

ORDINANCE NO. ORD-2015-9746

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF IRVING, TEXAS, BY REPEALING SECTION 8-5 ENTITLED "INTERNATIONAL BUILDING CODE" OF CHAPTER 8 AND BY AMENDING SAID CODE BY ADDING CHAPTER 8B ENTITLED "BUILDING CODES" AND SECTIONS 8B-1 THROUGH 8B-5, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE AS THE COMMERCIAL BUILDING CODE FOR THE CITY OF IRVING, TEXAS, AND PROVIDING AMENDMENTS, ADDITIONS, AND DELETIONS THERETO; ADOPTING A FEE SCHEDULE, CONSTRUCTION BOARD OF APPEALS AND PENALTY PROVISIONS; AND PROVIDING FOR SEVERABILITY, SAVINGS, AND AN EFFECTIVE DATE.

WHEREAS, the North Central Texas Council of Governments encourages local jurisdictions to adopt the 2015 International Codes; and

WHEREAS, the Construction Board of Appeals, among its other duties, has been created to obtain public comment on the periodic update of the code; and

WHEREAS, the Construction Board of Appeals has conducted a public meeting to receive public comments from persons affected by the proposed amendments to the code, and recommends adoption of the 2015 International Building Code as the commercial building code for the City with the following local amendments;

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

SECTION 1. That Section 8-5 of Chapter 8 of The Land Development Code of the City of Irving, Texas, is hereby repealed.

SECTION 2. That The Land Development Code of the City of Irving, Texas, is hereby amended by adding Chapter 8B and Sections 8B-1, 8B-2, 8B-3, 8B-4, and 8B-5 to read as follows:

Chapter 8B

**BUILDING CODES**

**Sec. 8B-1. International Building Code.**

The 2015 edition of the International Building Code, including Appendices "C – Group U Agricultural Buildings," "E – Supplementary Accessibility Requirements," and "I – Patio Covers" is adopted as the commercial building code of the City of Irving, Texas, as amended herein.

When identical provisions are included in the International Building Code and the International Fire code, consult the adopting ordinance of the International Fire Code for amendments to the duplicate code section. Amendments to the International Fire Code shall be considered amendments to the corresponding section of the International Building Code.

**Sec. 8B-2. Amendments, additions, and deletions to the 2015 edition of the International Building Code.**

(a) Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published 2015 International Building Code and this section, the specific provisions of this section shall control.

(b) The following table contains the local amendments to the International Building Code, which is modified as set forth herein:

- (1) When identified by the letter “R,” the corresponding section of the 2015 International Building Code is deleted in its entirety and replaced by the local amendment as set forth in Column 3 of the table below.
- (2) When identified by the letter “S,” the corresponding section of the 2015 International Building Code is supplemented by the additional provision as set forth in Column 3 of the table below.
- (3) When identified by the letter “M,” the corresponding section of the 2015 International Building Code is modified by amending the language of the provision to read as set forth in Column 3 of the table below.

**Table Legend:**

Column 1: Item Reference Number

Column 2: Related code section/caption

Column 3: Amended code provision

Column 4: “R” – 2015 International Building Code section is replaced by the provision in Column 3; “S” – 2015 International Building Code section is supplemented by the provision in Column 3; “M” – 2015 International Building Code section is modified by the provision in Column 3.

**TABLE OF LOCAL AMENDMENTS TO THE 2015 INTERNATIONAL BUILDING CODE**

1	IBC 101.4 Referenced codes and standards	<p>Codes when specifically adopted, and standards referenced in the codes shall be considered part of the requirements of the code to the prescribed extent of each such reference and as further regulated in the codes. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.</p> <p>a. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.</p> <p>b. The provisions of the Electrical Code shall apply to both the residential and commercial installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.</p>	R
2	IBC 103.1 Department of building safety	Wherever the term “department of building safety” is used, it shall mean the department of inspections.	M

