.4 Location of Class I standpipe hose connections.</p>	<p><i>Amend section by changing item 3. to read as follows:</i></p> <p>905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations: * * *</p> <p style="padding-left: 40px;">3. In every exit passageway, at the entrance from the exit passageway to other areas of a building</p> <p>Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.</p> <p style="text-align: center;">* * *</p>
45	<p style="text-align: center;">IBC 905.4 Location of Class I standpipe hose connections.</p>	<p><i>Amend section by changing item 5. to read as follows:</i></p> <p>905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations: * * *</p> <p style="padding-left: 40px;">5. 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 to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12</p> <p style="text-align: center;">* * *</p>
46	<p style="text-align: center;">IBC 905.4 Location of Class I standpipe hose connections.</p>	<p><i>Amend section by adding a new item 7. to read as follows:</i></p> <p>905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations: * * *</p> <p style="padding-left: 40px;">7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.</p>

47	IBC 905.9 Valve supervision.	<p><i>Amend section by adding a second paragraph after the exceptions to read as follows:</i></p> <p>905.9 Valve supervision. Valves controlling water supplies shall be supervised...</p> <p style="text-align: center;">* * *</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Valves to underground . . . 2. Valves locked in . . . <p>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.</p>
48	IBC 907.1.4 Design standards.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>907.1.4 Design standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.</p>
49	IBC 907.2.1 Group A.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with new Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or where the occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.-10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. 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> <p>Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.</p> <p>Activation of fire alarm notification appliances shall:</p> <ol style="list-style-type: none"> 1. Cause illumination of the means of egress with light of not less than one-foot candle (11 lux) at the walking surface level, and; 2. Stop any conflicting or confusing sounds and visual distractions

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50	IBC 907.2.3 Group E.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 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.</p>
51	IBC 907.2.3 Group E Exception 1.1	<p><i>Amend section by adding a sentence after exception 1 to read as follows:</i></p> <p>907.2.3 Group E. A manual fire alarm system that initiates...</p> <p style="text-align: center;">* * *</p> <p>Exceptions:</p> <p>1. A manual fire alarm system . . .</p> <p style="text-align: center;">* * *</p> <p>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.)</p> <p style="text-align: center;">* * *</p>
52	IBC 907.2.12 High-rise buildings.	<p><i>Amend section by changing exception 3 to read as follows:</i></p> <p>907.2.12 High-rise buildings. High-rise buildings shall be provided with an automatic smoke detection...</p> <p>Exceptions:</p> <p style="text-align: center;">* * *</p> <p>3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.</p> <p style="text-align: center;">* * *</p>
53	IBC 907.4.2.7 Type.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.</p>

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54	IBC 907.6.1.1 Wiring installation.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>907.6.1.1 Wiring installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.</p>
55	IBC 907.6.3 Initiating device identification.	<p><i>Amend section by deleting all exceptions in their entirety.</i></p>
56	IBC 910.2 Where required.	<p><i>Amend section by changing exceptions 2 and 3 to read as follows:</i></p> <p>910.2 Where required. Smoke and heat vents or a mechanical smoke removal system...</p> <p style="text-align: center;">Exceptions:</p> <p style="text-align: center;">* * *</p> <ol style="list-style-type: none"> 2. Only manual smoke and heat removal shall not be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited. 3. Only manual smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m^*S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

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57	IBC 910.2.3 Group H.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:</p> <ol style="list-style-type: none"> 1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m2) in single floor area. <p>Exception: Buildings of noncombustible construction containing only noncombustible materials.</p> <ol style="list-style-type: none"> 2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification. <p>Exception: Buildings of noncombustible construction containing only noncombustible materials.</p>
58	IBC 910.3.4 Vent operation.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>910.3.4 Vent operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.</p>
59	IBC 910.3.4.1 Sprinkled buildings.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.</p> <p>Exception: Manual only systems per Section 910.2.</p>
60	IBC 910.3.4.2 Non-Sprinkled buildings.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>910.3.4.2 Non-Sprinklered buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.</p> <p>Exception: Listed gravity-operated drop out vents.</p>
61	IBC 910.4.3.1 Makeup air.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>910.4.3.1 Makeup Air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be manual or automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m2 per 0.4719 m3/s) of smoke exhaust.</p>

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62	IBC 912.2.3 Hydrant distance.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>912.2.3 Hydrant distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.</p>
63	IBC 913.2.1.1 Fire pump room access.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>913.2.1.1 Fire pump room access. When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by IFC Section 506.1.</p> <p style="padding-left: 40px;">Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by IFC Section 506.1.</p>
64	IBC 1009.1 Accessible means of egress required.	<p><i>Amend section by adding an exception #3 to read as follows:</i></p> <p>1009.1 Accessible means of egress required. Accessible means of egress shall comply with this section...</p> <p style="text-align: center;">* * *</p> <p>Exceptions:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">3. Buildings regulated under State law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.</p>
65	IBC 1101.1 Scope.	<p><i>Amend section by adding an exception to read as follows:</i></p> <p>1101.1 Scope. The provisions of this chapter shall control the design and construction of facilities for accessibility for individuals with disabilities.</p> <p style="padding-left: 40px;">Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.</p>
66	IBC 1511.3.1 Roof re-cover.	<p><i>Amend section by changing the first sentence to read as follows:</i></p> <p>1511.3.1 Roof re-cover. The installation of a new roof covering over an existing roof covering shall be permitted only where any of the following conditions occur:</p> <p style="text-align: center;">* * *</p>

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67	IBC 1511.3.1 Roof re-cover.	<i>Amend section by deleting condition 1. in its entirety.</i>
68	IBC 1511.3.1.1 Exceptions.	<i>Amend section by deleting exception 3. in its entirety.</i>
69	IBC 2901.1 Scope.	<p><i>Amend section by adding a sentence at the end of the section to read as follows:</i></p> <p>2901.1 Scope. The provisions of this chapter and the International Plumbing Code shall govern the design...</p> <p style="text-align: center;">* * *</p> <p>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 Building Official shall determine which provision applies.</p>
70	IBC 3107.1 General.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>3107.1 General. Signs shall be designed, constructed and maintained in accordance with this code, the International Property Maintenance Code and the Mesquite City Code.</p>

[Editor's note: *Renumber existing Section 5-19 titled "Certain regulations regarding building products, materials or aesthetic methods prohibited" to **Sec. 5-4.***]

Secs. 5-17 – 5-20. – Reserved.

DIVISION 3. – OTHER REGULATIONS

Sec. 5-21. - Name of architect or engineer required.

No permit shall be issued for any building or other structure used for commercial purposes or as a place of assembly unless the plans or specifications submitted shall have the name of the architect or engineer responsible for such plans and specifications plainly indicated thereon and set forth on the face of the title sheet of all of such plans or specifications.

Secs. 5-22 – 5-35. – Reserved.

DIVISION 4. – REGISTRATION

Sec. 5-36. – Contractors – Registration Required.

- (a) *Registration required.* Contractors doing business and conducting work in the City of Mesquite shall register with the City as a General Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City.

- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum:

- (1) show the contractor's name, local address and telephone number; and such other information as may be reasonably required to properly identify the contractor;
- (2) provide a current government-issued identification; and
- (3) provide a good and sufficient corporate surety bond in the amount of \$5,000.00 (Five Thousand Dollars) payable to the City of Mesquite, Texas, for the use and benefit of either the City, or the property owner for damages as a result of any act or neglect of the principal, agents or employees; or by reason of failure to remedy any defects or faulty workmanship or material within the time prescribed by the Building Official for the completion of such remedial work, without additional cost to the person for whom the work was done; and guaranteeing compliance with the requirements of the applicable codes of all work installed by the principal, agents or employees.

- (d) *Fee required.* Unless otherwise herein authorized, each application must be accompanied by the required fee(s) as set in the City of Mesquite Comprehensive Fee Schedule.

Cross reference – [Appendix D – Comprehensive Fee Schedule, Sec. 12-111](#).

Sec. 5-37. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as a General Contractor to secure building permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered general contractor, or to use falsely the words "general contractor," either verbally or in writing, unless such person is, in fact, registered as a general contractor.

Sec. 5-38. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any General Contractor for violating the requirements of this Chapter.
- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the General Contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the General Contractor nor anyone operating under the auspices of his or her business or control or

supervision shall engage in such business within the City or be qualified to submit or maintain an application for an building permit.

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-39. – Withholding the issuance of building permits.

- (a) *Decision to withhold issuance of permits.* Upon the failure on the part of any person holding a building permit to correct any defect, error or deficiency in any work installed or contracted under the authority of a building permit issued to him or her within ten (10) calendar days after written notification thereof from the office of the Building Official, or from such other person as may be designated by the City Manager, the Building Official, or such other person so designated, shall without further notice stop the issuance of permits to such persons until such corrections have been made, inspected, and approved.
- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Secs. 5-40 – 5-44. – Reserved.

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-40 – 5-44. – Reserved.

ARTICLE II-B. EXISTING BUILDING CODE

DIVISION 1. GENERALLY

Sec. 5-45. Short title.

* * *

Sec. 5-46. Adopted.

* * *

Sec. 5-47. Penalties.

* * *

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-48 – 5-50. – Reserved.

DIVISION 2. AMENDMENTS

Sec. 5-51. Local Amendments to the International Existing Building Code, 2018 Edition.

* * *

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL EXISTING BUILDING CODE		
No.	IEBC Code Section No. Title	Local Amendment to IEBC
01	* * *	* * *
* * *	* * *	* * *
11	IEBC SECTION 112 Board of Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">Section 112 APPEALS</p> <p>112.1 General. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board established in Mesquite City Code, Chapter 5, Section 5-5 according to the appeal procedures and time for filing set forth therein.</p>
* * *	* * *	* * *

Secs. 5-52 – 5-55. – Reserved.

DIVISION 3 – OTHER REGULATIONS.

Division 3 of Article II-A “Building Code” is hereby adopted by reference and incorporated herein to the same extent as if such were copied verbatim into this Division 3 of Article II-B “Existing Building Code.”

DIVISION 4 – CONTRACTORS – REGISTRATION REQUIRED.

Division 4 of Article II-A “Building Code” is hereby adopted by reference and incorporated herein to the same extent as if such were copied verbatim into this Division 4 of Article II-B “Existing Building Code.”

* * *

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-152—5-180. - Reserved.

ARTICLE VI. – PLUMBING CODE

DIVISION 1. – GENERALLY

Sec. 5-181. Short title.

This article shall be known and cited as the "Mesquite Plumbing Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-182. Adopted.

The [International Plumbing Code \(I.P.C.\), 2018 Edition](#), a publication of the International Code Council (I.C.C.), is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") prescribed in this article. A copy of the International Plumbing Code, 2018 Edition, and the local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-183. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Sec. 5-184. Applicability.

The provisions of this article shall apply with equal force to all buildings, structures and premises, whether public or private, within the corporate limits of the city and shall also apply to buildings, structures and premises located outside the corporate limits when connected to the waterworks or sewage system of the city. The various departments and buildings of the city, the Mesquite Independent School District, county, state and all churches shall be subject to the provisions of this article insofar as the same may be applicable, but shall be exempt from the requirements of fees as provided herein.

Sec. 5-185. - Responsibility for safe work.

This article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any plumbing, to install or control same in a safe manner, or for damages to persons or property caused by any defect therein; nor shall the city be held as assuming any such liability by reason of the inspection or reinspection authorized herein, or by reason of the approval or disapproval of any plumbing equipment or fixtures.

