

**ORDINANCE NO. O-2019-72**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY DELETING LOCAL REGULATIONS RELATED TO BUILDING PRODUCTS, MATERIALS OR METHODS FOR RESIDENTIAL AND COMMERCIAL BUILDINGS THAT ARE MORE STRINGENT THAN THOSE REGULATIONS FOUND IN ANY OF THE LAST THREE PUBLISHED NATIONAL MODEL CODES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to protect the public health, safety, and welfare; and

**WHEREAS**, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

**WHEREAS**, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

**WHEREAS**, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to self-government; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

**WHEREAS**, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

**WHEREAS**, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by the State law and the Charter, all of powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

**WHEREAS**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

**WHEREAS**, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police

regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, New Title 10, new Subtitle Z, Chapter 3000 of the Texas Government Code, effective 9/1/19, requires amendments to Tyler City Code Chapter 6 so that any references to building materials, products or methods more stringent than those found in the last three published national model codes are deleted; and

**WHEREAS**, Certain amendments need to be made to Chapter 6, *Buildings and Structures*, in order to conform to new state law restrictions on local regulation as related to both residential and commercial construction, rehabilitation, or alteration, unless excepted or otherwise agreed upon by the City and developer; and

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

**PART 1:** That Tyler City Code Chapter 6, "Buildings and Structures", Article II., Division C., Permits and Inspection, Section 6-40 is hereby amended, and shall read as follows:

**Sec. 6-40. Wiring methods and requirements.**

- a. An empty one-inch conduit riser shall be run from the main panel to an accessible place in the attic, in new one- or two-family residential dwellings.
- b. All new lighting and appliance panel boards shall have two (2) spare poles for future use.

-(Ord. No. O-96-36, 4-24-96, effective 6-1-96) (O-2019-72, 8/28/19)

**PART 2:** That Tyler City Code Chapter 6, "Buildings and Structures", Article II., Division D., National Electric Code, Section 6-44 is hereby amended, and shall read as follows:

**Sec. 6-44. Amendments to National Electrical Code.**

The National Electrical Code adopted in Section 6-43 is hereby amended as follows:

- a. Amend the Definitions in Article 100, Chapter 1, General, Part 1, General, by amending the first paragraph of the definition of Authority Having Jurisdiction and deleting the Informational Note therein, and also adding definitions for Chief Electrical Inspector and Electrical Inspector, as follows:

Authority Having Jurisdiction (AHJ). An organization, office, or individual responsible for enforcing the requirements of a code or standard or for approving equipment, materials, an installation, or a procedure. The Building Official or designee is hereby designated as the Authority Having Jurisdiction, and is authorized to interpret and enforce the provisions of this Code.

Chief Electrical Inspector. An electrical inspector who either is the authority having jurisdiction or is designated by the authority having jurisdiction and is responsible for administering the requirements of this Code

Electrical Inspector. An individual authorized to perform electrical inspections.

- b. Add a new Section 110.2.1 to read as follows:

110.2.1. Electrical fences prohibited. Electrical fences shall be prohibited as set forth in City Code Section 6-39.

- c. Amend Section 210.11, Subsection (C)(3), by deleting the Exception.
- d. Section 210.12(A) by amending the first paragraph to read as follows:

(A) Dwelling Units. Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying receptacles installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to provide protection of the branch circuit.

- e. Amend Section 210.52(G), by adding the following sentence at the end:

Receptacles shall be a minimum of 18" above finished floor.

f. Amend Informative Annex H, Section 80.1, by adding the following sentence at the end:

Informative Annex H, Article 80 is hereby adopted, except where otherwise amended herein.

g. Amend Informative Annex H, Section 80.2 to read as follows:

**Authority Having Jurisdiction.** The organization, office, or individual responsible for enforcing the requirements of a code or standard or for approving equipment, materials, an installation, or a procedure. The Building Official or designee is hereby designated as the Authority Having Jurisdiction, and is authorized to interpret and enforce the provisions of this Code.

**Chief Electrical Inspector.** An electrical inspector who either is the Authority Having Jurisdiction or is designated by the Authority Having Jurisdiction and is responsible for administering the requirements of this Code.