3	IBC 104.2 Applications and permits	Construction in flood hazard areas shall be in conformance with Chapter 47 “Flood Damage Prevention” of The Irving Land Development Code of the City of Irving, Texas.	R
4	IBC 104.10.1 Flood hazard areas	Construction in flood hazard areas shall be in conformance with Chapter 47 “Flood Damage Prevention” of The Irving Land Development Code of the City of Irving, Texas.	R
5	IBC 105 Permits	a. <i>Dormant permit applications.</i> Permits that have been approved for which payment has not been received within 14 days may be cancelled. b. <i>Lack of progress.</i> Permits may be cancelled for a lack of reasonable progress comparable to similar projects. c. <i>Accessory buildings.</i> A permit issued for the construction of an accessory building shall be valid for a period of 3 months from the date of issuance. The building official shall be authorized to extend this initial 3-month period for one additional 3-month period after a determination that the property complies with all city ordinances.	S
6	IBC 105.2 Work exempt from permit	a. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, not exceeding 6 feet in any dimension (includes height measured from adjacent grade to the highest point of the roof). b. Fences require permits in accordance with Chapter 15 “Fences” of The Land Development Code of the City of Irving, Texas. c. Installation or repair of retaining walls which are not over 30 inches in height of exposed face, unless supporting a surcharge or impounding Class I, II, or III-A liquids. d. Sidewalks not exceeding 4 feet in width, which are: 1) On private property; 2) Not more than 30 inches above adjacent grade; and 3) Not over any basement or story below. e. Paving or driveways, which are: 1) On private property; 2) Not exceeding 1,000 square feet in area; 3) Not creating or reconfiguring parking spaces; and 4) Not replacing any required landscape area. f. Swings and other playground equipment other than indoor children’s play structures as regulated by this code.	M       M
7	IBC 109 Fees	Refer to Section 8B-3 of Chapter 8B of The Land Development Code of the City of Irving, Texas.	S
8	IBC 111 Certificate of occupancy	a. <i>Certificate of use.</i> No lot or tract of property upon which there has been no building or structure constructed shall be used or occupied, and no change in the existing use of the property or portion thereof shall be made until the building official has issued a certificate of use. b. <i>Letter of compliance.</i> The building official shall issue a letter of compliance for buildings which have received shell construction final inspections from both the inspections and fire departments.	S

9	IBC 111.2 Certificate issued	The name of the tenant is required to be provided on certificate of occupancy applications.	S
10	IBC 113 Board of appeals	Refer to Section 8B-4 of Chapter 8B of The Land Development Code of the City of Irving, Texas.	R
11	IBC 202 Definitions	<p>a. <i>Ambulatory health care facility.</i> 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: dialysis centers, sedation dentistry, surgery centers, colonic centers, or psychiatric centers.</p> <p>b. <i>Atrium.</i> 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>	M
12	IBC 202 Definitions	<p>a. <i>Building official.</i> The city manager's designee to this position or his or her designated representative.</p> <p>b. <i>Fire chief.</i> The chief of the City of Irving Fire Department or a duly authorized representative.</p>	S
13	IBC 304.1 Business group B	Business Group B occupancies include fire stations and police stations with detention facilities for 5 or less.	S
14	IBC 403.3 Automatic sprinkler system	Automatic fire sprinkler systems are required in high-rise telecommunication equipment buildings.	M
15	IBC 406.3.5.1 Carport separation	A separation is not required between a Group R-2 and U carport, provided that the carport is non-combustible and entirely open on all sides and that the distance between the two is at least 10 feet.	S
16	IBC 406.8 Repair garages	Repair garages shall include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.	S
17	IBC 506.3 Frontage increase	If not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided, in order to be considered as accessible.	S
18	IBC 716.5.9.4 Doors in pedestrian ways	Vertical sliding or vertical rolling fire doors are prohibited in openings through which pedestrians, fire fighters, or emergency responders travel.	R
19	IBC 1009.1 Accessibility means of egress	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 accessible means of egress requirements of the code.	S
20	IBC 1010.1.9.4 Bolt locks	Where a pair of doors serves an occupant load of less than 50 persons in a Group M occupancy, manually operated edge or surface mounted bolts are allowed on the inactive leaf. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.	S

