

REVISED ORDINANCE NO. ~~710~~, 2012

AN ORDINANCE OF THE CITY OF KENDLETON, TX ADOPTING THE 2009 EDITIONS OF VARIOUS INTERNATIONAL CODES AND THE 2008 EDITION OF THE NATIONAL ELECTRIC CODE; PROVIDING AMENDMENTS TO 2009 INTERNATIONAL BUILDING CODE AND 2009 INTERNATIONAL RESIDENTIAL CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is the desire of the City of Kendleton, Texas to adopt in all respects, the various 2009 International Codes, and the 2008 National Electric Code;

WHEREAS, the adoption of these codes is done to facilitate proper inspection activated by the City of Kendleton relating to construction and to maintenance of buildings within said City of Kendleton, and relating to public safety, health, and general welfare; and

WHEREAS, the City Council finds it necessary to amend the provisions of the 2009 International Building Code and 2009 International Residential Code to address regional conditions.

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

Section 1. That the following codes are hereby adopted by reference as though they were copied herein fully, with the exception of such sections thereof as are hereafter deleted, modified, or amended by this ordinance:

1. 2009 International Building Code
2. 2009 International Fire Code
3. 2009 International Gas Code
4. 2009 International Mechanical Code
5. 2009 International Plumbing Code
6. 2009 International Property Maintenance Code
7. 2009 International Residential Code for One and Two Family Dwellings
8. 2008 National Electric Code

Section 2. That the 2009 International Building Code be amended to include the following sections and adopted as herein specified:

1404.1.1 Exterior walls on all building constructed after July 10, 2012 for non-residential use shall be of fire-resistant construction having exterior walls constructed of masonry. Other non-masonry materials, such as EIFS, concrete, wood, fiber-cement siding, or any combination thereof shall be limited to trim or accent materials or up to twenty-five percent (25%) of the total exterior surface area. The use of metal or vinyl siding is prohibited.

1404.1.2 Exterior walls on all buildings constructed after July 10, 2012 for residential use shall be of fire resistant construction having exterior walls constructed of at least fifty-one percent (51%) masonry or a combination of masonry and stucco. The remaining portions of exterior walls, exclusive of windows and doors shall be clad with masonry, stucco, or fiber-cement siding.

1404.1.3 Exterior walls on all buildings constructed before July 10, 2012 may be maintained or repaired without compliance to 1404.1.1 or 1404.1.2 provided the repair meets all the other requirements of this and other adopted building codes of the City of Kendleton.

Section 3. That the 2009 International Residential Code for One- and Two-Family Dwellings be amended to include the following sections and adopted as herein specified:

703.1.3 Exterior Materials. Exterior walls on all building constructed after July 10, 2012 shall be of fire resistant construction having exterior walls constructed of at least fifty-one percent (51%) masonry or a combination of masonry and stucco. The remaining portions of exterior walls, exclusive of windows and doors shall be clad with masonry, stucco, or fiber-cement siding. The following exceptions shall apply:

- a) Residential accessory buildings of one hundred twenty (120) square feet or less are exempt from compliance.
- b) Residential accessory buildings of two hundred (200) square feet or less shall not be required to comply with the masonry requirements and may be constructed of one hundred percent (100%) fiber-cement siding, exclusive of windows and doors.
- c) Building accessory to a residential building constructed before July 10, 2012, and constructed entirely of wood, vinyl, or fiber cement siding shall not be required to comply with the masonry requirements and may be constructed of one hundred percent (100%) fiber-cement siding, exclusive of windows and doors.

- d) Exterior walls on all buildings constructed before July 10, 2012 may be maintained or repaired without compliance to 1404.1.1 or 1404.1.2 provided the repair meets all the other requirements of this and other adopted building codes of the City of Kendleton.

Section 4. That for the purpose of enforcing Section 2 and Section 3 of this ordinance, the following definitions shall apply:

Residential buildings shall mean those buildings utilized for a single family, two-family, and multiple family dwelling, related to accessory use as a primary residential unit.

Nonresidential buildings shall mean those buildings utilized for use other than single family, two-family and multiple family dwelling related to accessory use as a primary non-residential building.

Masonry materials shall mean and include that form of construction defined below and composed of brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit by unit set in mortar. The following materials shall not qualify nor be defined as "masonry materials": fiber-cement siding, stucco, Exterior Insulation and Finish Systems (EIFS), acrylic matrix, synthetic plaster or other synthetic material.

Brick – Includes kiln fired clay or shale brick manufactured to ASTM C216 or C652, Grade SW, can include concrete brick if the coloration is integral, shall not be painted, and it is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay or shale brick.

Stone – Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches when applied as a veneer

Decorative Concrete Block – Includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

Precast concrete panels – Includes products often associated with Tilt Up Wall Construction but only allowed if post-constructed wall areas are then covered by defined masonry

materials that can be laid up unit by unit set in mortar and meet the required percentage of coverage as defined in this ordinance

Fiber Cement Siding – A manufactured, fiber-reinforcing product made with an inorganic hydraulic or calcium silicate binder formed by chemical reaction and reinforced with organic or inorganic non-asbestos fibers, or both. Fiber cement siding products have either smooth or textured faces and are intended for exterior wall and related applications (such as “Hardy Plank” or “Hardy Board”).

Stucco – Means conventional three-step hard coat stucco with a minimum thickness of 7/8-inch.

Section 5. BE IT FURTHER ORDAINED BY THE CITY COUNCIL FOR THE CITY OF KENDLETON that any matters in said codes which are contrary to existing Ordinances of the City of Kendleton, the codes shall prevail.

Section 6. BE IT FURTHER ORDAINED that within said codes, when reference is made to the duties of certain official named therein, that the designated official of the City of Kendleton who has duties corresponding to those of the named official in said codes shall be deemed to be the responsible official in so far as enforcing the provisions of said are concerned.

Section 7. Enforcement and Penalty.

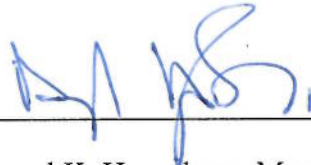
1. The City or his/her designee shall have the authority to issue citations for any violations or this ordinance.
2. A violation of any provision of the listed Codes incorporated by reference shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).
3. Each day of occurrence of any violations or failure to perform such act shall constitute a separate offence.
4. The imposition of a fine under this ordinance shall not prevent the revocation, suspension or denial of any permit issued or granted by the City of Kendleton, nor shall it be deemed to prevent impede or delay the rights of the city to proceed in any other court of competent jurisdiction to secure equitable relief, including but not limited to, injunctions or to file suits in the name of the city or as a member of a class for damages or other relief as provided for by law.

5. Any person or corporation who permits, aids, assists or employs another person or corporation in doing any prohibiting or failing to do any act as shall be required in this ordinance shall be deemed in violation of this ordinance, as if such person or corporation had actually committed such act or failed to actually perform such act as herein required.
6. In addition to the penalty for starting work prior to obtaining a valid permit, all fees will be doubled.

Section 8. Adoption of Ordinance

This ordinance shall become effective upon its approval and passage.
PASSED by an affirmative vote of all members of the City Council this 10th
day of July, 2012

APPROVED:



Darryl K. Humphrey, Mayor

Attest:



Veronica Harris, City Secretary