
CITY OF PORT LAVACA

MEETING: March 08, 2021 **AGENDA ITEM** _____

DATE: 02.23.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: To consider an ordinance for approval of The Port Lavaca City Code of Ordinances Chapter 12-20. – Building trade codes-Adopted. To adopt the 2015 International Building Code, as amended with appendixes, 2015 International Residential Code, as amended with appendixes; 2015 International Mechanical Code, as amended; 2015 International Plumbing Code, as amended; 2015 International Fuel Gas Code, as amended; 2015 International Energy Conservation Code, as amended; 2015 International Fire Code, as amended with appendixes; 2015 International Code Council Performance Code, as amended; 2015 International Property Maintenance Code, as amended; 2017 National Electrical Code, as amended; and the Wind Provisions of the 2018 Edition of the International Building Code.

Sec. 12-20. - Building trade codes—Adopted.

The purpose of this ordinance is the practical safeguarding of persons and property. The requirements of this ordinance and of the codes adopted herein are to be considered the minimum requirements for all types of construction and maintenance in the City of Port Lavaca and outside the City of Port Lavaca where property is or may be connected City of Port Lavaca water and/or sewer system.

Sec. 12-20. Building trade codes—Adopted.

To establish uniform rules, regulations and provisions for the placement, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings, signs, and structures, with the exception that any and all reference to wind codes shall refer to the Wind Provisions of the 2018 edition of the International Building Code, there is hereby adopted by the city the following building trade codes:

- (1) 2015 International Building Code, as amended with appendixes.
- (2) 2015 International Residential Code, as amended with appendixes.
- (3) 2015 International Mechanical Code, as amended.
- (4) 2015 International Plumbing Code, as amended.
- (4) 2015 International Fuel Gas Code, as amended.
- (5) 2015 International Energy Conservation Code, as amended.
- (6) 2015 International Fire Code, as amended with appendixes.
- (7) 2015 International Code Council Performance Code, as amended.
- (8) 2015 International Property Maintenance Code, as amended.

CITY OF PORT LAVACA

- (9) 2017 National Electrical Code, as amended.
- (10) Wind Provisions of the 2018 International Building Code.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

Research, vetting, and compliance measures to ensure the adoption of the aforementioned 2015 International Building Code and 2015 International Residential Code and all codes in succession to these are referenced below:

TEXAS ADMINISTRATIVE CODE

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100)

TITLE 16 ECONOMIC REGULATION

PART 4 TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 70 INDUSTRIALIZED HOUSING AND BUILDINGS

RULE §70.100 Mandatory Building Codes

(a) Effective August 1, 2017, all industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the codes referenced in subsection (c) - (j).

(b) Other codes referenced in any of the mandatory building codes adopted in subsection (c) - (j), shall be considered part of the requirements of these codes to the prescribed extent of each such reference.

(c) The International Building Code, 2015 edition, published by the International Code Council, is adopted as the Building Code of the Texas Industrialized Housing and Buildings Program.

(d) The International Residential Code, 2015 edition, published by the International Code Council, is adopted as the Residential Code for one- and two-family dwellings of the Texas Industrialized Housing and Buildings Program.

(e) The International Fuel Gas Code, 2015 edition, published by the International Code Council, is adopted as the Fuel Gas Code of the Texas Industrialized Housing and Buildings Program.

(f) The International Mechanical Code, 2015 edition, published by the International Code Council, is adopted as the Mechanical Code of the Texas Industrialized Housing and Buildings Program.

(g) The International Plumbing Code, 2015 edition, published by the International Code Council, is adopted as the Plumbing Code of the Texas Industrialized Housing and Buildings Program.

(h) The International Energy Conservation Code, 2015 edition, published by the International Code Council, is adopted as the Energy Conservation Code of the Texas Industrialized Housing and Buildings Program.

CITY OF PORT LAVACA

(i) The International Existing Building Code, 2015 edition, published by the International Code Council, is adopted as the Existing Building Code for industrialized buildings that are altered in accordance with §70.74(f).

(j) The National Electrical Code, 2014 edition, published by the National Fire Protection Association, is adopted as the Electrical Code of the Texas Industrialized Housing and Buildings Program.

INTERNATIONAL CODE COUNCIL-TEXAS

<https://www.iccsafe.org/advocacy/adoption-map/texas/>

State Adoptions

The following building codes are listed in Texas state statute; however, building code adoption in Texas takes place at the local level. To obtain more detailed information on local building code adoption and amendments, please contact local jurisdictions directly.