21	IBC 1017.2.2 Group F-1 and S-1 increase	<p>The maximum exit access travel distance shall be 400 feet in Group F-1 or S-1 occupancies where all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. The portion of the building classified as Group F-1 or S-1 is limited to one story in height;</li> <li>b. The minimum roof height from the finished floor to the bottom of the ceiling or roof deck is 24 feet;</li> <li>c. The building is equipped with an automatic sprinkler system; and</li> <li>d. The building is equipped with manual heat and smoke roof vents in accordance with the code</li> </ul>	S
22	IBC 1101 Texas Accessibility Standards	<p><i>Compliance.</i> 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 accessibility requirements of this code.</p>	S
23	IBC 1106.5 Van spaces	<p>For every four or fraction of four accessible parking spaces, at least one shall be a van-accessible parking space. If two or more accessible parking spaces are provided, the first two accessible parking spaces shall be van-accessible.</p> <p>Exception: In Group R-2 and R-3 occupancies, van-accessible spaces located within private garages shall be permitted to have vehicular routes, entrances, parking spaces and access aisles with a minimum vertical clearance of 7 feet.</p>	R
24	IBC 1111.1 #1 Signage	<p>All accessible parking spaces shall be identified with signs which contain the International Symbol of Accessibility.</p>	R
25	IBC 1207 Sound Transmission	<ul style="list-style-type: none"> <li>a. <i>Two zones.</i> For the purposes of this code, certain sections of the city are zones subject to significant noise from aircraft. These zones are the “65-70 DNL noise zone” and the “over 70 DNL noise zone.”</li> <li>b. <i>Map.</i> These noise zones shall include such territory or portions of the city as are designated and shown on the aircraft noise impact map (a copy of which is on file with the building official) and incorporated into this code and made a part of it for all intents and purposes.</li> <li>c. <i>Certified plans.</i> The building official shall not issue a building permit for any building or structure within the noise zones shown on the aircraft noise impact map unless the plans and specifications accompanying the application for the permit are certified by a bona fide acoustical consultant as meeting the required noise level reduction standards of this section.</li> <li>d. <i>Noise consultants.</i> Bona fide acoustical noise consultants include members of the National Council of Acoustical Consultants and others who are approved by the building official, such approval being based on the demonstration of competence and credentials in the area of architectural acoustics.</li> <li>e. <i>Building intrusion in a noise zone.</i> A building or structure which is located partly within a noise zone and partly without or located partly within one noise zone and partly within another noise zone shall be considered within the most restrictive of the noise zones within which it is located for purposes of this section.</li> </ul>	S

25	IBC 1207 Sound Transmission (continued)	f. <i>Noise reductions standards.</i> Plans for the construction of buildings or structures within noise zones shall be certified as achieving at least the outdoor to indoor noise level reductions as measured in decibels within the building as follows:			
		Building Use	65-70 DNL Noise Zone	Over 70 DNL Noise Zone	
		Residential: Residential within each unit including transient lodgings.	25	30	
		Public Use: Schools, hospitals, and nursing homes	25	30	
26	IBC 1505 Fire classification	Non-classified roof coverings shall be permitted on buildings of Group U occupancies having not more than 120 square feet of projected roof area. When exceeding 120 square feet of projected roof area, buildings of Group U occupancies may use non-rated non-combustible roof coverings.			S
27	IBC 1511 Reroofing	<p>a. All individual replacement shingles or shakes shall be in compliance with the minimum rating required by this code.</p> <p>b. No more than two layers of asphalt shingles shall be installed.</p> <p>c. New roof coverings shall not be installed on an existing roof deck that does not comply with the requirements of this code for new construction. An additional layer of code compliant decking may be installed over an existing roof deck in lieu of its removal.</p>			S
28	IBC 1705.17 Fire-resistant penetrations and joints	<p><i>Fire-resistant rated penetrations and joints.</i> In high-rise buildings; buildings assigned to a Risk Category III or IV; and in R-1 and R-2 portions of buildings, special inspections shall be provided for through penetration and membrane penetration firestops; fire-resistant joint systems; and perimeter fire barrier systems.</p> <p>Exception: R-1 or R-2 occupancies not located in high-rise buildings if the installation of the products or systems is performed by an installer approved by both the product manufacturer and the building official.</p>			R
29	IBC 1807.2 Retaining Walls	<p>a. Retaining walls shall be designed, inspected, and approved by a registered structural engineer.</p> <p>b. Retaining walls which require a permit shall not be constructed of wood.</p> <p>c. Property restrictions. The proper performance of retaining walls shall not be based on restrictions or requirements placed on property owners which will require future design or review by the retaining wall design engineer. Any exposed soil in the vicinity of a retaining wall shall be assumed to be landscaped and irrigated. Restrictions which may deprive property owners from full use and enjoyment of property shall not be included in the design or related maintenance requirements of a retaining wall.</p> <p>Exception: Restrictions clearly stated in easements which are designated on the subdivision plat of record.</p>			S
30	IBC 2103.1 Masonry units	Clay brick used outdoors shall meet Grade SW (severe weather) requirements of either ASTM C 216 or ASTM C 652.			S