Secs. 5-186—5-205. - Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-206. – Local Amendments to the International Plumbing Code, 2018 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published [International Plumbing Code \(I.P.C.\), 2018 Edition](#), and this section, the specific provisions of this section shall control.
2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the I.P.C., 2018 Edition.
 - b. Table Legend.
 - (1) Column 1: Item Reference Number
 - (2) Column 2: Related I.P.C. Code Section Number and Title
 - (3) Column 3: Local Amendment to I.P.C.
 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.P.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.
 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.P.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL PLUMBING CODE		
No.	IPC Code Section No. Title	Local Amendment to IPC
01	IPC 101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>101.1 Title. These regulations shall be known as the Plumbing Code of the City of Mesquite, Texas, ("Mesquite Plumbing Code") and may hereinafter be referred to as "this code."</p>
02	IPC 106.1.1 Annual permit.	<i>Delete this section.</i>
03	IPC 106.1.2 Annual permit records.	<i>Delete this section.</i>
04	IPC 106.3.3 Time limitation of application.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.3.3. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 45-days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 45-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
05	IPC 106.5.3 Expiration.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.5.3. Expiration. Every permit issued shall expire and become null and void if (i) the permittee fails to commence work on the site authorized by such permit within 30-days after its issuance, or (ii) the permittee fails to have the work authorized on the site by such permit inspected during any 90-day period after the work has commenced. It shall be unlawful to commence or recommence work after a permit expires without obtaining a new permit or receiving an extension from the Building Official. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
06	IPC 106.5.4 Extension.	<i>Delete this section.</i>
07	IPC 106.5.8 Posting of permit.	<i>Delete this section.</i>

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MESQUITE CITY CODE, CHAPTER 5, ARTICLE VI. – PLUMBING CODE
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08	IPC 106.6.2 Fee schedule.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>106.6.2 Fee schedule.</p> <p style="text-align: center;">* * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>
09	IPC 106.6.3 Fee refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.6.3 Fee refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official shall authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180-days from the date of fee payment.</p>
10	IPC 108.1 Unlawful acts.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with, or in violation of, any of the provisions of this code.</p>
11	IPC 108.2 Notice of violation.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.2 Notice of violation. The <i>building official</i> is authorized to serve a notice of violation or order on the owner of the premises, or any person, firm, corporation, or other entity responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure, in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order may direct the discontinuance of the illegal action or condition and the abatement of the violation.</p>
12	IPC 108.3 Prosecution of failure to promptly comply with Notice of Violation.	<p><i>Amend section title and section in its entirety to read as follows:</i></p> <p>108.3 Prosecution of failure to promptly comply with Notice of Violation. Failure to promptly comply with notice of violation issued by the building official shall constitute a separate violation of this code and may be prosecuted as such by the City. This section shall not be construed as requiring notification, or any other condition, to any proceeding seeking to address any violation of the provisions of this code.</p>

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MESQUITE CITY CODE, CHAPTER 5, ARTICLE VI. – PLUMBING CODE
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13	IPC 108.4 Violation penalties.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.4 Violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issue under the provisions of this code shall be subject to penalties as prescribed by law and herein in this Article.</p> <p>Nothing in this code shall be construed to interfere, inhibit, or otherwise affect the pursuit of legal remedies or proceedings to restrain, correct, abate, or otherwise address any violation of this code, or to remove or terminate unlawful occupancy of a premises in violation of the provisions of this code.</p>
14	IPC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION 109 APPEALS</p> <p>109.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.</p>
15	IPC SECTION 202 General Definitions.	<p><i>Amend section by changing the definition for "Code Official" to read as follows:</i></p> <p>CODE OFFICIAL. The Building Official, or other authority designated by the Building Official, charged with the administration and enforcement of this Code.</p>
16	IPC 305.4.1 Sewer depth.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>305.4.1 Sewer depth. Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.</p>
17	IPC 401.1 Scope.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>401.1 Scope. This chapter shall govern the materials, design and installation of plumbing fixtures, faucets and fixture fittings in accordance with the type of occupancy and shall provide for the minimum number of fixtures for various types of occupancies. The provisions of this chapter are meant to work in coordination with the provisions of the International Building Code. Should any conflicts arise between the two codes, the Code Official shall determine which provision applies.</p>
18	IPC 413.5 Public restrooms.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>413.5 Public restrooms. Public restrooms in all occupancies shall be provided with floor drains located to readily drain the entire floor area.</p>

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19	IPC 502.3 Water heaters installed in attics.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>502.3 Water heaters installed in attics. Water heaters are prohibited from being installed within any attic space or cavity.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. A maximum 10-gallon water heater that is capable of being accessed through a lay in ceiling and is not more than 10 feet (3,048 mm) above the ground or finished floor level and is capable of being reached with a portable ladder. 2. Tankless water heaters installed in accordance with Section M1305.1.2 of the International Residential Code
20	IPC 504.7.2 Pan drain termination.	<p><i>Amend section by deleting the last sentence in its entirety.</i></p>
21	IPC 608.1 General.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to Texas Natural Resource Conservation Commission AWWA M-14 regulations and Table 608.1, and as specifically stated in Sections 608.2 through 608.16.10. When the water supply system includes a carbonated beverage dispensing system, the minimum RPZ allowed is of stainless-steel materials.</p>
22	IPC 608.17.5 Connections to lawn irrigation systems.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>608.17.5 Connections to lawn irrigation systems. The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Title 30, Chapter 344, Subchapters E and F, §§ 344.50—344.65 of the Texas Administrative Code, as the same may be from time to time amended, are hereby adopted by reference as the landscape irrigation rules of the City.</p>
23	IPC 703.6 Combined sanitary and storm public sewer.	<p><i>Delete this section.</i></p>
24	IPC 903.1 Roof extensions.	<p><i>Amend by changing the first sentence to read as follows:</i></p> <p>903.1 Roof extensions. Open vent pipes through a roof shall be terminated not less than six (6) inches (152 mm) above the roof.</p> <p style="text-align: center;">* * *</p>

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MESQUITE CITY CODE, CHAPTER 5, ARTICLE VI. – PLUMBING CODE
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25	IPC 1003.3.1 Grease interceptors and automatic grease removal device required.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>1003.3.1 Grease interceptors and automatic grease removal device required. A grease trap or grease interceptor shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias or restaurants and clubs. A permit for installation of a grease trap or grease interceptor must be obtained pursuant to Chapter 16, Article VI of the Code of the City of Mesquite. All fixtures and drains within these areas with the exception of restroom drainage lines shall be piped to go through the required grease trap. Sizing of grease traps and grease interceptors shall be in accordance with the standard operating procedures as established by the Health division of the Department Planning and Development Services.</p>
26	IPC 1003.3.1 Access and maintenance of interceptors and separators.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>1003.3.1 Grease interceptors and automatic grease removal device required. A grease trap or grease interceptor shall be required...</p> <p style="text-align: center;">* * *</p> <p>All interceptors and separators must be connected to an active sanitary sewer system and in <i>continuous</i> use. All interceptors and separators no longer connected to an active sanitary sewer system or no longer in <i>continuous</i> use must be removed and disposed of properly within 180 days of non-<i>continuous</i> use.</p> <p>For purposes of this section, <i>Continuous</i> use is defined as having all the following:</p> <ol style="list-style-type: none"> 1. Located at a legal business possessing a valid Certificate of Occupancy; and 2. Located at a legal business with an active City of Mesquite water utilities account.
27	IPC 1106.1 General.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour.</p>
28	IPC 1109 COMBINED SANITARY AND STORM PUBLIC SEWER	<i>Delete this section.</i>
29	IPC 1202.1 Nonflammable medical gases.	<i>Delete exceptions 1 and 2.</i>

Secs. 5-207—5-230. - Reserved.

DIVISION 3. – OTHER REGULATIONS

Sec. 5-231. – Supervision of plumbing work; discontinuance of unsupervised work.

- (a) In the actual work of installing, maintaining, altering or repairing any plumbing apparatuses or equipment for which a permit is required by this article there shall be present and in direct supervision a qualified plumber of the proper classification.
- (b) A competent master plumber shall be liable and responsible for layout and technical supervision of any work which requires a permit and a journeyman or higher classified grade plumber shall be in direct "on the job" supervision of work carried on specified in this Article.
- (c) Should it come to the attention of the plumbing inspector or his assistants that such supervision and control are not being maintained, the inspector may order the work to be discontinued and the person to whom the permit has been issued shall discontinue further work until proper supervision has been employed or supplied.
- (d) Nothing in this Section shall be construed as prohibiting the employment of apprentices assisting a person duly registered and qualified under the provisions of this Article.

Sec. 5-232. – Installation of plumbing equipment by homeowners.

- (a) Nothing contained in this Article shall prohibit any bona fide homeowner from personally installing plumbing equipment within his or her own home; provided, that the owner shall file with the building official approved plans and specifications, satisfy the building official as to his or her ability to install plumbing equipment, apply for and secure a permit, pay the required fees and do the work in accordance with this Article.
- (b) Personal installation by an owner under these home owners' rights shall be by the owner, for the owner, on the owner's homestead premises, without compensation. No person shall be employed to assist the owner in any way on such work.

Secs. 5-233—5-245. - Reserved.

DIVISION 4. – REGISTRATION.

Sec. 5-246. – Plumbers – Registration Required.

- (a) *Registration required.* Plumbers doing business and conducting work in the City of Mesquite shall register with the City as a Plumbing Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City.

- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum, show the contractor's name, local address and telephone number; state license number and such other information as may be reasonably required to properly identify the contractor, along with a current government-issued identification and a current State of Texas issued Master Plumbing License.

- (d) *Fee not required.* Plumbing Contractors are not required to pay a City registration fee.

Sec. 5-247. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as a Plumber to secure permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered and licensed plumber, or to use falsely the words "plumber" either verbally or in writing, unless such person is, in fact, registered and holds a valid license issued by the State of Texas.

Sec. 5-248. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any Plumbing Contractor for violating the requirements of this Chapter.
- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the plumbing contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the plumbing contractor nor anyone operating under the auspices of his or her business or control or supervision shall engage in such business within the City or be qualified to submit or maintain an application for a plumbing permit.
- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-249. – Withholding the issuance of permits.

- (a) *Decision to withhold issuance of permits.* Upon failure on the part of any licensed Plumbing Contractor to correct any defect, error, or deficiency in any work installed under the authority of a plumbing permit issued to him within ten (10) calendar days after written notification thereof from the office of the Building Official, the Building Official shall, without further notice, stop the issuance of permits to such licensed Plumbing Contractor until such corrections have been made, inspected, and approved.
- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-250. – Plumbing Permit — Exceptions.

No plumbing permit is required to do the work specified as follows:

- (1) The maintenance, repair or replacement in kind of: Yard hydrants and house spigots; gravity flush valves and float-balls in water closet tanks; accessible traps or lavatories or sinks; and replacing of plumbing fixtures where no change in "roughing-in" is involved.
- (2) The removal of plumbing from a building or structure or portion thereof being razed, when the water supply and drainage lines have been disconnected under a permit in an approved manner.
- (3) Work involved in the manufacture of plumbing supplies, plumbing fixtures, plumbing apparatus such as repair, adjusting or testing of the same in the course of manufacture.
- (4) Work involved in the setting up for display of plumbing or plumbing fixtures, when not connected to supply or drainage lines in plumbing sales establishments.
- (5) The installation of stormwater drains; provided, however, that such installation conforms to the requirements of this article.
- (6) Work involving the repair or maintenance of landscape irrigation systems provided that there is no change in layout and less than ten percent (10%) of the overall system is undergoing repair.

Secs. 5-251—5-270. - Reserved.

DIVISION 5. - INSTALLATIONS

Sec. 5-271. - Protection of waterworks system.

