

ORDINANCE NO. O-2021-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", 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; BY REVISING THE REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL SITE PLAN SUBMITTALS; BY SPECIFYING WHEN A RETAINING WALL ON A RESIDENTIAL OR COMMERCIAL SITE SHALL BE DESIGNED AND SEALED BY A PROFESSIONAL ENGINEER; 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 general 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, 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 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, 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 provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City; 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 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; 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 State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, the City of Tyler adopted miscellaneous regulations related to buildings and structures in City Code Chapter 6; and

WHEREAS, the City of Tyler has adopted the 2015 International Building Code with amendments in City Code Chapter 6; and

WHEREAS, new Title 10, now 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 Tyler City Code Chapter 6 in order to conform to recent State law restrictions on local regulations related to both residential and commercial construction, rehabilitation or alteration, unless excepted or otherwise agreed upon by the City and developers; and

WHEREAS, on November 12, 2020 and February 11, 2021, the Developer's Roundtable reviewed the proposed changes; and

WHEREAS, on January 27, 2021, the UDC Review Committee reviewed the proposed changes; and

WHEREAS, on March 4, 2021, the Construction Board of Adjustment and Appeals reviewed the proposed changes;

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 I., "Building Code", is hereby amended by amending the 2015 International Building Code adopted in Section 6-1 by amending Section 6-2 to read as follows:

Sec. 6-2. Amendments to building code

The 2015 International Building Code as adopted in Section 6-1 is amended as follows:

a. through d. No changes.

e. Section 105.2 is amended as follows:

105.2. Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization of 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. through 3. No changes

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from final grade to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids. (Ord. No. 0-2021-24; 3/24/21)

5. through 13. No changes.

No changes to Electrical, Gas, Mechanical or Plumbing subsections of Sec. 105.2.

f. Add the following sentences to the end of Section 105.5:

Notwithstanding the provisions of this section, the building official may impose a time limit as an additional condition of a permit for completion of demolition work once such work shall have commenced, provided that for cause one or more extensions of time, for periods not exceeding thirty (30) days each, may be allowed in writing by the building official. Notwithstanding the provisions of this section, demolition work in the Fire District defined in City Code Section 6-120 shall be conducted so that demolition and clean-up are completed within sixty (60) days after issuance of the demolition permit. For cause, up to two (2) extensions of time, each extension for a period not to exceed thirty (30) days, may be allowed in writing by the building official so that demolition work in the Fire District can be completed.

g. Add a new Section 105.5.1 to read as follows:

105.5.1. Notice relating to voluntary demolitions within the Fire District. When an applicant for a demolition permit wishes to demolish voluntarily a building or structure in the Fire District (as defined in City Code Section 6-120) that is located within ten (10) feet of an adjoining property line, and the adjoining property contains a building or structure that is located within three (3) feet of the property line of the property containing the building or structure to be demolished, then the applicant for the demolition permit shall send written notice of the proposed demolition to the adjoining landowner not later than ten (10) business days before the date of demolition.

h. Section 109.6. Delete.

- i. Section 113 is deleted in its entirety and new Section 113 is adopted as follows:

113. Construction Board of Adjustment and Appeals

113.1. 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.

113.2. Membership.

113.2.1. 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.

113.2.2. 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.

113.2.3. 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.

113.3. Powers. The Construction Board of Adjustment and Appeals shall have the power, as further defined in 113.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

113.4. Appeals

113.4.1. 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 are 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 thereunder have been misconstrued or incorrectly interpreted.

113.4.2. 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.

113.4.2.1. 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.

1123.4.3. 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.

1123.4.4. 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.

112.5. Procedures of the Board.

112.5.1. 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.