31	IBC 2902.1 Minimum number of fixtures	Plumbing fixtures shall be provided for the type of occupancy and substantially in compliance with the minimum number as specified by the codes.	M
32	IBC 3002.1 Hoistway enclosure protection	Elevator hoistways are not required to be constructed as shafts when they are located entirely with atriums, open parking garages or enclosed parking garages.	S
33	IBC 3005 Machine rooms	a. Storage shall not be allowed within the elevator machine room. b. Approved durable signage on a contrasting background shall be provided at each entry door to the elevator machine room stating “Elevator Machinery – No Storage Allowed.”	S
34	IBC 3301.2 Storage and placement	a. <i>Equipment and material storage.</i> Construction equipment and materials may be stored on-site if: 1) They are being used in a construction project for which a valid permit is in effect and for which reasonable progress is being made; or 2) They are associated with work of a nature for which no permit is required, and they are stored on-site for only one period of time no longer than ten consecutive days within any six month period; or 3) A construction scope and schedule is approved by the department of inspections to allow storage of materials associated with: i. Work for which a permit is required, but reasonable progress is not being made; or ii. Work for which a permit is not required and a time period of more than ten days is needed to complete the work.	S
35	IBC 3302 Construction safeguards	a. <i>Waste materials.</i> Litter and light-weight construction waste materials such as food wrappers and construction material packaging shall be placed in a container that prohibits the waste materials from blowing onto adjacent properties. Waste material containers shall be maintained in an approved location and shall be removed in a manner which prevents injury or damage to persons, adjoining properties, and public rights-of-way. b. <i>Mowing.</i> Job-site properties shall be kept mowed and trimmed in accordance with Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas.	S
36	IBC 3303 Demolitions	a. Demolition resulting in a vacant lot. All portions of structures, appurtenances, paving, flatwork, pool decks, incidental accessory structures, and construction debris shall be removed from the site. The site shall be graded to allow for proper drainage and for the property to be mowed. Exception: Partial demolition and reuse of the principal structure in accordance with an approved permit. b. <i>Utility connections.</i> Franchise utility connections shall be discontinued and removed in accordance with the approved rules and the requirements of the applicable franchise utility. Overhead service drop lines shall be removed from utility poles. Water and sewer lines shall be removed and capped in accordance with the policy established by the director of water utilities or his designee.	S

37	IBC 3304.1 Excavation and fill	Neither construction debris, organic materials, nor trash shall be buried in utility ditches or other on-site excavations.	S
38	IBC 3305.1 Facilities required	Temporary toilet facilities shall be fully enclosed, chemically sanitized, and serviced and cleaned at least once each week.	S
39	Chapter 34 Existing Buildings	<p>a. Buildings in existence at the time of adoption of the code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of the code, provided such use is not dangerous to life.</p> <p>b. <i>Maintenance.</i> All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in conformance with the code edition under which installed. The owner or owner's design agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official may cause a structure to be reinspected.</p> <p>c. <i>Additions, alterations, or repairs.</i></p> <ol style="list-style-type: none"> <li>1) <i>General.</i> Additions, alterations, or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of the code, provided the addition, alteration, or repair conforms to that required for a new building or structure.</li> <li>2) <i>Unsafe conditions.</i> Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of the code and such additions or alterations shall not cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will: <ol style="list-style-type: none"> <li>i. Cause the existing building or structure to become structurally unsafe or overloaded,</li> <li>ii. Not provide adequate egress in compliance with the provisions of the code,</li> <li>iii. Obstruct exists,</li> <li>iv. Create a fire hazard,</li> <li>v. Reduce required fire resistance</li> <li>vi. Otherwise create conditions dangerous to human life.</li> </ol> </li> <li>3) <i>Area and height.</i> Any building plus new additions shall not exceed the height, number of stories and area specified for a new building.</li> <li>4) <i>Non-conforming buildings or structures.</i> Additions or alterations shall not be made when such existing building or structure is not in full compliance with the provisions of the code except when such addition or alteration will result in the existing building or structure being no more hazardous related to life safety, fire safety, or sanitation than before such additions or alterations are undertaken.</li> <li>5) <i>Nonstructural.</i> Alterations or repairs to an existing building or structure that are nonstructural and do not adversely affect any</li> </ol>	