**Electrical Inspector.** An individual authorized to perform electrical inspections.

h. Delete current Section 80.15 of Informative Annex H in its entirety and adopt a new Section 80.15 to read as follows:

80.15. **Appeals and variances.** Appeals and variances regarding this Code are governed by City Code Section 6-25.

i. Delete current Section 80.23 of Informative Annex H in its entirety and adopt a new Section 80.23 of Annex H to read as follows:

80.23. **Violations and Penalties.** It shall be unlawful for any person, firm or corporation to violate any of the provisions of this code. Penalties for violations of this Code are set forth in City Code Section 1-4.

j. Delete Section 80.27 of Informative Annex H in its entirety.

k. Amend Section 80.29 of Informative Annex H to read as follows:

80.29. **Liability for Damages and Indemnification.** Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Tyler or any of its employees be held as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized. Indemnification of City officials, City employees, and members of City Council appointed boards is governed by City Code Section 2-62.

l. Delete Sections 80.31 through 80.35 of Informative Annex H. (Ord. No. O-2008-141, 11/12/08) (Ord. No. O-2018-10; 1/24/18) (O-2019-72; 8/28/19)

**PART 3:** That Tyler City Code Chapter 6, “Buildings and Structures”, Article IV., National Plumbing Code, Section 6-71 is hereby amended, and shall read as follows:

### **Sec. 6-71. Amendments to plumbing code.**

The 2015 International Plumbing Code, as adopted in Section 6-70, is amended as follows:

a. Section 103.2 is amended to read as follows:

103.2. **Appointment.** The Chief Building Official or designee is hereby appointed as the Code Official.

b. Section 103.4 is deleted in its entirety and a new Section 103.4 is adopted to read as follows:

103.4. **Liability.** Indemnification of City officials, City employees, and members of City Council appointed boards is governed by City Code Section 2-62.

c. 106.6.6 through 106.6.3. Delete

d. Section 108.4 is deleted in its entirety and a new Section 108.4 is adopted as follows:

108.4. **Violation penalties.** Penalties for violations of this code are set forth in City Code Section 1-4.

e. Section 109 is deleted in its entirety and a new Section 109 is adopted as follows:

109. **Construction Board of Adjustment and Appeals**

109.1. **Appointment.** There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members. The Board shall be appointed by the applicable governing body.

## 109.2. Membership and Terms

109.2.1. **Membership.** Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. At least one member shall have either a Master Electrician's license or be a licensed electrical engineer, but if this requirement cannot be met, the membership requirement may also be met by Board members in other businesses or professions. A majority of the Board shall be City of Tyler residents, while a minority may reside in the City's extraterritorial jurisdiction. A board member shall not act in a case in which the member has a personal or financial interest. Terms shall be as set forth in City Code Section 1-20.

109.2.2. **Quorum and Voting.** A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the Code Official, not less than four affirmative votes, but not less than a majority of the board, shall be required.

109.2.3. **Secretary of Board.** The Code Official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, and the absence of a member and any failure of a member to vote.

109.3. **Powers.** The Construction Board of Adjustment and Appeals shall have the power, as further defined in 109.4, to hear appeals of decisions and interpretations of the Code Official and consider variances of the technical codes.

## 109.4. Appeals.

109.4.1. **Decision of the Code Official.** The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the Code Official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The Code Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

109.4.2. **Variances.** The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and welfare.

109.4.2.1. **Conditions of the Variance.** In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Code Official. Appeals shall be in a form acceptable to the Code Official. or Dangerous Buildings or Service Systems. In the case of a building, structure or service system which, in the opinion of the Code Official, is unsafe, unsanitary or dangerous, the Code Official may, in the order, limit the time for such appeals to a shorter period.

**109.5. Procedures of the Board.**

**Regulations.** The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairperson. The board shall meet within 30 calendar days after notice of appeal has been received.

. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Code Official or varies the application of any provision of this code, the Code Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Code Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

**f. Appendix A. Delete.**

**g. Appendices B, C, D, E, F, G and H** are hereby adopted. The 2015 International Private Sewage Disposal Code and Appendices A and B thereto are not adopted.