113.5.2. 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.

j. Section 114.4 is deleted in its entirety and a new Section 114.4 is adopted as follows:

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

- k. Section 412.4.6 is deleted in its entirety and a new Section 412.4.6 is adopted to read as follows:

412.4.6. Fire suppression. Aircraft Hangars shall be provided with a fire suppression system designed in accordance with NFPA 409. The NFPA 409 also addresses the Fire Resistance requirements for aircraft hangars. The regulation of the Fire Resistance requirements for aircraft hangar structural components shall be as set forth in the 2015 IBC, Chapter 6.

- l. Section 1606.2. is deleted in its entirety and a new Section 1606.2 is adopted to read as follows:

1606.2. Design dead load. All Design dead loads shall allow for a future additional 3 psf collateral load to the planned roof or floor design collateral load added to the planned design roof or floor collateral loads, but no roof or floor collateral design collateral load shall be less than 5 psf. Values used shall be subject to the approval of the Building official. (Ord. No. O-2011-42, 5/25/11) (Ord. No. O-2018-9; 1/24/18)

- m. Adopt a new Section 2902.1.3. to read as follows:

2902.1.3. Storage and warehouse occupancies. Storage and Warehouse occupancies requiring a restroom facility, but having exceptionally infrequent occupancy shall be reviewed on a case-by-case basis, for the exemption of the restroom facility requirement. (Ord. No. O-2011-42, 5/25/11) (Ord. No. O-2018-9; 1/24/18)

- n. Chapter 11 is deleted in its entirety and a new Chapter 11 is added as follows:

CHAPTER 11 ACCESSIBILITY. Accessibility standards shall be as set forth in State law.

- o. Appendices C., D., F. G. and I. are hereby adopted.

- p. Appendices A., B., E., H., J., and K. are hereby deleted in their entirety.

(Ord. No. O-93-46, Pt. 2, 7-12-93; Ord. No. O-93-68, Pt. 2, 9-8-93; Ord No. O-93-83, Pt. 1, 10-1-93) (Ord. No. 0-96-2000, 4/4/96) (Ord. No. 0-2001-59, 12/5/2001) (Ord. No. 0-2005-88; 10/26/05) (Ord. No. 0-2006-101; 12/13/06) (Ord. No. 0-2011-42, 5/25/11) (Ord. No. O-2018-9; 1/24/18) (Ord. No. 0-2021-24; 3/24/21)

PART 2: That Tyler City Code Chapter 6, "Buildings and Structures", Article I., "Building Code", is hereby amended by Section 6-11 to read as follows:

Sec. 6-11. Site Plan requirements.

- a. In this section, a residential lot is a lot developed or to be developed with either a single-family housing unit or a duplex. Site Plans submitted to the Building Official for a residential lot shall include:
1. Lot and block number;
 2. Platted boundaries of the lot;
 3. Exterior dimensions of lot drawn to scale;
 4. Street address;
 5. Zoning classification;

6. All setbacks;
7. All easements on the lot;
8. Location of curbs, storm sewers, adjacent street and public right-of-way lines, dimensions and locations of driveways, and edge of roadway;
9. Finished floor elevations and location of any designated floodplains or floodways within the boundaries of the lots;
10. Location of all drainage swales and berms on the lot and arrows showing the direction of the drainage flow on the lot;
11. Name, address, and phone number of the individuals responsible for the project;
12. The minimum Plan size shall be eleven (11) inches by seventeen (17) inches. The Plan shall be drawn to scale in the scale shown;
13. Door and window schedule;
14. Floor plans drawn to scale with all required doors and windows properly sized;
15. The following retaining walls shall be designed and sealed by a Professional Engineer licensed to practice in the State of Texas:
 - a. Any retaining wall(s) that supports a building, driveway or other permanent construction or imposed load that is located closer to the wall than one and one-half (1 ½) times the exposed height of the wall.
 - b. Any retaining wall equal to or greater than four (4) feet high when measured from final grade to the top of the wall.
 - c. A series of two or more walls built in tiers shall be considered a single wall in height when the base of the upper tier is set back from the base of the lower tier less than one and one-half (1 ½) times the height of the exposed wall height below.
16. Two (2) complete sets of drawings to be submitted to the Building Permit Department.