- (a) All meters, curb cocks, valves and meter boxes connected with the city waterworks mains and service pipes, including those furnished at the expense of the consumers or property owners, shall remain under the direct control of the city, and it shall be unlawful for any person other than those licensed to do plumbing or those with special permission from the city to connect, disconnect, move or tamper with any such meter or to turn on or off the water at the curb cock, valve or meter box in any way except with a regulation meter box key.
- (b) No bypass or connection between the meter and the main shall be made, maintained or permitted, except upon written permission from the city.
- (c) The rules and regulations of the city relating to water service and connection to and tapping of sewers, insofar as they are applicable, shall govern the installation of plumbing, in the same manner as if such regulations were a part of this article.

(Code 1960, § 14A-37)

Cross reference— Water and sewer connection fees, § 16-31 et seq.

Sec. 5-272. - Other city ordinances.

Ordinances dealing with building construction and standards of housing and other city ordinances, insofar as they apply, shall govern the installation of plumbing, in the same manner as if such regulations were a part of this article.

(Code 1960, § 14A-38)

Cross reference— Housing, Ch. 7.

[Editor's Note: Delete Sec. 5-273; Sec. 5-274 and Sec. 5-275.]

Sec. 5-273 - 5-280. – Reserved.

DIVISION 6. – CONTROL OF BACKFLOW AND CROSS-CONNECTIONS.

[Editor's Note: Existing Division 5.5 titled "Control of Backflow and Cross-Connections" shall be renumbered to Division 6 and the contents moved here.]

[Editor's Note: Existing Sec. 5-290.1 titled "Existing backflow-prevention assemblies" shall be renumbered to Sec. 5-291.]

Sec. 5-292 – 5-300. - Reserved

DIVISION 7. – INSPECTIONS; TESTS; VARIANCES

[Editor's Note: Existing Division 6 titled "Inspections; Tests; Variances" shall be renumbered to Division 7 and the contents moved here.]

Editor's Notes:

[Renumber existing Sec. 5-291 titled "Generally" to **Sec. 5-301.**]

[Renumber existing Sec. 5-292 titled "Notice of readiness; reinspection" to **Sec. 5-302.**]

[Renumber existing Sec. 5-293 titled "Turning on water into customer's service" to **Sec. 5-303.**]

[Renumber existing Sec. 5-294 titled "Reinspection" to **Sec. 5-304.**]

[Renumber existing Sec. 5-295 titled "Condemnation" to **Sec. 5-305.**]

[Renumber existing Sec. 5-296 titled "Appeal from condemnation" to **Sec. 5-306.**]

[Renumber existing Sec. 5-297 titled "Tags and seals" to **Sec. 5-307.**]

[Renumber existing Sec. 5-298 titled "Special ruling" to **Sec. 5-308.**]

Sec. 5-309 – 5-315. - Reserved

Editor's note:

[Existing Article VII. – titled "Mechanical Code" shall be repealed in its entirety and replaced with the following text.]

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Sec. 5-309 – 5-315. - Reserved

ARTICLE VII. – MECHANICAL CODE

DIVISION 1. – GENERALLY

Sec. 5-316. Short title.

This article shall be known and cited as the "Mesquite Mechanical Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-317. Adopted.

The [International Mechanical Code \(I.M.C.\), 2018 Edition](#), a publication of the International Code Council (I.C.C.), is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") prescribed in this article. A copy of the International Mechanical Code, 2018 Edition, and the local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-318. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-319—5-320. - Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-321. – Local Amendments to the International Mechanical Code, 2018 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published [International Mechanical Code \(I.M.C.\), 2018 Edition](#), and this section, the specific provisions of this section shall control.
2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the I.M.C., 2018 Edition.
 - b. Table Legend.
 - (1) Column 1: Item Reference Number
 - (2) Column 2: Related I.M.C. Code Section Number and Title
 - (3) Column 3: Local Amendment to I.M.C.
 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.M.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.
 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.M.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL MECHANICAL CODE		
No.	IMC Code Section No. Title	Local Amendment to IMC
01	IMC 101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>101.1 Title. These regulations shall be known as the Mechanical Code of the City of Mesquite, Texas, ("Mesquite Mechanical Code") and may hereinafter be referred to as "this code."</p>
02	IMC 106.1.1 Annual permit.	<i>Delete this section.</i>
03	IMC 106.1.2 Annual permit records.	<i>Delete this section.</i>
04	IMC 106.3.3 Time limitation of application.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.3.3. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 45-days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 45-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
05	IMC 106.4.3 Expiration.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.4.3. Expiration. Every permit issued shall expire and become null and void if (i) the permittee fails to commence work on the site authorized by such permit within 30-days after its issuance, or (ii) the permittee fails to have the work authorized on the site by such permit inspected during any 90-day period after the work has commenced. It shall be unlawful to commence or recommence work after a permit expires without obtaining a new permit or receiving an extension from the Building Official. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
06	IMC 106.4.4 Extension.	<i>Delete this section.</i>
07	IMC 106.4.8 Posting of permit.	<i>Delete this section.</i>

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08	106.5.2 Fee schedule.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>106.5.2 Fee schedule.</p> <p style="text-align: center;">* * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>
09	IMC 106.5.3 Fee refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.5.3 Fee refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official shall authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180-days from the date of fee payment.</p>
10	IMC 108.1 Unlawful acts.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with, or in violation of, any of the provisions of this code.</p>
11	IMC 108.2 Notice of violation.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the owner of the premises, or any person, firm, corporation, or other entity responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure, in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order may direct the discontinuance of the illegal action or condition and the abatement of the violation.</p>
12	IMC 108.3 Prosecution of failure to promptly comply with Notice of Violation.	<p><i>Amend section title and section in its entirety to read as follows:</i></p> <p>108.3 Prosecution of failure to promptly comply with Notice of Violation. Failure to promptly comply with notice of violation issued by the building official shall constitute a separate violation of this code and may be prosecuted as such by the City. This section shall not be construed as requiring notification, or any other condition, to any proceeding seeking to address any violation of the provisions of this code.</p>

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13	IMC 108.4 Violation penalties.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.4 Violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issue under the provisions of this code shall be subject to penalties as prescribed by law and herein in this Article.</p> <p>Nothing in this code shall be construed to interfere, inhibit, or otherwise affect the pursuit of legal remedies or proceedings to restrain, correct, abate, or otherwise address any violation of this code, or to remove or terminate unlawful occupancy of a premises in violation of the provisions of this code.</p>
14	IMC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION 109 APPEALS</p> <p>109.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.</p>
15	IMC SECTION 202 General Definitions.	<p><i>Amend section by changing the definition for "Code Official" to read as follows:</i></p> <p>CODE OFFICIAL. The Building Official, or other authority designated by the Building Official, charged with the administration and enforcement of this Code.</p>
16	IMC 306.3 Appliances in attics.	<p><i>Amend by adding a sentence [after the paragraph and before the exceptions] to read as follows:</i></p> <p>306.3 Appliances in attics. Attics containing appliances shall be provided with an opening...</p> <p style="text-align: center;">* * *</p> <p>At a minimum, access to the attic space shall be provided by one of the following:</p> <ol style="list-style-type: none"> 1. A permanent stair. 2. A pull-down stair with a minimum of a 300 lb. (136kg) capacity. 3. An access door from an upper floor level. 4. An access panel may be used in lieu of items 1, 2, and 3 with prior approval of the Code Official due to building conditions. <p>Exceptions:</p> <p style="text-align: center;">* * *</p>

DIVISION 3. – OTHER REGULATIONS

Sec. 5-326 – 5-329. - Reserved

DIVISION 4. – REGISTRATION

Sec. 5-330. – Contractors – Registration Required.

- (a) *Registration required.* Mechanical contractors doing business and conducting work in the City of Mesquite shall register with the City as a Mechanical Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City.

- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum, show the contractor's name, local address and telephone number; state license number and such other information as may be reasonably required to properly identify the contractor, along with a current government-issued identification and prior to registration all contractors shall comply with licensing requirements as set forth by State law on the practice and licensing of air conditioning and refrigeration contractors.

- (d) *Fee required.* Unless otherwise herein authorized, each application must be accompanied by the required fee(s) as set in the City of Mesquite Comprehensive Fee Schedule.

Cross reference – [Appendix D – Comprehensive Fee Schedule, Sec. 12-111](#).

Sec. 5-331. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as a Mechanical Contractor to secure permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered and licensed mechanical contractor, or to use falsely the words "mechanical contractor" either verbally or in writing, unless such person is, in fact, registered and holds a valid license issued by the State of Texas.

Sec. 5-332. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any Mechanical Contractor for violating the requirements of this Chapter.
- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the Mechanical Contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the Mechanical Contractor nor anyone operating under the auspices of his or her business or control or supervision shall engage in such business within the City or be qualified to submit or maintain an application for any permit.

- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-333. – Withholding the issuance of permits.

- (a) *Decision to withhold issuance of permits.* Upon failure on the part of any licensed Electrical Contractor to correct any defect, error, or deficiency in any work installed under the authority of an electrical permit issued to him or her within ten (10) calendar days after written notification thereof from the office of the Building Official, or from such other person as may be designated by the City Manager, the Building Official, or such other person so designated, shall without further notice, stop the issuance of permits to such licensed Electrical Contractor until such corrections have been made, inspected, and approved.
- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Secs. 5-334 – 5-335. – Reserved.

Editor's note:

[Existing Article VIII. – titled "Electricity" shall be repealed in its entirety, retitled, and replaced with the following text.]

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-334 – 5-335. – Reserved.

ARTICLE VIII. – Electrical Code

DIVISION 1. – GENERALLY

Sec. 5-336. Short title.

This article shall be known and cited as the "Mesquite Electrical Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-337. Adopted.

The National Electrical Code (N.E.C.), 2017 Edition, a publication of the National Fire Protection Association, is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") as may be prescribed in this article. A copy of the National Electrical Code, 2017 Edition, and any local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-338. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-339 – 5-344. – Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-345. – Local Amendments to the National Electrical Code, 2017 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published National Mechanical Code (N.E.C.), 2017 Edition, and this section, the specific provisions of this section shall control.

2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the N.E.C., 2017 Edition.

 - b. Table Legend.
 - (1) Column 1: Item Reference Number

 - (2) Column 2: Related N.E.C. Code Section Number and Title

 - (3) Column 3: Local Amendment to N.E.C.

 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the N.E.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.

 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the N.E.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2017 NATIONAL ELECTRICAL CODE		
No.	NEC Code Section No. Title	Local Amendment to NEC
		<i>* There are no local amendments to the 2017 National Electrical Code.</i>

Secs. 5-346 – 5-350. – Reserved.

DIVISION 3. – OTHER REGULATIONS

Sec. 5-351. – Supervision of electrical work; discontinuance of unsupervised work.

- (a) In the actual work of installing, maintaining, altering or repairing any electric conductors or equipment for which a permit is required by this article there shall be present and in direct supervision a qualified electrician of the proper classification.
- (b) An electrical contractor or master electrician shall be liable and responsible for layout and technical supervision of any work which requires a permit and a journeyman or higher classified grade electrician shall be in direct "on the job" supervision of work carried on specified in this Article.
- (c) Should it come to the attention of the electrical inspector or his assistants that such supervision and control are not being maintained, the inspector may order the work to be discontinued and the person to whom the permit has been issued shall discontinue further work until proper supervision has been employed or supplied.
- (d) Nothing in this Section shall be construed as prohibiting the employment of apprentices assisting a person duly registered and qualified under the provisions of this Article.

Sec. 5-352. – Installation of electrical equipment by homeowners.