39	Chapter 34 Existing Buildings (continued)	<p>structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed.</p> <p>6) <i>Glass replacement.</i> The installation or replacement of glass shall be as required for new installations.</p> <p>7) <i>Historic buildings.</i> Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure may be made without conformance to all the requirements of the code when authorized by the building official, provided:</p> <ul style="list-style-type: none"> <li>i. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.</li> <li>ii. Any unsafe conditions as described in the code are corrected.</li> <li>iii. The restored building or structure will be no more hazardous related to life safety, fire safety, or sanitation than the existing building.</li> </ul> <p>8) <i>Moved buildings.</i> Buildings or structures moved into or within the jurisdiction shall comply with the provisions of the code for new buildings or structures.</p> <p>9) <i>Change in use.</i> No change shall be made in the character of occupancies or use of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of the code for such division or group of occupancy.</p> <p>Exception: The character of the occupancy of existing buildings may be changed subject to the approval of the building official, and the building may be occupied for purposes in other groups without conforming to all the requirements of the code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.</p>	
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**Sec. 8B-3. Permit fees.**

(a) *Schedule of Fees.* The following fees shall be charged for the work shown. Other fees may be required under other ordinances. In the event that a permit is to be issued for work not shown below, a fee shall be charged based upon a category of work shown which most nearly resembles the work intended. The permit fees listed may be doubled if work is started prior to the permit being issued.

(b) *Investigation fee.* Any person who commences any work on any building or structure; or any electrical, gas, plumbing, or mechanical system before obtaining the necessary permits shall be subject to an investigation fee equal to the fee included in the permit fee schedule. The investigation fee shall be in addition to the regular permit fee.

(c) *Contractor registration.* It shall be unlawful for any person who is not registered by the City as a fence, sign, concrete, electrical, plumbing, mechanical, irrigation, house moving, fuel tank

installer, maintenance worker for apartments (plumbing/mechanical), or general contractor to secure a permit as provided for in this code, except that homeowners may obtain permits to perform work at a residence for which they have a homestead tax exemption and in which they live, without being registered or without the requirement of hiring a registered contractor.

- (1) Method of registration. To register with the City as a contractor, application shall be made in writing on forms furnished by the building official for that purpose along with the registration fee as required in this section.
- (2) Contractor registration renewal. Every contractor registration provided for in this code shall expire one year following the date of its issuance and shall be renewed by the building official upon application and upon the payment to the City of the required renewal fee.
- (d) *Refunds.* The building official shall authorize the refunding of fees as follows:
  - (1) The full amount of the fee paid hereunder that was erroneously paid or due to extenuating circumstances as approved by the code official.
  - (2) Not more than 80 percent of the permit fee paid when no work or inspection has been done under a permit issued in accordance with this code.
  - (3) The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(e) *Combination permit fees (building, electrical, plumbing, and mechanical).* The general contractor shall obtain a combination permit for all construction requiring inspection by more than one trade inspector (Items F1 through F7 below). Subcontractors are not required to obtain separate permits when serving as the registered subcontractor for a combination permit. Each subcontractor working under a general contractor’s combination permit shall notify the inspections department and submit all required information prior to any inspection. Separate permits are required for drive approaches (other than for Item F1), fences, signs, fire sprinklers, fire alarms, fire mains and hydrants, on-site utilities, irrigation systems, retaining walls, construction trailers, pools, fuel tanks, electric door locks, electric gate controllers, and solar energy systems.

