

ARTICLE II. - BUILDING CODES ^[3] *See Section 112, pg. 6 for Construction Board of Appeals*

⁽³⁾ **Cross reference**— Airport building code adopted, § 3-31; electrical code, Ch. 14; fire prevention code, § 17-4 et seq.; plumbing code adopted, § 28-1.

Sec. 8-5. - International Building Code.

(a) *Commercial Building code.* The 2006 edition of the International Building Code with amendments, modifications, and deletions as specified in this section is adopted as the commercial building code for the City of Irving, Texas.

(b) *Amendments, modifications, and deletions to the 2006 International Building Code.* Amendments, modifications, and deletions to the 2006 International Building Code are adopted as follows:

Section 101.1. Section 101.1 of Section 101 "General" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Irving, Texas, hereinafter referred to as "this code" or "IBC."

Section 101.2 Section 101.2 of Section 101 "General" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.
2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code with prior approval of the building official. Otherwise, see Chapter 34.

Section 101.2.1. Section 101.2.1 of Section 101 "General" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendix C "Group U - Agricultural Buildings," Appendix E "Supplementary Accessibility Requirements," and Appendix I "Patio Covers" shall be considered part of the requirements of this code. Appendix L "Fee Schedule" and Appendix M "Aircraft Noise Attenuation Requirements" have been added and shall be considered part of the requirements of this code.

Section 101.3. Section 101.3 of Section 101 "General" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. The administrative requirements and procedures of this chapter shall also apply to the referenced codes in Section 101.4 of this code.

PART I. - DEVELOPMENT STANDARDS AND BUILDING CODES
Chapter 8 - BUILDING CODES
ARTICLE II. - BUILDING CODES

Section 101.4 Section 101.4 of Section 101 "General" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Section 103. Section 103 "Department of Building Safety" of Chapter 1 "Administration" of the 2006 International Building Code is amended in its entirety to read as follows:

SECTION 103

DEPARTMENT OF PLANNING AND INSPECTIONS

103.1 Creation of enforcement agency. The department of planning and inspections is hereby created and the official in charge thereof shall be known as the building official. Wherever the term "department of building safety" is used elsewhere in this code, it shall mean the department of planning and inspections.

Section 105.2. Section 105.2 of Section 105 "Permits" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. 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).
2. 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.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
4. Sidewalks exceeding 4 feet in width, paving, or driveways which are:
 - a. On private property;
 - b. Not more than 30 inches above adjacent grade;
 - c. Not over any basement or story below;
 - d. Not located in any required front or street-side yard; and
 - e. Not exceeding 120 square feet in area if located in a non-street side or rear yard.

For purposes of this section, the maintenance or repair of pavement existing on October 2, 2008, is exempt from permit.

5. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

PART I. - DEVELOPMENT STANDARDS AND BUILDING CODES
Chapter 8 - BUILDING CODES
ARTICLE II. - BUILDING CODES

6. Temporary motion picture, television, and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
10. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches in height.

Electrical: In accordance with the National Electrical Code as adopted.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

Section 106.1.1. Section 106.1.1 of Section 106 "Construction Documents" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Civil engineering drawings shall be submitted on 24 inch by 36

PART I. - DEVELOPMENT STANDARDS AND BUILDING CODES
Chapter 8 - BUILDING CODES
ARTICLE II. - BUILDING CODES

inch paper. Approved drawings shall be submitted electronically. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the building official.

Section 108.2. Section 108.2 of Section 108 "Fees" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Appendix L of this code.

Section 108.4. Section 108.4 of Section 108 "Fees" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits may be subject to 100 percent of the usual permit fee in addition to the required permit fees.

Section 108.6. Section 108.6 of Section 108 "Fees" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

108.6 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.

The code 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.

Section 110.1. Section 110.1 of Section 110 "Certificate of Occupancy" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued and the fire code official has approved a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Minor accessory structures not used for human occupancy.

Section 110. Section 110 "Certificate of Occupancy" of Chapter 1 "Administration" of the 2006 International Building Code is amended by adding Sections 110.1.1 and 110.1.2 to read as follows:

110.1.1 Certificate of use. No lot or tract of property upon which no building or structure has been 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 therefor as provided herein. Issuance of a certificate of use shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

PART I. - DEVELOPMENT STANDARDS AND BUILDING CODES
Chapter 8 - BUILDING CODES
ARTICLE II. - BUILDING CODES

110.1.2 Letter of compliance. The building official shall issue a letter of compliance for buildings which have received shell construction final inspections from both the planning and inspections and fire departments.

Section 110.2. Section 110.2 of Section 110 "Certificate of Occupancy" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

110.2 Certificate issued. After the building official inspects the building, structure, or property and finds no violations of the provisions of this code or any ordinance or regulation or any of the provisions of this code, the building official shall issue a certificate of occupancy or certificate of use that contains the following (where applicable):

1. The permit number.
2. The address of the structure or property.
3. The name and address of the owner.
4. A description of that portion of the structure or property for which the certificate is issued.
5. A statement that the described portion of the structure or property has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit/certificate was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the certificate of use or occupancy.
13. The name of the tenant.

Section 110.4. Section 110.4 of Section 110 "Certificate of Occupancy" of Chapter 1 "Administration" of the 2006 International Building Code is amended to read as follows:

110.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or use issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure, or lot or tract of property or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Section 112. Section 112 "Board of Appeals" of Chapter 1 "Administration" of the 2006 International Building Code is amended in its entirety to read as follows:

SECTION 112

CONSTRUCTION BOARD OF APPEALS

112.1 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.

112.2 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 there under 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.

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

112.3.1 Term of office. Initially, four of the seven members of the construction board of appeals were appointed to serve for two years; and three of the members were appointed to serve one year. Thereafter, each member shall serve for a term of two 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 liable to immediate removal from office.

112.3.1.1 Conflict of interest. No board member shall act in a case in which he or she has a conflict of interest.

112.3.2 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 four affirmative votes are required.

112.3.3 Records. The building official may act as secretary of the construction board of appeals and may 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.

112.3.4 Procedure. The board may establish rules and regulations for its own procedure not inconsistent with the provisions of the International Building Code, International Residential

PART I. - DEVELOPMENT STANDARDS AND BUILDING CODES
Chapter 8 - BUILDING CODES
ARTICLE II. - BUILDING CODES

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.

112.4 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 Appendix L "Fee Schedule", to the planning and inspections department within 30 days after the decision is rendered by the building official or fire chief.

112.4.1 Accelerated appeal. In case of a building or structure which, in the opinion of the building official or fire chief, is unsafe or dangerous, the building official or fire chief may limit the time for the appeal to a shorter period.

112.5 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 may specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons for it.

112.5.1 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 is in writing and indicates the vote upon the decision. Each decision is to be promptly filed in the office of the building official, and is to 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.

To see the entire version of Chapter 8 of the Land Development Code go to:

www.municode.com/library/TX/Irving