- (a) Nothing contained in this Article shall prohibit any bona fide homeowner from personally installing electrical conductors or equipment within his or her own home; provided, that the owner shall file with the building official approved plans and specifications, satisfy the building official as to his or her ability to install electrical wiring, apply for and secure a permit, pay the required fees and do the work in accordance with this Article.
- (b) Personal installation by an owner under these home owners' rights shall be by the owner, for the owner, on the owner's homestead premises, without compensation. No person shall be employed to assist the owner in any way on such work.

Sec. 5-353. - Classes of work which unlicensed persons may do.

The replacement of lamps, fuses, and the connection of portable devices to suitable receptacles which have been permanently installed may be carried out by persons who are not licensed electricians.

Sec. 5-354. - Extension cords used for construction purposes.

Extension cords used in construction areas for construction purposes shall not terminate more than one hundred (100) feet from the source of power; and in no case shall such electrical extension cords cross a public walkway, roadway, or alleyway.

Sec. 5-355. - Notice of defective or improperly installed equipment.

When any electrical equipment is found by an inspector to be dangerous to persons or property because it is defective or improperly installed, the person owning the electrical equipment shall be notified in writing and shall have any changes or repairs made as required by the building official which will place such equipment in safe condition.

Sec. 5-356. - Disconnecting electrical service under certain circumstances.

- (a) If defective electrical work is not corrected within the period specified by the inspector in the notice, the inspector shall have the authority to disconnect or order the disconnection of electric service to the dangerous electrical equipment.
- (b) In cases of emergency, when necessary for safety to persons or property, or when electrical equipment may interfere with the work of the fire department, the Building Official or the senior officer of the fire department at the site shall have the authority to immediately cause the disconnection of any electrical equipment.

Cross reference – Fire prevention and protection, Ch. 6.

Sec. 5-357. – Energizing customer’s service entrance conductors.

Only authorized employees of an authorized electric utility provider shall be permitted to make the connection between the electric utility service provider's service conductors and the customer's service entrance conductors. No connection shall be made until approved by the Building Official or the Building Official's authorized representative.

Sec. 5-358. – Installing new or relocation existing electrical meters.

When new electrical meters are installed or existing electrical meters are to be relocated, the disconnection, connection, or reconnection to the meter shall be made only by authorized employees of an authorized electric utility service provider. No connection shall be made until approved by the Building Official or the Building Official's authorized representative.

Secs. 5-359 – 5-380. – Reserved.

DIVISION 4. – REGISTRATION

Sec. 5-381. – Electricians – Registration required.

- (a) *Registration required.* Electricians doing business and conducting work in the City of Mesquite shall register with the City as an Electrical Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City
- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum, show the contractor's name, local address and telephone number; state license number and such other information as may be reasonably required to properly identify the contractor, along with a current government-issued identification and a current State of Texas issued Master Electrician and Electrical Contractor License.
- (d) *Fee not required.* Electricians are not required to pay a City registration fee.

Sec. 5-382. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as an Electrical Contractor to secure electric permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered and licensed electrician, or to use falsely the words "electrical contractor," "master electrician," "journeyman electrician," either verbally or in writing, unless such person is, in fact, registered and holds a valid license issued by the State of Texas

Sec. 5-383. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any Electrical Contractor for violating the requirements of this Chapter.
- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the electrical contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the electrical contractor nor anyone operating under the auspices of his or her business or control or supervision shall engage in such business within the City or be qualified to submit or maintain an application for an electrical permit.
- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-384. – Withholding the issuance of permits.

- (a) *Decision to withhold issuance of permits.* Upon failure on the part of any licensed Electrical Contractor to correct any defect, error, or deficiency in any work installed under the authority of an electrical permit issued to him or her within ten (10) calendar days after written notification thereof from the office of the Building Official, or from such other person as may be designated by the City Manager, the Building Official, or such other person so designated, shall without further notice, stop the issuance of permits to such licensed Electrical Contractor until such corrections have been made, inspected, and approved.

- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Secs. 5-385 – 5-400. – Reserved.

Editor's note:

[Existing Article IX titled "Swimming Pools" shall be repealed in its entirety and replaced with the following text.]

[The contents of existing Article XI titled "Public and Semi-Public Pools and Spas" shall be moved here and incorporated as new Division 5.]

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-385 – 5-400. – Reserved.

ARTICLE IX. – SWIMMING POOL AND SPA CODE

DIVISION 1. – GENERALLY

Sec. 5-401. Short title.

This article shall be known and cited as the "Mesquite Swimming Pool and Spa Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-402. Adopted.

The [International Swimming Pool and Spa Code \(I.S.P.S.C.\), 2018 Edition](#), a publication of the International Code Council (I.C.C.), is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") prescribed in this article. A copy of the International Swimming Pool and Spa Code, 2018 Edition, and the local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-403. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-404—5-405. - Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-406. – Local Amendments to the International Swimming Pool and Spa Code, 2018 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published [International Swimming Pool and Spa Code \(I.S.P.S.C.\), 2018 Edition](#), and this section, the specific provisions of this section shall control.

2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the I.S.P.S.C., 2018 Edition.

 - b. Table Legend.
 - (1) Column 1: Item Reference Number
 - (2) Column 2: Related I.S.P.S.C. Code Section Number and Title
 - (3) Column 3: Local Amendment to I.S.P.S.C.

 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.S.P.S.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.

 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.S.P.S.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE		
No.	ISPSC Code Section No. Title	Local Amendment to ISPSC
01	ISPSC 101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>101.1 Title. These regulations shall be known as the Swimming Pool Code of the City of Mesquite, Texas, ("Mesquite Swimming Pool and Spa Code") and may hereinafter be referred to as "this code."</p>
02	ISPSC 102.9 Other Laws.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to;</p> <ol style="list-style-type: none"> 1. Texas Department of State Health Services (TDSHS); <i>Standards for Public Pools and Spas</i>; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two-family dwellings or townhouses). 2. <i>Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS)</i>, TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with <i>2012 TAS, Section 242</i>. (TAS rules do not apply to pools serving one- and two-family dwellings or townhouses).
03	ISPSC 105.4 Time limitation of application.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>105.4. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 45-days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 45-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
04	ISPSC 105.5.3 Expiration.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>105.5.3. Expiration. Every permit issued shall expire and become null and void if (i) the permittee fails to commence work on the site authorized by such permit within 30-days after its issuance, or (ii) the permittee fails to have the work authorized on the site by such permit inspected during any 90-day period after the work has commenced. It shall be unlawful to commence or recommence work after a permit expires without obtaining a new permit or receiving an extension from the Building Official. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>

EXHIBIT "H" TO ORDINANCE NO. _____
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05	ISPSC 105.5.4 Extension.	<i>Delete this section.</i>
06	ISPSC 105.6.2 Fee schedule.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>105.6.2 Fee schedule.</p> <p style="text-align: center;">* * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>
07	ISPSC 105.6.3 Fee refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>105.6.3 Fee refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official shall authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180-days from the date of fee payment.</p>
08	ISPSC 107.1 Unlawful acts.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>107.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with, or in violation of, any of the provisions of this code.</p>
09	ISPSC 107.2 Notice of violation.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>107.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the owner of the premises, or any person, firm, corporation, or other entity responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure, in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order may direct the discontinuance of the illegal action or condition and the abatement of the violation.</p>
10	ISPSC 107.3 Prosecution of failure to promptly comply with Notice of Violation.	<p><i>Amend section title and section in its entirety to read as follows:</i></p> <p>107.3 Prosecution of failure to promptly comply with Notice of Violation. Failure to promptly comply with notice of violation issued by the building official shall constitute a separate violation of this code and may be prosecuted as such by the City. This section shall not be construed as requiring notification, or any other condition, to any proceeding seeking to address any violation of the provisions of this code.</p>

EXHIBIT "H" TO ORDINANCE NO. _____
MESQUITE CITY CODE, CHAPTER 5, ARTICLE IX. – SWIMMING POOL CODE
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11	ISPSC 107.4 Violation penalties.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>107.4 Violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issue under the provisions of this code shall be subject to penalties as prescribed by law and herein in this Article.</p> <p>Nothing in this code shall be construed to interfere, inhibit, or otherwise affect the pursuit of legal remedies or proceedings to restrain, correct, abate, or otherwise address any violation of this code, or to remove or terminate unlawful occupancy of a premises in violation of the provisions of this code.</p>
12	ISPSC 107.5 Stop work orders.	<p><i>Amend by changing the final sentence to read as follows:</i></p> <p>107.5 Stop work orders. Upon notice from the code official, work on any system...</p> <p style="text-align: center;">* * *</p> <p>Any person who shall continue any 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 in violation of this code.</p>
13	ISPSC SECTION 108 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION 108 APPEALS</p> <p>108.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.</p>
14	ISPSC SECTION 202 General Definitions.	<p><i>Amend section by changing the definition for "Code Official" to read as follows:</i></p> <p>CODE OFFICIAL. The Building Official, or other authority designated by the Building Official, charged with the administration and enforcement of this Code.</p>

EXHIBIT "H" TO ORDINANCE NO. _____
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15	ISPSC 305.1 General.	<p><i>Amend section by changing the second sentence to read as follows:</i></p> <p>305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry...</p> <p style="text-align: center;">* * *</p> <p>In one-and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7</p>
16	ISPSC 305.2.1 Barrier height and clearances.	<p><i>Amend section by changing #1 to read as follows:</i></p> <p>305.2.1 Barrier height and clearances. Barrier heights and clearances shall be in accordance with all of the following:</p> <ol style="list-style-type: none"> 1. The top of the barrier shall be not less than 60 inches (1524 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier. <p>Exception:</p> <p>For other than Public or Semi-Public swimming pools and spas, the top of the barrier shall be not less than 48 inches (1219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.</p>
17	ISPSC 305.4 Structure wall as a barrier.	<p><i>Amend section by changing the first sentence and adding a final sentence to read as follows:</i></p> <p>Structure wall as a barrier. Where a wall of a one- and two-family dwelling or townhouse or its accessory structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:</p> <p style="text-align: center;">* * *</p> <p>The wall of a building with windows in accordance with 2018 International Building Code, Section 1030 in Group R2 occupancies shall not be used as part of pool enclosure. Other windows that are part of a pool yard enclosure shall be permanently closed and unable to be opened for public pools.</p>

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18	ISPSC 305.6 Natural barriers used in a one- and two-family dwelling or townhouse.	<p><i>Amend section by changing the heading to read as follows:</i></p> <p>Natural barriers used in a one- and two-family dwelling or townhouse.</p> <p style="text-align: center;">* * *</p>
19	ISPSC 307.1.4 Accessibility.	<p><i>Amend section by adding an exception to read as follows:</i></p> <p>Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.</p>
20	ISPSC 310.1 General.	<p><i>Amend section by changing the first sentence to read as follows:</i></p> <p>General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190.</p> <p style="text-align: center;">* * *</p>
21	ISPSC 313.7 Emergency shutoff switch.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>Emergency shutoff switch. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft.) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to one- and two-family dwellings and townhouses.</p>
22	ISPSC 402.13 Ladders for diving equipment.	<p><i>Amend section by adding a sentence after the first sentence to read as follows and deleting the exception in its entirety:</i></p> <p>402.13 Ladders for diving equipment. Ladders shall be provided with two grab rails or two handrails. There shall be a uniform...</p> <p style="text-align: center;">* * *</p> <p>Supports, platforms, steps, and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be of corrosion-resistant material, easily cleanable and with slip-resistant tread.</p>
23	ISPSC 411.2.1 Tread dimensions and area.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>Tread dimensions and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches.</p>

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24	ISPSC 411.2.2 Risers.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero.</p>
25	ISPSC 411.5.1 Swimouts.	<p><i>Amend section by changing requirement 4 to read as follows:</i></p> <p>411.5.1 Swimouts. Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:</p> <p style="text-align: center;">* * *</p> <p>4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface</p>
26	ISPSC 411.5.2 Underwater seats and benches.	<p><i>Amend section by changing requirement 5 to read as follows:</i></p> <p>411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:</p> <p style="text-align: center;">* * *</p> <p>5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.</p> <p style="text-align: center;">* * *</p>
27	ISPSC 610.5.1 Uniform height of 9 inches.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>610.5.1 Uniform height of 10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.</p>
28	ISPSC 804.1 General.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>804.1 General. The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer's specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.</p>

Secs. 5-407 – 5-410. – Reserved.