Fee Schedule			
Item	Fee Type	Fee	Notes
F1	Single family dwelling, Townhouse, Duplex, Triplex (new)	Plan review – \$0.08 Permit – \$0.33	Per square foot of all floor area under roof. Fee includes 2 drive approaches
F2	Multi-Family Complex (four or more units)	Plan review – See #8 below Permit – \$405 per unit Garages– \$62 per vehicle section Carports – \$31 per vehicle section	Each clubhouse, office, laundry, etc. shall be counted as one unit.
F3	Residential Alterations, Garages (residential detached), Fire Repair (residential or multi-family), Storage Buildings over 400 square feet	Permit – \$0.26 Minimum fee – \$104	Fee shall not exceed the fee for comparable space for new construction
F4	Residential Additions (any enclosed square footage)	Plan review – \$0.08 Permit – \$0.33 Minimum fee – \$225	Per square foot of all floor area under roof

F5	<p>Commercial Building</p> <p><u>Building area (sq ft)</u>  Up to 2,500  2,501 to 10,000  10,001 to 50,000  50,001 to 100,000  100,001 to 300,000  Over 300,000</p>	<p>Plan review – See #8 below</p> <p><u>Permit Fee:</u>  \$ 965  \$ 260 + \$0.28/sq ft  \$ 645 + \$0.25/sq ft  \$1940 + \$0.22/sq ft  \$3220 + \$0.21/sq ft  \$7110 + \$0.20/sq ft</p>	<p>Letter of compliance or certificate of occupancy included</p>
F6	<p>Shell Building (includes parking garages and modular buildings)</p>	<p>Plan review – See #8 below  Permit – 80% of Permit Fee in #5 above</p>	<p>Letter of compliance included</p>
F7	<p>Interior finish, Repairs, or Remodel</p>	<p>Plan review – See #8 below  Permit – 50% of Permit Fee in #5 above</p>	<p>Certificate of occupancy included, if required</p>
F8	<p>Plan review:  -Multi-family/Commercial buildings, new or additions  -Interior finish over 2,500 square feet</p>	<p>25% of permit fee</p>	<p>In addition to regular permit fee</p>
F9	<p>Plan review fee – additional (changes, revisions, additions)</p>	<p>\$44 per hour</p>	<p>One hour minimum</p>
F10	<p>Swimming Pools</p>	<p>In-ground – \$190  Above-ground – \$110  Commercial – \$320</p>	<p>Sewer P-trap, gas line, and electrical for pool equipment is included. New service requires a separate electrical permit.</p>
F11	<p>Certificate of Occupancy</p>	<p>Restaurant – \$190  Auto-related use – \$140  Day care – \$140  All other occupancy types – \$105  Change of name or duplicate – \$31</p>	
F12	<p>Re-Inspections</p>	<p>\$75</p>	
F13	<p>Drive Approaches</p>	<p>\$52 first two approaches  \$26 for each additional approach</p>	
F14	<p>Electrical single trade – temporary service poles, mobile home service, utility releases, clean and shows, service changes</p>	<p>\$52</p>	<p>Each multi-family unit is considered a separate permit</p>
F15	<p>Plumbing single trade – water, sewer, gas service line replacements, water heaters, and similar plumbing work</p>	<p>\$52</p>	<p>Each multi-family unit is considered a separate permit</p>
F16	<p>Mechanical single trade – heating, air conditioning installations or replacements and related work</p>	<p>\$52</p>	<p>Each multi-family unit is considered a separate permit</p>

F17	<p>Building single trade</p> <ul style="list-style-type: none"> <li>• Storage buildings greater than 6 feet in any dimension up to 400 sq ft</li> <li>• Tents greater than 400 sq ft</li> <li>• Canopies greater than 1,600 sq ft</li> <li>• Decks higher than 30 inches above grade</li> <li>• Temporary sales and construction office trailers</li> <li>• Demolitions—single family</li> <li>• Telecommunication antennae</li> <li>• Flatwork</li> </ul>	\$52	Any additional trades or work, see elsewhere in this fee schedule
F18	Foundation repair	\$125	Fee is per building
F19	<p>Retaining walls (with over 30 inches in height of exposed face at any point):</p> <p>Residential single family, single lot</p> <p>Commercial and all other as follows: (Length, Linear feet of wall)</p> <p>Up to 100'      \$160 101' to 200'    \$160 + \$0.32/ft 201' -350'      \$240 + \$0.26/ft Over 350'        \$250 + \$0.24/ft</p>	<p>\$160</p> <p>\$160</p> <p>\$160 + \$0.32/ft</p> <p>\$240 + \$0.26/ft</p> <p>\$250 + \$0.24/ft</p>	
F20	<p>Re-roofing and Roofing overlay:</p> <p>Single-Family, Townhouse      \$52 Duplex, Triplex                    \$52 Multifamily                          \$62 Commercial                          \$100</p>		Fee is per structure or building
F21	Fuel tanks, Pumps, Lines (installation, repair, or replacement)	\$100	
F22	Fuel tank or Pump (removal)	\$52	
F23	Fire alarm, Fire sprinkler, Standpipes, Fire control panel	\$104 + \$2.60 per additional similar device	Per address/suite/unit
F24	On-Site utilities (storm drain, domestic water, sanitary sewer, gas line, and fire main)	\$62 + \$0.06 per linear foot	Fee is per utility
F25	Fire hydrant (installation or repair)	\$52 per hydrant	
F26	<p>Parking lots (commercial)</p> <p>Resurface/Overlay                  \$52 New Parking Lot                      \$130</p>		Annual outdoor parking permit fees are provided in another ordinance
F27	Solar energy system	\$71 + \$44 per hour for plan review	
F28	Commercial security (Electric	\$71 for the first lock + \$14 for	