Ord. No. 0-98-11, 2/11/98) (0-2001-62, 12/5/01) (0-2007-10, 1/24/07) (Ord. No. 0-2016-17; 2/24/16) (Ord. No. O-2018-12; 1/24/18) (Ord. No. O-2019-72; 8/28/19)

**PART 4:** That Tyler City Code Chapter 6, "Buildings and Structures", Article V., Mechanical Code, Section 6-81 is hereby amended, and shall read as follows:

**Sec. 6-81. Amendments to Mechanical Code.**

The 2015 International Mechanical Code, as adopted in Section 6-80, is amended as follows:

**a. Section 103.2 is amended to read as follows:**

**103.2. Appointment.** The Chief Building Official or designee is hereby appointed as the Code Official.

**b. Section 103.4 is deleted in its entirety and a new Section 103.4 is adopted as follows:**

**103.4. Liability.** Indemnification of City officials, City employees, and members of City Council appointed boards is governed by City Code Section 2-62.

**c. 106.5.2. Delete**

**d. 106.5.3. Delete**

**e. Section 108.4 is deleted in its entirety and a new Section 108.4 is adopted as follows:**

**108.4. Violation penalties.** Penalties for violations of this code are set forth in City Code Section 1-4.

**f. Section 109 is deleted in its entirety and a new Section 109 is adopted as follows:**

**109. Construction Board of Adjustment and Appeals**

**109.1. Appointment.** There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members. The Board shall be appointed by the applicable governing body.

**109.2. Membership and Terms.**

**109.2.1. Membership.** Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. At least one member shall have either a Master Electrician's license or be a licensed electrical engineer, but if this requirement cannot be met, the membership requirement may also be met by Board members in other businesses or professions. A majority of the Board shall be City of Tyler residents, while a minority may reside in the City's extraterritorial

jurisdiction. A board member shall not act in a case in which the member has a personal or financial interest. Terms shall be as set forth in City Code Section 1-20.

109.2.2. Quorum and Voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the Code Official, not less than four affirmative votes, but not less than a majority of the board, shall be required.

109.2.3. Secretary of Board. The Code Official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, and the absence of a member and any failure of a member to vote.

109.3. Powers. The Construction Board of Adjustment and Appeals shall have the power, as further defined in 109.4, to hear appeals of decisions and interpretations of the Code Official and consider variances of the technical codes.

#### 109.4. Appeals.

109.4.1. Decision of the Code Official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the Code official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The Code Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

2. The provisions of this code do not apply to this specific case.

3. That an equally good or more desirable form of installation can be employed in any specific case.

4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

109.4.2. Variances. The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

2. That the special conditions and circumstances do not result from the action or inaction of the applicant.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.

4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and welfare.

109.4.2.1. Conditions of the Variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

109.4.3. Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Code Official. Appeals shall be in a form acceptable to the Code Official.

109.4.4. Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure or service system which, in the opinion of the Code Official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

#### 109.5. Procedures of the Board.

109.5.1. Rules and Regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairperson. The board shall meet within 30 calendar days after notice of appeal has been received.

109.5.2. Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Code official or varies the application of any provision of this code, the Code official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Code official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

g. Add new Section 306.3.2 to read as follows:

306.3.2 Access panels in ceiling. Where the access panel is installed in a ceiling, flooring shall extend thirty inches (30") on three (3) sides of the opening. The flooring shall be sized per Table R503.1 of the 2015 International Residential Code.

h. Appendix A is hereby adopted.

i. Appendix B. Delete.