DIVISION 3. – OTHER REGULATIONS

Sec. 5-411. – Abandoned, neglected, inoperable, or hazardous private swimming pools or spas.

* * *

Editor's Notes:

[Retain existing Sec. 5-411 titled "Abandoned, neglected, inoperable, or hazardous private swimming pools or spas" here.]

Secs. 5-412 – 5-430. – Reserved.

DIVISION 4. – REGISTRATION

Sec. 5-431. – Contractors – Registration Required.

- (a) *Registration required.* Contractors doing business and conducting work in the City of Mesquite shall register with the City as a General Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City.
- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum:
- (1) show the contractor's name, local address and telephone number; and such other information as may be reasonably required to properly identify the contractor;
 - (2) provide a current government-issued identification; and
 - (3) provide a good and sufficient corporate surety bond in the amount of \$5,000.00 (Five Thousand Dollars) payable to the City of Mesquite, Texas, for the use and benefit of either the City, or the property owner for damages as a result of any act or neglect of the principal, agents or employees; or by reason of failure to remedy any defects or faulty workmanship or material within the time prescribed by the Building Official for the completion of such remedial work, without additional cost to the person for whom the work was done; and guaranteeing compliance with the requirements of the applicable codes of all work installed by the principal, agents or employees.
- (d) *Fee required.* Unless otherwise herein authorized, each application must be accompanied by the required fee(s) as set in the City of Mesquite Comprehensive Fee Schedule.

Cross reference – [Appendix D – Comprehensive Fee Schedule, Sec. 12-111](#).

Sec. 5-432. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as a General Contractor to secure building permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered and licensed general contractor, or to use falsely the words "general contractor," either verbally or in writing, unless such person is, in fact, registered and holds a valid license issued by the appropriate authority.

Sec. 5-433. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any General Contractor for violating the requirements of this Chapter.
- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the General Contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the General Contractor nor anyone operating under the auspices of his or her business or control or supervision shall engage in such business within the City or be qualified to submit or maintain an application for an building permit.
- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-434. – Withholding the issuance of building permits.

- (a) *Decision to withhold issuance of permits.* Upon the failure on the part of any person holding a building permit to correct any defect, error or deficiency in any work installed or contracted under the authority of a building permit issued to him or her within ten (10) calendar days after written notification thereof from the office of the Building Official, or from such other person as may be designated by the City Manager, the Building Official, or such other person so designated, shall without further notice stop the issuance of permits to such persons until such corrections have been made, inspected, and approved.
- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Secs. 5-435 – 5-450. – Reserved.

DIVISION 5. – PUBLIC AND SEMI-PUBLIC POOLS AND SPAS

Sec. 5-451. – General provisions.

* * *

Editor's Notes:

[The contents of existing Chapter 5, Article XI titled "Public and Semi-Public Pools and Spas" shall be moved here and incorporated as new Division 5.]

Secs. 5-452 – 5-500. – Reserved.

Editor's note:

[Existing Article XII. – "Fuel Gas Code" shall be repealed in its entirety and Article XII shall be reserved.
New Article X – "Fuel Gas Code" shall be adopted as follows.]

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-452 – 5-500. – Reserved.

ARTICLE X. – FUEL GAS CODE

DIVISION 1. – GENERALLY

Sec. 5-501. Short title.

This article shall be known and cited as the "Mesquite Fuel Gas Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-502. Adopted.

The [International Fuel Gas Code \(I.F.G.C.\), 2018 Edition](#), a publication of the International Code Council (I.C.C.), is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") prescribed in this article. A copy of the International Fuel Gas Code, 2018 Edition, and the local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-503. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-504 – 5-530. – Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-531. – Local Amendments to the International Fuel Gas Code, 2018 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published [International Fuel Gas Code \(I.F.G.C.\), 2018 Edition](#), and this section, the specific provisions of this section shall control.
2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the I.F.G.C., 2018 Edition.
 - b. Table Legend.
 - (1) Column 1: Item Reference Number
 - (2) Column 2: Related I.F.G.C. Code Section Number and Title
 - (3) Column 3: Local Amendment to I.F.G.C.
 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.F.G.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.
 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.F.G.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL FUEL GAS CODE		
No.	IFGC Code Section No. Title	Local Amendment to IFGC
01	IFGC 101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Mesquite, Texas, ("Mesquite Fuel Gas Code") and may hereinafter be referred to as "this code."</p>
02	IFGC 106.1.1 Annual permit.	<i>Delete this section.</i>
03	IFGC 106.1.2 Annual permit records.	<i>Delete this section.</i>
04	IFGC 106.3.2 Time limitation of application.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.3.2. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 45-days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 45-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
05	IFGC 106.5.3 Expiration.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.5.3. Expiration. Every permit issued shall expire and become null and void if (i) the permittee fails to commence work on the site authorized by such permit within 30-days after its issuance, or (ii) the permittee fails to have the work authorized on the site by such permit inspected during any 90-day period after the work has commenced. It shall be unlawful to commence or recommence work after a permit expires without obtaining a new permit or receiving an extension from the Building Official. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
06	IFGC 106.5.4 Extension.	<i>Delete this section.</i>
07	IFGC 106.5.8 Posting of permit.	<i>Delete this section.</i>

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08	IFGC 106.6.2 Fee schedule.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>106.6.2 Fee schedule.</p> <p style="text-align: center;">* * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>
09	IFGC 106.6.3 Fee refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>106.6.3 Fee refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official shall authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180-days from the date of fee payment.</p>
10	IFGC 108.1 Unlawful acts.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with, or in violation of, any of the provisions of this code.</p>
11	IFGC 108.2 Notice of violation.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the owner of the premises, or any person, firm, corporation, or other entity responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure, in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order may direct the discontinuance of the illegal action or condition and the abatement of the violation.</p>
12	IFGC 108.3 Prosecution of failure to promptly comply with Notice of Violation.	<p><i>Amend section title and section in its entirety to read as follows:</i></p> <p>108.3 Prosecution of failure to promptly comply with Notice of Violation. Failure to promptly comply with notice of violation issued by the building official shall constitute a separate violation of this code and may be prosecuted as such by the City. This section shall not be construed as requiring notification, or any other condition, to any proceeding seeking to address any violation of the provisions of this code.</p>

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13	IFGC 108.4 Violation penalties.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>108.4 Violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issue under the provisions of this code shall be subject to penalties as prescribed by law and herein in this Article.</p> <p>Nothing in this code shall be construed to interfere, inhibit, or otherwise affect the pursuit of legal remedies or proceedings to restrain, correct, abate, or otherwise address any violation of this code, or to remove or terminate unlawful occupancy of a premises in violation of the provisions of this code.</p>
14	IFGC SECTION 109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION 109 APPEALS</p> <p>109.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.</p>
15	IFGC SECTION 202 General Definitions	<p><i>Amend section by changing the definition for "Code Official" to read as follows:</i></p> <p>CODE OFFICIAL. The Building Official, or other authority designated by the Building Official, charged with the administration and enforcement of this Code.</p>
16	IFGC 306.3 Appliances in attics.	<p><i>Amend by adding a sentence [after the paragraph and before the exceptions] to read as follows:</i></p> <p>306.3 Appliances in attics. Attics containing appliances shall be provided with an opening and unobstructed...</p> <p style="text-align: center;">* * *</p> <p>At a minimum, access to the attic space shall be provided by one of the following:</p> <ol style="list-style-type: none"> 1. A permanent stair. 2. A pull-down stair with a minimum of a 300 lb. (136kg) capacity. 3. An access door from an upper floor level. 4. An access panel may be used in lieu of items 1, 2, and 3 with prior approval of the Code Official due to building conditions. <p style="text-align: center;">* * *</p>

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17	IFGC 401.5 Identification.	<p><i>Amend by adding a sentence to the end of the section to read as follows:</i></p> <p>401.5 Identification. For other than steel pipe, exposed piping shall be identified...</p> <p style="text-align: center;">* * *</p> <p>Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:</p> <p>"Warning 1/2 to 5 psi gas pressure. DO NOT REMOVE"</p>
18	IFGC 404.12 Minimum burial depth.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) below grade.</p>
19	IFGC 406.4 Test pressure measurements.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>406.4 Test pressure measurements. Test pressure shall be measured with a manometer or with a pressure measuring device designed and calibrated to read, record or indicate a pressure loss due to leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. The equipment used shall be of an appropriate scale such that pressure loss can be easily determined.</p>
20	IFGC 406.4.1 Test pressure.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>406.4.1 Test pressure. The test pressure to be used shall be not less than 10 psig (68.9 kPa gauge). The piping and valves may be tested at a pressure of at least six inches (152 mm) of mercury measured with a manometer, slope gauge or spring gauge. For welded piping and for piping carrying gas at pressures in excess of 14-inches water column pressure (3.48 kPa), the test pressure shall not be less than 60 pounds per square inch (413.4 kPa).</p>
21	IFGC 406.4.2 Test duration.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>406.4.2 Test duration. Test duration shall be held for a length of time satisfactory to the Building Official but in no case for less than 15 minutes. For welded piping and for piping carrying gas at pressures in excess of 14-inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than 30 minutes.</p>

Secs. 5-532 – 5-535. – Reserved.

DIVISION 3. – OTHER REGULATIONS

Secs. 5-536 – 5-540. – Reserved.

DIVISION 4. – REGISTRATION.

Sec. 5-541. – Plumbers – Registration Required.

- (a) *Registration required.* Plumbers doing business and conducting work in the City of Mesquite shall register with the City as a Plumbing Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City.
- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum, show the contractor's name, local address and telephone number; state license number and such other information as may be reasonably required to properly identify the contractor, along with a current government-issued identification and a current State of Texas issued Master Plumbing License.
- (d) *Fee not required.* Plumbing Contractors are not required to pay a City registration fee.

Sec. 5-542. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as a Plumber to secure permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered and licensed plumber, or to use falsely the words "plumber" either verbally or in writing, unless such person is, in fact, registered and holds a valid license issued by the State of Texas.

Sec. 5-543. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any Plumbing Contractor for violating the requirements of this Chapter.
- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the plumbing contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the plumbing contractor nor anyone operating under the auspices of his or her business or control or supervision shall engage in such business within the City or be qualified to submit or maintain an application for a plumbing permit.
- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-544. – Withholding the issuance of permits.

- (a) *Decision to withhold issuance of permits.* Upon failure on the part of any licensed Plumbing Contractor to correct any defect, error, or deficiency in any work installed under the authority of a plumbing permit issued to him within ten (10) calendar days after written notification thereof from the office of the Building Official, the Building Official shall, without further notice, stop the issuance of permits to such licensed Plumbing Contractor until such corrections have been made, inspected, and approved.
- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Secs. 5-545—5-550. - Reserved.

Editor's note:

[Existing Article XIII. – "Residential Code" shall be repealed in its entirety and Article XIII shall be reserved.
New Article XI – "Residential Code" shall be adopted as follows.]

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-545 – 5-550. – Reserved.

ARTICLE XI. – RESIDENTIAL CODE

DIVISION 1. – GENERALLY

Sec. 5-551. Short title.