	Door Locks)	each additional lock	
F29	Record verification, Special services	\$35 per hour	Two-hour minimum. Copy charge is separate.
F30	Construction board of appeals	\$780	Non-refundable
F31	Moved Buildings (House-moving)	\$310 first section \$34 additional section(s)	House-moving permits
F32	Set-up of moved buildings, Manufactured home (move-in) Demolitions (single family)	\$52 per trade	Additional floor area – see Item 4
F33	Housing-moving case (requiring city council approval)	\$780	Moving a building within the city limits (except schools). Non-refundable
F34	Temporary use permit requiring city council approval	\$780	Non-refundable Good for 6 months
F35	Christmas Tree, Pumpkin, Firewood sales lots	\$130	Separate permit required for tents, signs, electrical, etc.
F36	Carnivals, Circuses, Batch plants (and similar temporary events not specifically covered in another fee item)	\$130	Separate permit required for tents, signs, electrical, etc.
F37	Snow cone stands	\$192	Separate permit required for signs, electrical, etc.
F38	After-hours inspection	\$44 per hour	Two-hour minimum
F39	Contractor Registration: Electrical Mechanical Plumbing General Concrete or masonry Fuel tank Irrigation Fence House-moving Apartment maintenance worker Sign	\$125 \$125 \$ 0 \$125 \$125 \$125 \$125 Per fence ordinance \$125 \$125 Per sign ordinance	Apartment maintenance worker can only perform minor mechanical and plumbing (no gas work)  Plumbing, fire sprinkler, and fire alarm contractors are exempt from registration fees per state law.
F40	Irrigation System	Residential – \$110 Commercial – \$160	Residential is considered single family and duplex.
F41	Electric Gate Controllers	\$52 for first item \$14 for each additional item	
F42	Foundation Only Permit	10% of regular permit fee	In addition to regular fee
F43	Investigation Fee for work begun without a permit	100% of regular fee	In addition to regular fee

**Sec. 8B-4. Construction board of appeals.**

(a) *General.* In order to hear and decide appeals of orders, decisions, or determinations made by the building official or fire chief relative to the application and interpretation of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, International Fuel Gas Code, National Electrical Code, or International Fire Code, there shall be and is hereby created a construction board of appeals. The construction board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

(b) *Limitations on authority.* An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code, but may only vary requirements to allow an alternate method or material when the alternate method or material would be as good as or better than the requirements of the code.

(c) *Appointment.* There shall be established the construction board of appeals consisting of seven (7) members as follows: one (1) interested citizen, one (1) master electrician or electrical contractor, one (1) master plumber or plumbing contractor, one (1) class “A” licensed mechanical (HVAC) contractor or mechanical engineer, one (1) home builder, one (1) representative from the fire protection industry, and one (1) licensed architect or engineer. The board shall be appointed by the city council. The building official and the fire chief are ex officio members of the board.

(1) *Term of office.* Initially, four of the seven members of the construction board of appeals shall be appointed to serve for 2 years; and three of the members shall be appointed to serve 1 year. Thereafter, each member shall serve for a term of 2 years which shall expire upon the date of the first city council meeting in November of the year of expiration; however, if an appointment is not made by the city council meeting in November of the year of expiration, the member shall continue in office until reappointed or a successor has been appointed by the city council. Vacancies shall be filled for an unexpired term in the manner in which original appointments are made. Continued absence of any member from regular meetings of the board may, at the discretion of the city council, render the member subject to immediate removal from office.