- b. In this section, a commercial project includes multifamily residential developments larger than duplex. Site Plans submitted to the Building Official for commercial projects shall include:
 1. Lot and block number;
 2. Platted boundaries of the lot;
 3. Exterior dimensions of lot drawn to scale;
 4. Street address;
 5. Zoning classification;
 6. All setbacks;
 7. Total number and location of off-street parking spaces provided;
 8. Garbage dumpster location with a concrete pad;
 9. Total area of lot and building;
 10. All easements on the lot;
 11. Location of curbs, ~~storm sewers~~, on-premise signs, light-poles, adjacent street and public right-of-way lines, dimensions and locations of driveways, edge of roadway and parking layout, and location of storm sewer drainage systems;
 12. A grading, drainage and erosion control plan with all pertinent topographic information on lot and surrounding lands;
 13. Finished floor elevations;
 14. Topographic contours taken from City GIS data, ground survey data or any other City approved contour data source;
 15. Location of any designated floodplains or floodways within the boundaries of the lots;
 16. Name, address, and phone number of the individuals responsible for the project;
 17. Three (3) sets of Site Plans, two (2) complete sets of working drawings, and one (1) set of specifications, with a plan size not smaller than eighteen (18) inches by twenty-

four (24) inches and not larger than twenty-four (24) inches by thirty-six (36) inches to be submitted to the Building Permit Department. The Plans shall be drawn to scale in the scale shown;

18. Plans for all buildings with twenty-four (24) feet or more of clear span or five thousand (5,000) square feet shall be sealed with a registered engineer's seal;

19. The following retaining walls shall be designed and sealed by a Professional Engineer licensed to practice in the State of Texas:

a. Any retaining wall(s) that supports a building, driveway or other permanent construction or imposed load that is located closer to the wall than one and one-half (1 ½) times the exposed height of the wall.

b. Any retaining wall equal to or greater than four (4) feet high when measured from final grade to the top of the wall.

c. A series of two or more walls built in tiers shall be considered a single wall in height when the base of the upper tier is set back from the base of the lower tier less than one and one-half (1 ½) times the height of the exposed wall height below.

20. Specify type of construction based on the current edition of the Building Code;

21. Elevation drawings indicating structure height;

22. Foundation drawings including beam and footing specifications;

23. Fire walls and draft stopping;

24. Location of building sprinkler and stand pipe systems, including fire flow requirements, location of building exits and exit lights, occupancy use, boiler rooms and heating system areas, fire alarm system, and fire hydrants;

25. Fire lane locations and markings;

26. All existing or planned utilities on the lot, including sanitary sewer manholes, fire hydrants, and size and location of service lines.

(Ord. No. 0-97-29, 6-18-97) (Ord. No. 0-98-31, 4/15/98) (Ord. No. 0-2000-90, 11/15/00)
(Ord. No. 0-2021-24; 3/24/21)

PART 3: That Tyler City Code Chapter 6, "Buildings and Structures", Article IX., "Residential Code", is hereby amended by amending the 2015 International Residential Code adopted in Section 6-150 by amending Section 6-151 to 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. Section R105.2 is amended to read as follows:

R105.2. 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 through 2. No changes.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from final grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids. (Ord. No. 0-2021-24; 3/24/21)

4. through 10. No changes.

No changes to Electrical, Gas, Mechanical or Plumbing subsections of Sec. R105.2.

d. R108.5. Delete. (Ord. No. 0-2013-27; 3/27/13) (Ord. No. O-2018-14; 1/24/18)

e. 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)

f. 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)

g. 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)

h. 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)

i. 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.

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

k. 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) (Ord. No. O-2021-24; 3/24/21)

PART 4: 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 5: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be Friday, March 26, 2021.

PASSED AND APPROVED this the 24th day of March, A.D., 2021.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,
CITY ATTORNEY