This article shall be known and cited as the "Mesquite Residential Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-552. Adopted.

[The International Residential Code \(I.R.C.\), 2018 Edition](#), a publication of the International Code Council (I.C.C.), is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") prescribed in this article. A copy of the International Residential Code, 2018 Edition, and the local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-553. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-554 – 5-580. – Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-581. Local Amendments to the International Residential Code, 2018 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published [International Residential Code \(I.R.C.\), 2018 Edition](#), and this section, the specific provisions of this section shall control.
2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the International Residential Code (I.R.C.), 2018 Edition.
 - b. Table Legend.
 - (1) Column 1: Item Reference Number
 - (2) Column 2: Related I.R.C. Code Section Number and Title
 - (3) Column 3: Local Amendment to I.R.C.
 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.R.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.
 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.R.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL RESIDENTIAL CODE		
No.	IRC Code Section No. Title	Local Amendment to IRC
01	IRC R101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R101.1 Title. These regulations shall be known as the Residential Code for One- and Two-family Dwellings of the City of Mesquite, Texas ("Mesquite Residential Code") and may hereinafter be referred to as "this code."</p>
02	IRC R102.4 Referenced codes and standards.	<p><i>Amend by adding a sentence [after the first sentence of the section and prior to the exception] to read as follows:</i></p> <p>R102.4 Referenced codes and standards.</p> <p style="text-align: center;">* * *</p> <p>The provisions of the National Electrical Code as adopted shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.</p> <p>Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.</p> <p style="text-align: center;">* * *</p>
03	IRC R104.10.1 Flood hazard areas.	<i>Amend by deleting the section in its entirety.</i>
04	IRC R105.2 Work exempt from permit.	<i>Amend by deleting number 1, 2, 5, 7 and 10 [the remainder of the section is unchanged].</i>
05	IRC R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.	<i>Amend by deleting the section in its entirety.</i>
06	IRC R105.3.2 Time limitation of application.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R105.3.2. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 45-days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 45-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>

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07	IRC R105.5 Expiration.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R105.5. Expiration. Every permit issued shall expire and become null and void if (i) the permittee fails to commence work on the site authorized by such permit within 30-days after its issuance, or (ii) the permittee fails to have the work authorized on the site by such permit inspected during any 90-day period after the work has commenced. It shall be unlawful to commence or recommence work after a permit expires without obtaining a new permit or receiving an extension from the Building Official. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90-days each. The extension shall be requested in writing and justifiable cause demonstrated.</p>
08	IRC R105.7 Placement of permit.	<p><i>Amend by deleting the section in its entirety.</i></p>
09	IRC R106.1.5 Information for construction in flood hazard areas.	<p><i>Amend by deleting the section in its entirety.</i></p>
10	IRC R107.5 Toilet facilities required.	<p><i>Amend by adding a new Section R107.5 to read as follows:</i></p> <p>R107.5 Toilet facilities required. Every construction project requiring a building permit within the City limits of the City of Mesquite shall have adequate toilet facilities for workers associated with the project. At least one permanent or temporary toilet facility shall be maintained in each subdivision for the employees or subcontractors of each builder holding a permit for a building in that subdivision.</p> <p>Permanent toilet facility is defined as a room in an existing building or in the building being constructed with a water closet installed in such a room, which conforms to the Plumbing Code and is continuously available to all workers involved in a construction project.</p> <p>Temporary toilet facility is defined as a portable fully enclosed chemical sanitized toilet, which is serviced and cleaned at least once each week. Temporary toilet facilities shall not be placed inside a building or other structure.</p>
11	IRC R108.2 Schedule of permit fees.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>R108.2 Schedule of permit fees.</p> <p style="text-align: center;">* * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>

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12	IRC R108.5 Refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R108.5 Refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official may authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180-days from the date of fee payment.</p>
13	IRC R108.6 Work commencing before permit issuance.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R108.6 Work commencing before permit issuance. Whenever a permit is required for a building, structure, electrical, gas, mechanical or plumbing system, and work is commenced without securing the applicable permit, the Building Official shall charge double the amount of the usual fee for the permit.</p>
14	IRC R109.1.3 Floodplain inspections.	<p><i>Amend by deleting the section in its entirety.</i></p>
15	IRC R109.1.6 Final inspection.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R109.1.6. Final Inspection. Every permit required by this Code shall be required to pass a final inspection after all work has been completed.</p>
16	IRC R110.1 Use and occupancy.	<p><i>Amend by changing the first sentence and adding a second sentence of the section to read as follows and delete Exception #2, remainder unchanged.</i></p> <p>R110.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in occupancy or change of use of a building or structure or portion thereof shall not be made, until the Building Official has issued a certificate of occupancy or other approval as applicable to type of occupancy therefor as provided herein...</p> <p style="text-align: center;">* * *</p>

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17	<p style="text-align: center;">IRC R110.2 Change in occupancy.</p>	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R110.2 Change in occupancy. When a non-owner-occupied dwelling unit is vacated by the occupant, or a certificate of occupancy expires as provided in Section R110.2.2, the owner of the unit must apply for and receive a certificate of occupancy from the Building Official prior to the unit being reoccupied. The Building Official or his designated representative will inspect the unit and premises for compliance with this code, the Property Maintenance Code, the Mesquite Zoning Ordinance and other applicable ordinances of the City. If deficiencies are found, the Building Official may prohibit occupancy of the unit and premises until such time as the owner takes action needed to bring the unit and premises into compliance. The inspection required by this section shall also be required for a non-owner-occupied dwelling unit and premises prior to its original occupancy. Letting a non-owner-occupied dwelling unit to more than one family unrelated to the owner shall be prohibited.</p> <p>If the dwelling unit is found to be occupied prior to inspection, the Building Official shall assess an administrative fee to defray the expense to the City for conducting an inspection of an occupied unit. Said fee shall be paid by the owner prior to any further inspection or reinspection of the unit and shall be cumulative of all other fees or penalties provided in this code. Provided, that said fee shall not apply to an inspection conducted during the ninety-day period for renewing a certificate of occupancy under Section R110.2.3. See Mesquite City Code, Appendix D – <i>Comprehensive Fee Schedule</i>, for applicable fees.</p>
18	<p style="text-align: center;">IRC R110.2.1 Reinspection fee.</p>	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R110.2.1 Reinspection fee. When a reinspection is required, a reinspection fee as provided in Mesquite City Code, Appendix D – <i>Comprehensive Fee Schedule</i> will be assessed for each reinspection until corrections are made and the non-owner occupied dwelling unit is in compliance.</p>
19	<p style="text-align: center;">IRC R110.2.2 Certificate of occupancy as temporary license; expiration.</p>	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R110.2.2 Certificate of occupancy as temporary license; expiration. A certificate of occupancy for a non-owner-occupied dwelling unit shall constitute a temporary, revocable license to conduct an accessory use as provided under Chapter 2-200 of the Mesquite Zoning Ordinance. Said certificate of occupancy shall expire on the date the dwelling unit is vacated by the previous occupant, or on the third anniversary of issuance of the certificate, whichever is the earlier. Provided, a valid certificate of occupancy for a non-owner-occupied dwelling unit that was in effect as of December 18, 2017, and which is continuously occupied by the same occupant thereafter, shall expire when said occupant vacates the unit, or on December 18, 2020, whichever is the earlier.</p>

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20	IRC R110.2.3 Renewal of certificate.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R110.2.3 Renewal of certificate. Beginning no earlier than ninety days prior to the third anniversary of issuance of a certificate of occupancy, the owner or owner’s agent may request an inspection of the non-owner-occupied dwelling unit for the purpose of renewing the certificate. The Building Official or his designated representative will inspect the unit and premises for compliance with this code, the Property Maintenance Code, the Mesquite Zoning Ordinance and other applicable ordinances of the City in effect on the date of the inspection. If deficiencies are found, the owner shall take such action needed to bring the unit and premises into compliance. When the non-owner-occupied dwelling unit and premises are found to be in compliance, the Building Official shall issue a renewed certificate of occupancy as provided in Section R110.3.</p>
21	IRC R110.3 Certificate issued.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R110.3 Certificate issued. When the Building Official determines that a non-owner-occupied dwelling unit and premises are in compliance with the provisions of this and other applicable codes, the Building Official shall issue or renew a certificate of occupancy containing the following:</p> <ol style="list-style-type: none"> 1. The address of the structure; 2. The name, address and telephone number of the property owner and local agent; 3. A statement that the described portions of the structure have been inspected for compliance with the requirements of this code; 4. The name of the Building Official; 5. The edition of the code on which the certificate was issued; and 6. The date the certificate of occupancy was issued.
22	IRC R110.3.1 Liens, taxes and other fees due.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R110.3.1 Liens, taxes and other fees due. No certificate of occupancy shall be issued for a non-owner-occupied dwelling unit until the owner has paid or satisfied obligations for all liens, fines, charges, penalties, citations or summons of whatsoever in nature attached to the property together with any interest to the City of Mesquite.</p>
23	IRC R110.3.2 Unlawful use or occupancy.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R110.3.2 Unlawful use or occupancy. It shall be unlawful and an offense for any certificate holder to use, suffer or permit any non-owner-occupied dwelling unit to be used or occupied in violation of this Code, any Code or ordinance of the City of Mesquite or contrary to the terms of said certificate.</p>

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24	IRC R110.3.3 Local agent.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R110.3.3 Local agent. No certificate of occupancy shall be issued for a non-owner-occupied dwelling unit until the owner furnishes the name, physical address, telephone number and driver's license number of an individual who has express agency to act on behalf of the owner, receive notices and service of legal process pertaining to the dwelling. The physical address of such agent shall be within 25 miles of the City of Mesquite. The owner may serve as agent provided the locational requirement of this section is met.</p>
25	IRC R110.5.1 Revocation of certificate for non-owner-occupied dwelling unit.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R110.5.1 Revocation of certificate for non-owner-occupied dwelling unit. A non-owner-occupied dwelling unit in violation of Section R110.3.2 constitutes an unlawful structure under Section 108 of the Property Maintenance Code. In addition to all other remedies available by statute, ordinance or regulation, the certificate of occupancy for such non-owner-occupied dwelling unit shall be subject to revocation in accordance with procedures set forth in the Mesquite Zoning Ordinance.</p>
26	IRC R111.1 Connection of service utilities.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, power or water to any new dwelling unit, townhouse or system regulated by this code and requiring a permit until such connection is approved by the Building Official.</p>
27	IRC R111.1.1 Continued connection of service utilities.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R111.1.1 Continued connection of service utilities. It shall be unlawful and an offense for any owner or owner's agent to make connections, or continue or maintain existing connections, for water utilities to any non-owner occupied dwelling unit that is required by this code to be inspected prior to occupancy or re-occupancy unless the unit is approved as code compliant and the Building Official has issued a certificate of occupancy. As to continuing or maintaining existing connections, it shall be a defense to prosecution under this section that no later than the tenth day after the non-owner-occupied dwelling unit was vacated by the previous occupant, the owner or owner's agent requested an inspection of the unit.</p>

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28	IRC R111.3 Authority to disconnect service utilities.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R111.3 Authority to disconnect service utilities. In case of an emergency necessitating disconnection of utilities to eliminate an immediate hazard to life or property, the Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4. The Building Official shall notify the service utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If prior notification is not possible, the owner or occupants of the building, structure or service system shall be notified in writing, as soon as practical thereafter. In addition, the Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system, if a building, structure or system is found to be in violation of this code, including a connection made without the approval required by Sections R111.1 and R111.2 and after notification of the violation has been made to the owner and/or occupant of the building or structure and the violation is not corrected.</p>
29	IRC SECTION R112 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION R112 APPEALS</p> <p>R112.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.</p>
30	IRC R113.1 Unlawful acts.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R113.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with, or in violation of, any of the provisions of this code.</p>
31	IRC R113.2 Notice of violation.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the owner of the premises, or any person, firm, corporation, or other entity responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure, in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order may direct the discontinuance of the illegal action or condition and the abatement of the violation.</p>