- 2003 International Building Code
- 2000 International Residential Code (Municipalities)
- 2006 International Residential Code (Counties)
- 2015 International Mechanical Code
- 2012 International Plumbing Code
- 2012 International Fuel Gas Code
- 2015 International Energy Conservation Code
- 2006 International Fire Code
- 2018 International Swimming Pool and Spa Code

TEXAS STATE LAW LIBRARY

<https://www.sll.texas.gov/law-legislation/texas/building-codes/>

RESIDENTIAL CODE

[Section 214.212](#) of the Local Government Code adopts the [International Residential Code](#) as it existed on May 1, 2001, as the municipal residential code for the state.

This law also allows a municipality to adopt local amendments to the code and to review and adopt any amendments made after May 1, 2001, by the International Code Council.

For the correct version of the code for your municipality, please contact your local government officials.

CITY OF PORT LAVACA

COMMERCIAL BUILDING CODE

[Section 214.216](#) of the Local Government Code adopts the [International Building Code](#) as it existed on May 1, 2003, as the municipal commercial building code for the state.

This law also allows a municipality to adopt local amendments to the code and to review and adopt any amendments made after May 1, 2003, by the International Code Council.

For the correct version of the code for your municipality, please contact your local government officials.

FIRE CODE

GOVERNMENT CODE

CHAPTER 419. TEXAS COMMISSION ON FIRE PROTECTION

SEC. 419.909. FIRE SAFETY INSPECTIONS

[Section 419.909](#) adopts the most recent local fire code or the most recent fire code adopted by the fire marshal for any fire safety inspection required by a state or local law, rule, regulation, or ordinance.

The State Fire Marshal then adopts [NFPA 1-2015 Fire Code](#) and [NFPA Life Safety Code 101-2015](#) in [Rule 34.303](#) of Title 28 of the Texas Administrative Code, Chapter 34. This rule contains certain exceptions to its application.

ELECTRICAL CODE

LOCAL GOVERNMENT CODE

CHAPTER 214. MUNICIPAL REGULATION OF HOUSING AND OTHER STRUCTURES

SEC. 214.214. NATIONAL ELECTRICAL CODE

OCCUPATIONS CODE

CHAPTER 1305. ELECTRICIANS

SEC. 1305.101. GENERAL POWERS AND DUTIES

[Section 214.214](#) adopts the [National Electrical Code](#) as it existed on May 1, 2001, as the municipal electrical code in Texas. This law also allows a municipality to adopt amendments to the National Electrical Code. For the correct version of the code for your municipality, please contact your local government officials.

[Section 1305.101](#) requires the Texas Department of Licensing and Regulation to adopt a revised version of the [National Electrical Code](#) every three years as the electrical code for Texas.

As of March 2019, the **2017 edition of the National Electrical Code** has been adopted by [Rule 73.100 \(Technical Requirements\)](#) of Title 16 of the Texas Administrative Code.

CITY OF PORT LAVACA

PLUMBING CODE

OCCUPATIONS CODE

CHAPTER 1301. PLUMBERS

SEC. 1301.255. ADOPTION OF PLUMBING CODES

[Section 1301.255](#) adopts the [Uniform Plumbing Code](#) and the [International Plumbing Code](#) as they existed on May 31, 2001. The statute notes that the Texas State Board of Plumbing Examiners may adopt later versions of this code.

[Texas Administrative Code Title 22, Chapter 367 \(Enforcement\), Rule 367.2 \(Code Requirements\)](#) does adopt later versions of the code. This rule adopts the [2012 edition](#) of the [Uniform Plumbing Code](#); the [2012 International Plumbing Code](#); and the codes incorporated by reference within the International Plumbing Code, which include the [2012 International Fuel Gas Code](#) and the [2012 International Residential Code](#). Please see the text of the rule for details.

TEXAS DEPARTMENT OF INSURANCE

<https://www.tdi.texas.gov/index.html>

<https://www.tdi.texas.gov/wind/maps/calhoun.html>

List of Communities

The following is a list of communities located in Calhoun County. The communities have been categorized according to the zone they fall under. If a structure is located in a community or area not shown below, then refer to the county map to determine which zone the structure falls under.