(2) *Conflict of interest.* No board member shall act in a case in which he or she has a conflict of interest.

(d) *Quorum.* Four members of the board constitute a quorum. In varying the application of any provision of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, International Fuel Gas Code, National Electrical Code, or International Fire Code, or in modifying an order of a building official or the fire chief, affirmative votes of the majority present, but not less than 4 affirmative votes are required.

(e) *Records.* The building official shall act as secretary of the construction board of appeals and shall make a detailed record of all its proceedings, which set forth the reasons for its decisions, the vote of each member participating including abstentions, and the absence of a member.

(f) *Procedure.* The board may establish rules and regulations for its own procedure not inconsistent with the provisions of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, International Fuel Gas Code, National Electrical Code, or International Fire Code. The board may meet at regular intervals, to be determined by the chairperson, and shall meet within 30 days after any notice of appeal has been received by the building official.

(g) *Appeals--Time limit.* When the building official or fire chief rejects or refuses to approve the method of construction proposed to be followed in the erection or alteration of a building or structure, or when the owner of the building or structure claims that the provisions of this code do not apply, or that the true intent and meaning of a code, or any of its regulations have been misconstrued or wrongly interpreted, the owner of the building or structure, or his or her agent, may appeal the decision of the building official or fire chief to the construction board of appeals. The person appealing a decision of the building official or fire chief shall file the appeal in writing on a form provided by the building official and submit it with a fee, in accordance with this section, to the inspections department within 30 days after the decision is rendered by the building official or fire chief.

(h) *Decisions of the construction board of appeals.* The construction board of appeals, when on appeal to and after a hearing, may vary the application of any provision of a code when, in its opinion, enforcement would be unjust, and would be contrary to the spirit and purpose of a code, or public interest, or when, in its opinion the interpretation of the building official or fire chief should be modified or reversed. A decision of the construction board of appeals to vary the application of a provision of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, International Fuel Gas Code, National Electrical Code, or International Fire Code, or to modify an order of the building official or fire chief shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons for it.

(i) *Decisions.* Each decision of the construction board of appeals is final, subject, however, to such remedy as any aggrieved party might have at law or in equity. Each decision shall be in writing and indicates the vote upon the decision. Each decision shall be promptly filed in the office of the building official, and shall be open to public inspections; the building official may send a certified copy by mail or otherwise to the appellant and keep a copy publicly posted in his or her office for two weeks after filing it. The construction board of appeals will, in each case, reach a decision without unreasonable or unnecessary delay. If a decision of the construction board of appeals reverses or modifies a refusal, order, or disallowance of the building official or fire chief, or varies the application of a provision of an applicable code, the building official or fire chief will immediately take action in accordance with the decision. If a decision of the construction board of appeals reverses or modifies a refusal, order, or disallowance of the building official or fire chief, or varies the application of a provision of an applicable code, the building official or fire chief will immediately take action in accordance with the decision.

#### **Sec. 8B-5. Penalty.**

(a) A person commits an offense if the person violates a provision of the 2015 International Building Code, as adopted and amended by the City of Irving, allows another person to violate a provision of the 2015 International Building Code, as adopted and amended by the City of Irving, or fails to perform an act required of the person by the 2015 International Building Code, as adopted and amended by the City of Irving. A person commits a separate offense each day or portion of a day during which the violation is committed, allowed, or continued.

(b) An offense described in Section 8B-5(a) is a class "C" misdemeanor and shall be punishable by a fine not to exceed \$500.00. However, a fine for the violation of a provision of this chapter that governs fire safety, zoning, or public health and sanitation, including dumping or refuse, may not exceed \$2,000.00.



(c) The penalties provided for in this section are in addition to any other enforcement remedies that the city may have under other city ordinances or state law.

SECTION 3. That terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 4. That it is the intent of the Irving City Council that pending prosecutions, brought under the previous code, which this ordinance replaces, should continue under the terms and penalties of said code and be saved from dismissal as if said prior ordinances had not been repealed.

SECTION 5. That this ordinance shall become effective on January 11, 2016.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on December 10, 2015.

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BETH VAN DUYNE  
MAYOR

ATTEST:

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Shanae Jennings  
City Secretary

APPROVED AS TO FORM:

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Charles R. Anderson  
City Attorney