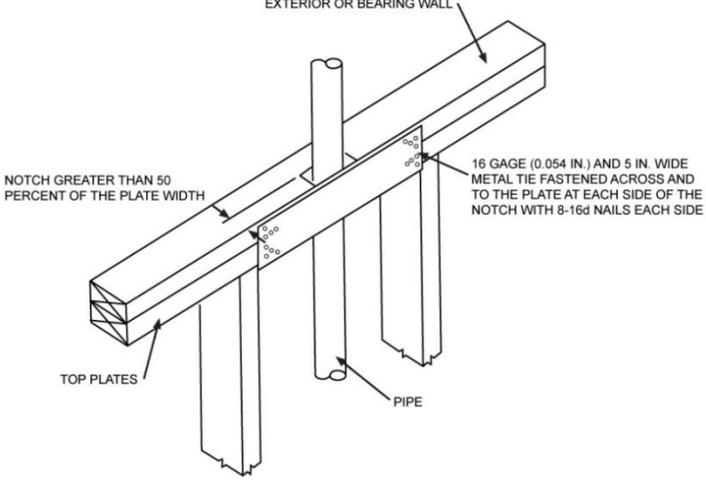
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32	IRC R113.3 Prosecution of violation.	<p><i>Amend section title and section in its entirety to read as follows:</i></p> <p>R113.3 Prosecution of failure to promptly comply with Notice of Violation. Failure to promptly comply with notice of violation issued by the building official shall constitute a separate violation of this code and may be prosecuted as such by the City. This section shall not be construed as requiring notification, or any other condition, to any proceeding seeking to address any violation of the provisions of this code.</p>
33	IRC R113.4 Violation penalties.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R113.4 Violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issue under the provisions of this code shall be subject to penalties as prescribed by law and herein in this Article.</p> <p>Nothing in this code shall be construed to interfere, inhibit, or otherwise affect the pursuit of legal remedies or proceedings to restrain, correct, abate, or otherwise address any violation of this code, or to remove or terminate unlawful occupancy of a premises in violation of the provisions of this code.</p>
34	IRC R114.3 Construction debris.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R114.3 Construction debris. Construction debris from that work for which a permit is required must be confined to a containment structure/container approved by the Building Official or his authorized representative.</p>
35	IRC R202 Dwelling unit, non-owner occupied.	<p><i>Amend section by adding the definition of "Dwelling Unit, Non-Owner-Occupied" to read as follows:</i></p> <p>Dwelling unit, non-owner occupied. A dwelling unit or any portion thereof, including but not limited to a room or other living space in a one- or two-family dwelling that is let or intended to be let to no more than one family unrelated to the owner, regardless of whether or not any other unit, room or space in the dwelling is inhabited, or intended to be inhabited, by the person holding legal title thereto. A non-owner-occupied dwelling unit shall include any unit or portion thereof, room or other living space occupied, or intended to be occupied, pursuant to a written or verbal tenancy agreement or other proffer for consideration of any duration or a contract for deed or any other contract or deed that conveys less than legal title to the occupant. For purposes of this code, a non-owner-occupied dwelling unit shall include the premises whereon the dwelling is situated.</p>
36	IRC R202 Townhouse.	<p><i>Amend section by changing the definition of "Townhouse" to read as follows:</i></p> <p>Townhouse. A single-family unit constructed in a group of attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.</p>

37	IRC R301.2(1) Table.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th rowspan="2" style="width: 20%;">GROUND SNOW LOAD</th> <th colspan="2" style="width: 40%;">WIND DESIGN</th> <th rowspan="2" style="width: 20%;">SEISMIC DESIGN CATEGORY ^f</th> </tr> <tr> <th style="width: 15%;">SPEED ^d (mph)</th> <th style="width: 25%;">Topographic Effects ^k</th> </tr> <tr> <td style="text-align: center;">5 lb./ft ²</td> <td style="text-align: center;">115 (3-sec-gust)/ 76 fastest mile</td> <td style="text-align: center;">No</td> <td style="text-align: center;">A</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center;">SUBJECT TO DAMAGE FROM</th> </tr> <tr> <td style="width: 33%;">Weathering ^a</td> <td style="width: 33%;">Frost line depth ^b</td> <td style="width: 33%;">Termite ^c</td> </tr> <tr> <td style="text-align: center;">moderate</td> <td style="text-align: center;">6"</td> <td style="text-align: center;">very heavy</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">WINTER DESIGN TEMP ^e</th> <th style="width: 15%;">ICE BARRIER UNDER-LAYMENT REQUIRED ^h</th> <th style="width: 15%;">FLOOD HAZARD ^g</th> <th style="width: 15%;">AIR FREEZING INDEX ⁱ</th> <th style="width: 15%;">MEAN ANNUAL TEMP ^j</th> </tr> <tr> <td style="text-align: center;">22 ° F</td> <td style="text-align: center;">No</td> <td style="text-align: center;">local code</td> <td style="text-align: center;">69 ° F</td> <td style="text-align: center;">64.9 ° F</td> </tr> </table>	GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SPEED ^d (mph)	Topographic Effects ^k	5 lb./ft ²	115 (3-sec-gust)/ 76 fastest mile	No	A	SUBJECT TO DAMAGE FROM			Weathering ^a	Frost line depth ^b	Termite ^c	moderate	6"	very heavy	WINTER DESIGN TEMP ^e	ICE BARRIER UNDER-LAYMENT REQUIRED ^h	FLOOD HAZARD ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j	22 ° F	No	local code	69 ° F	64.9 ° F
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22 ° F	No	local code	69 ° F	64.9 ° F																											
38	IRC R302.7 Under-stair protection.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R302.7 Under-stair protection. Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with 5/8-inch (15.8 mm) fire-rated gypsum board or one-hour fire-resistive construction.</p>																													
39	IRC R312.1.1 Where required.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R312.1.1 Where required. Guards shall be provided for those portions of open-sided walking surfaces, including stairs, porches, balconies, landings and ramps, that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.</p> <p>Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.</p>																													

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40	IRC R315.2.2 Alterations, repairs and additions.	<p><i>Amend by deleting the exceptions in their entirety and adding new exceptions to read as follows:</i></p> <p>R315.2.2 Alterations, repair and additions. Where alterations, repairs or additions requiring a permit occur, the individual dwelling unit shall be equipped with carbon monoxide alarms located as required for new dwellings.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Work involving the exterior vertical surfaces of dwellings, such as the replacement of brick or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, is exempt from the requirements of this section. 2. Work involving concrete, retaining walls or other elements located on the site and entirely outside of the dwelling or structure is exempt from the requirements of this section. 3. Installation, alteration or repairs of plumbing or mechanical systems located entirely on the exterior or outside of the dwelling or structure are exempt from the requirements of this section.
41	IRC R322.1 General.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R322.1 General. Buildings and structures, when permitted to be constructed in flood hazard areas (including A or V zones) as established in Table R301.2(1) shall be designed and constructed as required in accordance with the provisions contained in this section and by local provisions as applicable.</p>
42	IRC R401.2 Post-Tension foundation.	<p><i>Amend by adding a new section to read as follows:</i></p> <p>R401.2 Post-Tension foundation. Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.</p>
43	IRC R602.6.1 Drilling and notching of top plate.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054-inch thick (1.37 mm) (16 Ga) and five inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148-inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of six inches past the opening. See Figure R602.6.1.</p>

44	IRC R602.6.1 Figure.	<p><i>Amend by replacing figure follows:</i></p> <p style="text-align: right;">WALL CONSTRUCTION</p>  <p style="text-align: center;">FIGURE R602.6.1 TOP PLATE FRAMING TO ACCOMMODATE PIPING</p>
45	IRC R703.8.4.1 Size and spacing.	<p><i>Amend by replacing the final sentence of the section with the following:</i></p> <p>R703.8.4.1 Size and spacing.</p> <p style="text-align: center;">* * *</p> <ol style="list-style-type: none"> 1. When studs are 16 inches (407 mm) o.c., stud ties shall be spaced no further apart than 24 inches (737 mm) vertically starting approximately 12 inches (381 mm) from the foundation; or 2. When studs are 24 inches (610 mm) o.c., stud ties shall be spaced no further apart than 16 inches (483 mm) vertically starting approximately 8 inches (254 mm) from the foundation.
46	IRC R908.3.1 Roof recover.	<p><i>Amend section by deleting condition #1 in its entirety.</i></p>
47	IRC R908.3.1.1 Roof recover not allowed.	<p><i>Amend by deleting condition #3 in its entirety.</i></p>
48	IRC M1305.1.2 Appliances in attics.	<p><i>Amend by deleting the exceptions in their entirety and adding to the end of the section to read as follows:</i></p>

		<p>M1305.1.2 Appliances in attics. Attics containing appliances shall be provided with an opening and a clear and unobstructed passageway...</p> <p style="text-align: center;">* * *</p> <p>As a minimum, access to the attic space shall be provided by one of the following:</p> <ol style="list-style-type: none"> 1. A permanent stair. 2. A pull-down stair with a minimum of 300-lb (136 kg) capacity. 3. An access door from an upper floor level. 4. An access panel may be used in lieu of items 1, 2 and 3 with prior approval of the Code Official due to building conditions. <p>Exception: The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.</p>
49	IRC G2412.5 Identification.	<p><i>Amend by adding a sentence to the end of the section to read as follows:</i></p> <p>G2412.5 (401.5) Identification For other than steel pipe, exposed piping shall be identified by a yellow...</p> <p style="text-align: center;">* * *</p> <p>Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:</p> <p>"Warning 1/2 to 5 psi gas pressure. DO NOT REMOVE"</p>
50	IRC G2415.12 Minimum burial depth.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>G2415.12 (404.12) Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) below grade.</p>
51	IRC G2417.4 Test pressure measurements.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>G2417.4 (406.4) Test pressure measurements. Test pressure shall be measured with a manometer or with a pressure measuring device designed and calibrated to read, record or indicate a pressure loss due to leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. The equipment used shall be of an appropriate scale such that pressure loss can be easily determined.</p>
52	IRC G2417.4.1 Test pressure.	<p><i>Amend section in its entirety to read as follows:</i></p>

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		G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be not less than 10 psig (68.9 kPa gauge). The piping and valves may be tested at a pressure of at least six inches (152 mm) of mercury measured with a manometer, slope gauge or spring gauge. For welded piping and for piping carrying gas at pressures in excess of 14-inches water column pressure (3.48 kPa), the test pressure shall not be less than 60 pounds per square inch (413.4 kPa).
53	IRC G2417.4.2 Test duration.	<i>Amend section in its entirety to read as follows:</i> G2417.4.2(406.4.2) Test duration. Test duration shall be held for a length of time satisfactory to the Building Official but in no case for less than 15 minutes. For welded piping and for piping carrying gas at pressures in excess of 14-inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than 30 minutes.
54	IRC P2603.5.1 Sewer depth.	<i>Amend section in its entirety to read as follows:</i> P2603.5.1 Sewer depth. Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.
55	IRC P2801.5 Prohibited locations.	<i>Amend section in its entirety to read as follows:</i> P2801.5 Prohibited locations. Water heaters shall be located in accordance with Chapter 20. Water heaters are prohibited from being installed within any attic cavity or space. Exception: Tankless water heaters installed in accordance with Section M1305.1.2
56	IRC P2801.6.1 Pan size and drain.	<i>Amend section in its entirety to read as follows:</i> P2801.6.1 Pan size and drain. The pan shall be not less than 1-1/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inches (19 mm). Piping for safety pan drains shall be of those materials listed in Table P2906.5.
57	IRC P2902.5.3 Lawn irrigation systems.	<i>Amend section in its entirety to read as follows:</i> P2902.5.3 Lawn irrigation systems. The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Title 30, Chapter 344, Subchapters E and F, §§ 344.50—344.65 of the Texas Administrative Code, as the same may be from time to time amended, are hereby adopted by reference as the landscape irrigation rules of the City.
58	IRC P3111 Combination waste and vent systems.	<i>Amend by deleting the section in its entirety.</i>
59	IRC P3112.2 Installation.	<i>Amend section in its entirety to read as follows:</i>

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		<p>P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed-in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six inches (152 mm) above the flood level rim and a minimum slope of one-quarter inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drainboard shall be a one-piece fitting or an assembly of a 45-degree (0.79 radius), a 90-degree (1.6 radius) and a 45-degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.</p>
60	IRC Part VIII	<p><i>Amend by deleting Chapters 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 in their entirety and adding a referral notice to read as follows:</i></p> <p>Refer to the adopted National Electrical Code for all references regarding electrical installations within the International Residential Code.</p>

Secs. 5-582 – 5-600. – Reserved.