(Ord. No. O-93-08, Pt. 3, 2-16-93; Ord. No. O-93-17, Pt. 1, 4-2-93; Ord. No. O-93-83, Pt. 2, 10-1-93) (Ord. No. 0-96-35, 4-24-96) (Ord. No. 0-2001-61, 12-5-2001) (Ord. No. 0-2007-9, 1/24/07) (Ord. No. 0-2016-17; 2/24/16) (Ord. No. O-2018-13; 1/24/18) (Ord. No. O-2019-72, 8/28/19)

**PART 5:** That Tyler City Code Chapter 6, "Buildings and Structures", Article IX., Residential Code, Section 6-151 is hereby amended, and shall read as follows:

### **Section 6-151. Amendments to residential code.**

The 2015 International Residential Code, as adopted in Section 6-150, is amended as follows:

a. Section R102.7 is amended to read as follows:

R102.7. Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code or other City ordinance. (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

b. Section R104.8 is deleted in its entirety and a new Section R104.8 is adopted as follows:

R104.8. Liability. Indemnification of City officials, City employees, and members of City Council appointed boards is governed by City Code Section 2-62. (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

c. R108.5. Delete. (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

d. Section R112 is deleted in its entirety and a new Section R112 is adopted as follows:

#### **R112. Construction Board of Adjustment and Appeals**

R112.1. Appointment. There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members. The Board shall be appointed by the applicable governing body.

#### **R112.2. Membership and Terms.**

R112.2.1. Membership. Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. At least one member shall have either a Master Electrician's license or be a licensed electrical engineer, but if this requirement cannot be met, the membership requirement may also be met by Board members in other businesses or professions. A majority of the Board shall be City of Tyler residents, while a minority may reside in the City's extraterritorial jurisdiction. A board member shall not act in a case in which the member has a personal or financial interest. Terms shall be as set forth in City Code Section 1-20.

R112.2.2. **Quorum and Voting.** A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required.

R112.2.3. **Secretary of Board.** The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, and the absence of a member and any failure of a member to vote.

R112.3. **Powers.** The Construction Board of Adjustment and Appeals shall have the power, as further defined in 112.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

#### R112.4. Appeals

R112.4.1. **Decision of the Building Official.** The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions is claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations there under have been misconstrued or incorrectly interpreted.

R112.4.2. **Variances.** The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and welfare.

R112.4.2.1. **Conditions of the Variance.** In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

R112.4.3. **Notice of Appeal.** Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

R112.4.4. **Unsafe or Dangerous Buildings or Service Systems.** In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

#### R112.5. Procedures of the Board.

R112.5.1. Rules and Regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairperson. The board shall meet within 30 calendar days after notice of appeal has been received.

R112.5.2. Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

e. Section R113.4 is deleted in its entirety and a new Section R113.4 is adopted as follows:

R113.4. Violation penalties. Penalties for violations of this code are set forth in City Code Section 1-4. (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

f. Figure R403.3(1) is deleted in its entirety. (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

g. Add a new Section M1305.1.3.3. as follows:

M1305.1.3.3. Access panels in ceiling. Where the access panel is installed in a ceiling, flooring shall extend thirty inches (30") on three (3) sides of the opening. The flooring shall be sized per Table R503.1 of the 2006 International Residential Code. (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

h. Amend Section P2503.5 to read as follows:

P2503.5 Drain, waste and vent systems testing. Rough-in and finished plumbing installations of drain, waste, and vent systems shall be tested in accordance with Sections P2503.5.1 and P2503.5.2.

P2503.5.1 Rough Plumbing. DWV systems shall be tested on completion of the rough piping installation by water or for piping systems other than plastic, by air with no evidence of leakage.

Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 10 feet (3048 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.

2. Air test. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes.

i. Appendices A, B, C, D, and N are adopted.

j. Delete Appendices E, F, G, H, I, J, K, L, M, O, P, Q, R, S, T, and U. (Ord. No. O-2007-11; 1/24/07) (Ord. No. O-2013-27; 3/27/13) (Ord. No. O-2016-17; 2/24/16) (Ord. No. O-2018-14; 1/24/18) (Ord. No. O-2019-72; 8/28/19)

**PART 6:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 7:** That this ordinance shall take effect on September 1, 2019.

PASSED AND APPROVED this 28<sup>th</sup> day of August, A. D., 2019.

ATTEST:

Cassandra Brager  
CASSANDRA BRAGER, CITY CLERK



Martin Hennes, MAYOR  
OF THE CITY OF TYLER, TEXAS

APPROVED:

Deborah G. Pullum  
DEBORAH G. PULLUM,  
CITY ATTORNEY