

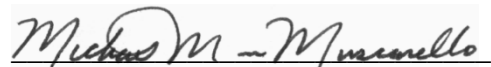
AGENDA
BUILDING BOARD OF ADJUSTMENTS AND APPEALS
COUNCIL CHAMBERS
CITY HALL
101 PENNSYLVANIA
WEBSTER, TEXAS
June 2, 2022
6:00 P.M.

1. Call to Order.
2. Roll Call and Certification of Quorum.
3. Petitions from the Public.
4. Public Hearing to receive all public comments regarding proposed amendments to the 2021 International Building Codes.
5. Consideration/Action to recommend adoption of the following codes:
 - A. 2021 International Building Code (IBC)
 - B. 2021 International Residential Code (IRC)
 - C. 2021 International Mechanical Code (IMC)
 - D. 2021 International Plumbing Code (IPC)
 - E. 2021 International Fuel Gas Code (IFGC)
 - F. 2021 International Property Maintenance Code (IPMC)
 - G. 2021 International Energy Conservation Code (IECC)
 - H. 2021 International Swimming Pool and Spa Code (ISPSC)
 - I. 2020 National Electric Code (NEC)
6. Consideration/Action to approve the August 30, 2021 Board Minutes.
7. Adjournment.

ALL AGENDA ITEMS ARE SUBJECT TO ACTION.

In compliance with the American with Disabilities Act, the City of Webster will provide for reasonable accommodations for persons attending Building Board of Adjustments and Appeals meetings. Requests should be received 48 hours prior to the meetings. Please contact the City Secretary's Office at 281-332-1826.

I certify that a copy of this notice of the Building Board of Adjustments and Appeals meeting for November 17, 2021, was posted at City Hall, 101 Pennsylvania Avenue, Webster, Texas, on Thursday, May 26, 2022 by 5:30 pm.


Michael Muscarello, TRMC
City Secretary

Agenda Item #4



Building Board of Adjustments and Appeals

DATE: June 2, 2022

AGENDA ITEM: Public Hearing to receive all comments regarding proposed amendments to the 2021 International Building Codes.

SUMMARY/BACKGROUND (WHY):

This public hearing is required by the Texas Local Government Code §214.216; f; 1.

STAFF RECOMMENDATIONS:

See action item.

ATTACHMENTS:

1. Notification of the public hearing

Hearst Newspapers, LLC Order Confirmation

<u>Ad Order Number</u>	<u>Customer</u>	<u>Payor Customer</u>	<u>PO Number</u>
0034200293	CITY OF WEBSTER	CITY OF WEBSTER	
<u>Sales Rep.</u>	<u>Customer Account</u>	<u>Payor Account</u>	<u>Ordered By</u>
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Adjustments and Appeals								
	<u>Gross Amount</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>	
	112.80	\$112.80	\$0.00	\$112.80	Credit Card Pymt	\$0.00	\$112.80	

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0034200293-01	Legal	AdBooker	
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Notice of Public Hearing

Notice is hereby given that a public hearing of the Building Board of Adjustments and Appeals of the City of Webster, Texas will be held on Thursday, the 2nd day of June 2022, at 6:00 pm in the Council Chambers at 101 Pennsylvania Avenue, Webster, Texas 77598. At which time the Building Board of Adjustments and Appeals will receive all public comments regarding proposed amendments to the 2021 International Building Codes.

<u>Product</u>	<u>Placement</u>	<u>Position</u>	<u>First Run Date</u>	<u>Last Run Date</u>
HCN Bay Area Citizen	Legals	Legal Notices	Wednesday, May 11, 2022	Wednesday, May 11, 2022
HCN Pasadena Citizen	Legals	Legal Notices	Wednesday, May 11, 2022	Wednesday, May 11, 2022
HCN Pearland Journal	Legals	Legal Notices	Wednesday, May 11, 2022	Wednesday, May 11, 2022
HOU Online	Legals	Legal Notices	Wednesday, May 11, 2022	Thursday, June 9, 2022

Agenda Item #5

DATE: June 2, 2022

AGENDA ITEM: Consideration/Action to recommend adoption of the following codes:

- A. 2021 International Building Code (IBC)
- B. 2021 International Residential Code (IRC)
- C. 2021 International Mechanical Code (IMC)
- D. 2021 International Plumbing Code (IPC)
- E. 2021 International Fuel Gas Code (IFGC)
- F. 2021 International Property Maintenance Code (IPMC)
- G. 2021 International Energy Conservation Code (IECC)
- H. 2021 International Swimming Pool and Spa Code (ISPSC)
- I. 2020 National Electric Code (NEC)

SUMMARY/BACKGROUND (WHY):

New construction codes are written every three years allowing updates for new technology, construction methods, and construction trends. With the adoption of the above referenced Codes, Webster will maintain our professional standards for the health and safety of our community.