DIVISION 3. – OTHER REGULATIONS

Secs. 5-601 – 5-700. – Reserved.

DIVISION 4. – REGISTRATION

Sec. 5-701. – Contractors – Registration Required.

- (a) *Registration required.* Contractors doing business and conducting work in the City of Mesquite shall register with the City as a General Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City.

- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum:

- (1) show the contractor's name, local address and telephone number; and such other information as may be reasonably required to properly identify the contractor;
- (2) provide a current government-issued identification; and
- (3) provide a good and sufficient corporate surety bond in the amount of \$5,000.00 (Five Thousand Dollars) payable to the City of Mesquite, Texas, for the use and benefit of either the City, or the property owner for damages as a result of any act or neglect of the principal, agents or employees; or by reason of failure to remedy any defects or faulty workmanship or material within the time prescribed by the Building Official for the completion of such remedial work, without additional cost to the person for whom the work was done; and guaranteeing compliance with the requirements of the applicable codes of all work installed by the principal, agents or employees.

- (d) *Fee required.* Unless otherwise herein authorized, each application must be accompanied by the required fee(s) as set in the City of Mesquite Comprehensive Fee Schedule.

Cross reference – [Appendix D – Comprehensive Fee Schedule, Sec. 12-111](#).

Sec. 5-702. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as a General Contractor to secure building permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered general contractor, or to use falsely the words "general contractor," either verbally or in writing, unless such person is, in fact, registered as a general contractor.

Sec. 5-703. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any General Contractor for violating the requirements of this Chapter.

- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the General Contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the General Contractor nor anyone operating under the auspices of his or her business or control or supervision shall engage in such business within the City or be qualified to submit or maintain an application for an building permit.
- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-704. – Withholding the issuance of building permits.

- (a) *Decision to withhold issuance of permits.* Upon the failure on the part of any person holding a building permit to correct any defect, error or deficiency in any work installed or contracted under the authority of a building permit issued to him or her within ten (10) calendar days after written notification thereof from the office of the Building Official, or from such other person as may be designated by the City Manager, the Building Official, or such other person so designated, shall without further notice stop the issuance of permits to such persons until such corrections have been made, inspected, and approved.
- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Secs. 5-705 – 5-800. – Reserved.

Editor's note:

[Existing Article XIV. – "Energy Code" shall be repealed in its entirety and Article XIV shall be reserved.
New Article XII – "Energy Conservation Code" shall be adopted as follows.]

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

* * *

Secs. 5-705 – 5-800. – Reserved.

ARTICLE XII. – ENERGY CONSERVATION CODE

DIVISION 1. – GENERALLY

Sec. 5-801. Short title.

This article shall be known and cited as the "Mesquite Energy Conservation Code" and may hereinafter be referred to in this article as "this code."

Sec. 5-802. Adopted.

The [International Energy Conservation Code \(I.E.C.C.\), 2018 Edition](#), a publication of the International Code Council (I.C.C.), is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") prescribed in this article. A copy of the International Energy Conservation Code, 2018 Edition, and the local amendments thereto shall be maintained in the Office of the City Secretary.

Sec. 5-803. Penalties.

1. *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND (\$2,000) dollars for each offense, as provided in Mesquite City Code [Section 1-6](#), as amended. Each day a violation continues shall constitute a separate offense.

Charter reference – Enforcement of ordinances, [Art. III, § 28](#).

Cross reference – General penalties; applicability; continuing violations, [Sec. 1-6](#).

State law reference – General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, [§ 54.001](#).

2. *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

Secs. 5-804 – 5-830. – Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-831. Local Amendments to the International Energy Conservation Code, 2018 Edition.

1. *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published [International Energy Conservation Code \(I.E.C.C.\), 2018 Edition](#), and this section, the specific provisions of this section shall control.
2. *Table of the local amendments.*
 - a. The following table contains the local amendments to the International Energy Conservation Code (I.E.C.C.), 2018 Edition.
 - b. Table Legend.
 - (1) Column 1: Item Reference Number
 - (2) Column 2: Related I.E.C.C. Code Section Number and Title

“C” prior to the Section number denotes “Commercial” provisions.
“R” prior to the Section number denotes “Residential” provisions.
 - (3) Column 3: Local Amendment to I.E.C.C.
 - (4) (. . .): Dots (. . .) (i.e. an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.E.C.C., not set forth in this section and instead denoted by dots (. . .), shall remain intact and unchanged from the language existing prior to adoption of this section.
 - (5) (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the I.E.C.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE		
No.	IECC Code Section No. Title	Local Amendment to IECC
01	IECC C101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>C101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Mesquite, Texas, ("Mesquite Energy Conservation Code") and may hereinafter be referred to as "this code."</p>
02	IECC R101.1 Title.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Mesquite, Texas, ("Mesquite Energy Conservation Code") and may hereinafter be referred to as "this code."</p>
03	IECC C104.2 Schedule of permit fees.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>C104.2 Schedule of permit fees. * * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>
04	IECC R104.2 Schedule of permit fees.	<p><i>Amend by adding a sentence [after the first and only sentence of the section] to read as follows:</i></p> <p>R104.2 Schedule of permit fees. * * *</p> <p>See Mesquite City Code, Appendix D – Comprehensive Fee Schedule, for applicable fees.</p>
05	IECC C104.5 Refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>C104.5 Refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official Shall authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180-days from the date of fee payment.</p>

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06	IECC R104.5 Refunds.	<p><i>Amend section in its entirety to read as follows:</i></p> <p>R104.5 Refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official shall authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written request filed by the original permittee not later than 180-days from the date of fee payment.</p>
07	IECC C109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION C109 APPEALS</p> <p>C109.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-1, according to the appeal procedures and time for filing set forth therein.</p>
08	IECC R109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION R109 APPEALS</p> <p>R109.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.</p>
09	IECC SECTION C202 General Definitions.	<p><i>Amend section by changing the definition for "Code Official" to read as follows:</i></p> <p>CODE OFFICIAL. The Building Official, or other authority designated by the Building Official, charged with the administration and enforcement of this Code.</p>
10	IECC SECTION R202 General Definitions.	<p><i>Amend section by changing the definition for "Code Official" to read as follows:</i></p> <p>CODE OFFICIAL. The Building Official, or other authority designated by the Building Official, charged with the administration and enforcement of this Code.</p>

11	IECC Table C406.4 Maximum energy rating index.	<i>Amend table to read as follows:</i> Climate Zone: 3 Energy Rating Index: 63 effective until August 31, 2022
12	IECC Table R406.4 Maximum energy rating index.	<i>Amend table to read as follows:</i> Climate Zone: 3 Energy Rating Index: 59 effective on or after September 1, 2022

Secs. 5-832 – 5-850. – Reserved.

DIVISION 3. – OTHER REGULATIONS

Secs. 5-851 – 5-900. – Reserved.

DIVISION 4. – REGISTRATION

Sec. 5-901. – Contractors – Registration Required.

- (a) *Registration required.* Contractors doing business and conducting work in the City of Mesquite shall register with the City as a General Contractor.

Cross reference – Mesquite City Charter, Art. III, [Sec. 28](#).

- (b) *Application.* An application shall be made to the Building Official to become registered with the City.

- (c) *Application contents.* The application shall be on a form provided by the City, and shall, at a minimum:

- (1) show the contractor's name, local address and telephone number; and such other information as may be reasonably required to properly identify the contractor;
- (2) provide a current government-issued identification; and
- (3) provide a good and sufficient corporate surety bond in the amount of \$5,000.00 (Five Thousand Dollars) payable to the City of Mesquite, Texas, for the use and benefit of either the City, or the property owner for damages as a result of any act or neglect of the principal, agents or employees; or by reason of failure to remedy any defects or faulty workmanship or material within the time prescribed by the Building Official for the completion of such remedial work, without additional cost to the person for whom the work was done; and guaranteeing compliance with the requirements of the applicable codes of all work installed by the principal, agents or employees.

- (d) *Fee required.* Unless otherwise herein authorized, each application must be accompanied by the required fee(s) as set in the City of Mesquite Comprehensive Fee Schedule.

Cross reference – [Appendix D – Comprehensive Fee Schedule, Sec. 12-111](#).

Sec. 5-902. – Offenses.

- (a) It shall be unlawful for any person who is not registered by the City as a General Contractor to secure building permits.
- (b) It shall be unlawful for any person to represent himself or herself as a registered general contractor, or to use falsely the words "general contractor," either verbally or in writing, unless such person is, in fact, registered as a general contractor.

Sec. 5-903. – Revocation of registration.

- (a) *Authority.* The Building Official may revoke the registration of any General Contractor for violating the requirements of this Chapter.
- (b) *Notice.* Prior to revocation, the Building Official shall give written notice to the General Contractor of the type and location of such violations and afford the contractor not less than fifteen (15) days to correct the same.
- (c) *Registration revocation.* If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the General Contractor nor anyone operating under the auspices of his or her business or control or supervision shall engage in such business within the City or be qualified to submit or maintain an application for an building permit.
- (d) *Reinstatement of registration.* Upon correction of the violations, the contractor's registration may be reinstated.
- (e) *Appeal of Building Official's decision to revoke registration.* Appeal of Building Official's decision to revoke registration. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Sec. 5-904. – Withholding the issuance of building permits.

- (a) *Decision to withhold issuance of permits.* Upon the failure on the part of any person holding a building permit to correct any defect, error or deficiency in any work installed or contracted under the authority of a building permit issued to him or her within ten (10) calendar days after written notification thereof from the office of the Building Official, or from such other person as may be designated by the City Manager, the Building Official, or such other person so designated, shall without further notice stop the issuance of permits to such persons until such corrections have been made, inspected, and approved.
- (b) *Appeal of Building Official's decision to withhold the issuance of permits.* Appeal of Building Official's decision to withhold the issuance of permits. Any person shall have the right to appeal a decision of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein.

Secs. 5-905 – 5-1300. – Reserved.

ARTICLE XIII. – RESERVED

Editor's note:

[Repeal current Article XIII titled "Residential Code" and reserve the Article. See Exhibit "J" for new Article XI "Residential Code".]

Secs. 5-1301 – 5-1500. – Reserved.

ARTICLE XIV. – RESERVED

Editor's note:

[Repeal current Article XIV titled "Energy Code" and reserve the Article. The new Energy Code is now located in Article XII.]

Secs. 5-1501 – 5-1700. – Reserved.