INLAND I- [2006 IBC/IRC](#) with the Texas Revisions, 120 mph 3-second gust design wind speed

Alamo Beach	Clarks
Green Lake	Heyser
Indianola	Kamey
Long Mott	Magnolia Beach
North Seadrift	Olivia
Point Comfort	Port Alto
Port Lavaca	Port O'Connor
Schicke Point	Seadrift
Six Mile	

CITY OF PORT LAVACA

<https://www.tdi.texas.gov/wind/engineering.html#buildingcode>

Windstorm Inspection Program - General Information

Building Code	TX Admin. Code	Effective Dates	Inland II Zone	Inland I Zone	Seaward Zone
2006 IRC w/ Texas Revision	§5.4011	01/01/08 – Present	YES	YES	YES
2003 IRC w/ Texas Revisions	§5.4010	01/01/05 - 12/31/07	YES	YES	YES
2000 IRC w/ Texas Revisions	§5.4009	02/01/03 - 12/31/04	YES	YES	YES
TWIA Building Code for Windstorm Construction	§5.4008	9/1/1998 - 1/31/2003	YES	YES	YES

<https://www.tdi.texas.gov/wind/downloads.html>

Building Codes and Downloads - Windstorm Inspection Program

Texas Revisions to the International Residential Code & The International Building Code

- [TDI Adopts 2018 Building Codes](#)- Effective September 1, 2020
- [Texas Revisions to the 2006 International Residential Code](#)- Effective January 1, 2008
- [Texas Revisions to the 2006 International Building Code](#) - Effective January 1, 2008
- [Texas Revisions to the 2003 International Residential Code](#) - Effective January 1, 2005
- [Texas Revisions to the 2003 International Building Code](#) - Effective January 1, 2005
- [Texas Revisions to the 2000 International Residential Code](#) - Effective February 1, 2003
- [Texas Revisions to the 2000 International Building Code](#) - Effective February 1, 2003

Staff Recommendation: Approval

Staff recommends approval to the proposal to update the Port Lavaca City Code of Ordinances Chapter 12-20. – Building trade codes-Adopted. To adopt the 2015 International Building Code, as amended with appendixes, 2015 International Residential Code, as amended with appendixes; 2015 International Mechanical Code, as amended; 2015 International Plumbing Code, as amended; 2015 International Fuel Gas Code, as amended; 2015 International Energy Conservation Code, as amended; 2015 International Fire Code, as amended with appendixes; 2015 International Code Council Performance Code, as amended; 2015 International Property Maintenance Code, as amended; 2017 National Electrical Code, as amended; and the Wind Provisions of the 2018 Edition of the International Building Code.

CITY OF PORT LAVACA

Staff vetted the update and codification process and requirements with pertinent agencies and regulatory authorities governing these codes.

The International Code Council-Texas states, *...the building code adoption in Texas takes place at the local level.*

The Texas State Law Library page refers to Sec 214.212 and Sec 214.216 of the Local Government Code adopts the International Building Code...*This law also allows a municipality to adopt local amendments to the code and to review and adopt any amendments made after May 1, 2001(residential) and May 1, 2003 (commercial) by the International Code Council. For the correct version of the code for your municipality, please contact your local government officials.*

The Texas State Law Library also cites, *As of March 2019, the 2017 edition of the National Electrical Code has been adopted by Rule 73.100 (Technical Requirements) of Title 16 of the Texas Administrative Code.* Therefore, the City compliance with adopting the 2017 edition of the National Electrical Code is secure.

The Texas Department of Insurance (TDI), as cited in this report, *adopted the 2018 Building Codes- Effective September 1, 2020.* Considering Port Lavaca is an Inland Zone I classification with TDI, the wind provisions of the IBC are relevant. The City maintains and upholds TDI compliance by adopting the wind provision standards of the 2018 edition of the International Building Code.

A significant portion of public interest in residential development in Port Lavaca is that of manufactured homes and industrial housing. Therefore, understanding that the Texas Administrative Code has adopted the 2015 edition of the international Building Codes is relevant to adhere to those code standards when informing the public and issuing permits for industrial housing units. *Texas Administrative Code, Title 16 Economic Regulations, Part 4-Texas Department of Licensing and Regulations, Chapter 70 Industrialized Housing and Buildings, Rule §70.100 Mandatory Building Codes, (a) Effective August 1, 2017, all industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the codes referenced in subsection (c) - (j).* The adoption of the 2015 International Building Codes are what (c)-(i) refer to.

Staff will ensure there is education and outreach for the city's building community and residence upon adoption of the updated ordinances. There will be a six-month timeframe staff will accept both the current adopted codes and the newly adopted codes jointly during the transition period.

Citation:

Texas Administrative Code.

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100)

International Code Council-Texas. <https://www.iccsafe.org/advocacy/adoptions-map/texas/>

Texas State Law Library. <https://www.sll.texas.gov/law-legislation/texas/building-codes/>

Texas Department of Insurance. <https://www.tdi.texas.gov/index.html>

CITY OF PORT LAVACA

<https://www.tdi.texas.gov/wind/maps/calhoun.html>

<https://www.tdi.texas.gov/wind/engineering.html#buildingcode>

<https://www.tdi.texas.gov/wind/downloads.html>

Attachments:

City of Port Lavaca Building Code Ordinance

CITY OF PORT LAVACA