STAFF RECOMMENDATIONS: Staff recommends adoption of the following Codes:

- A. 2021 International Building Code (IBC)
- B. 2021 International Residential Code (IRC)
- C. 2021 International Mechanical Code (IMC)
- D. 2021 International Plumbing Code (IPC)
- E. 2021 International Fuel Gas Code (IFGC)
- F. 2021 International Property Maintenance Code (IPMC)
- G. 2021 International Energy Conservation Code (IECC)
- H. 2021 International Swimming Pool and Spa Code (ISPSC)
- I. 2020 National Electric Code (NEC)

ATTACHMENTS:

- 1. House Bill 2439 Explanation
- 2. Code Adoption Presentation
- 3. Proposed Code Amendments

H.B. 2439 (2019)
Legal Q&A
Scott Houston

1. What is H.B. 2439?

H.B. 2439 by Representative Dade Phelan (R – Beaumont) is effective September 1, 2019, and generally provides – with some exceptions – that a governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building. *See TEXAS GOV'T CODE Section 3000.002(a)(1) & (2).*

A rule, charter provision, ordinance, order, building code, or other regulation adopted by a city that conflicts with the bill is void. 3000.002(e).

2. Why was the bill needed?

According to the Texas House Business and Commerce Committee Report:

There have been concerns raised regarding the elimination of consumer and builder choice in construction through overly restrictive local municipal zoning ordinances, building codes, design guidelines, and architectural standards. Critics argue that these restrictive ordinances, codes, guidelines, and standards create monopolies, increase the cost of construction, and ultimately price thousands of Texans out of the housing market. C.S.H.B. 2439 seeks to address these concerns and eliminate the ability of a governmental entity to enact overly restrictive, vendor-driven building regulations.

In other words, the undertone was that cities were enacting ordinances that required builders to use products available from only one or a few sources to benefit those vendors. Of course, the bill goes much, much further than that. Legislators are already hearing from city officials about the bill's detrimental affects.

- 3. What is meant by a city regulation that “prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building?”**

The best way to understand this core provision of the bill is to break it down into two elements:

- The bill clearly applies only to residential or commercial “buildings.” 3000.002(a)(1). Those terms are not defined, so their normal meaning applies. 311.011. That means it is safe to say that single- and multi-family homes, as well apartments, are subject to the bill’s limitations. Commercial buildings typically include retail and warehouses, but not industrial or more intense uses. A city can define the terms by ordinance, but shouldn’t be unreasonable. In other words, it doesn’t make sense to classify a single-family home as an industrial use.

“Construction, renovation, maintenance, or other alteration” appears to cover just about any type of change to a building.

- A “building product or material [that] is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.” 3000.002(a)(1).

Most agree that the language above references the International Code Council model codes and a handful of others. Currently, cities should normally be operating under: (1) the International Residential Code (IRC) for residential construction; (2) the National Electrical Code (NEC) for electrical construction in both residential and commercial construction; and (3) the International Energy Conservation Code (IECC) and the International Building Code (IBC) for all construction other than single-family residential. With regard to plumbing codes, a city may be operating under the plumbing provisions of the IRC and/or either the plumbing provisions of the Uniform Plumbing Code (UPC) or International Plumbing Code (IPC). Other ICC Codes includes the International Fire Code (IFC), the International Fuel Gas Code (IFGS), the International Property Maintenance Code, and several more.

The ICC code cycles update every three years. The last three code cycles as of 2019 are 2018, 2015, and 2012.

Examples of materials allowed by the 2018 IRC for home exteriors include, among others: (1) concrete, stone, or masonry; (2) fiber cement siding; (3) horizontal aluminum; (4) vinyl siding; or (5) wood siding. *See* Table R703.3(1). A city that has, through an IRC amendment or any other regulation, mandated a percent masonry requirement is thus preempted. A builder can now use vinyl siding or wood siding if he or she chooses because those are a “building product or material [that] is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.”

The bills prohibitions aren’t limited to aesthetic building products or materials. Any city that has amended any ICC or other code should review those amendments with their building official and legal counsel to determine if an amendment runs afoul of the bill’s prohibitions.

- 4. What is meant by a city regulation that “establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building?”**

Most agree that any city regulation requiring that a building look a certain way (i.e., above-and-beyond an appearance that comes about through compliance with minimum national model code standards) is prohibited. 3000.002(a)(2). For example, architectural features, front elevation requirements, roof pitch, window size, and similar requirements that go beyond what is required by a base international model code are presumably preempted.

- 5. Can a city continue to adopt amendments to its building codes?**

Yes, but they can't conflict with the prohibitions in the bill. A city that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with the prohibitions discussed in questions 3 and 4, above. 3000.002(b). The prohibition against amendments that conflict with the bill overrides authority in other law to make amendments. *See, e.g.,* TEX. LOC. GOV'T CODE 214.212(c); 214.214(b); 214.216(c).

- 6. May a city use private deed restrictions to require certain materials or methods?**

Probably not. State law authorizes the City of Houston and any city that doesn't have zoning to enforce certain private deed restrictions. TEX. LOC. GOV'T CODE Subchapter F. (an authorized city may enforce a deed restriction that “regulates architectural features of a structure”). However, the language in H.B. 2439 arguably preempts such a regulation because it would be “establishing a standard or limiting a product.” Of course, private deed restrictions between property owners are still enforceable.

- 7. Does a city have any option at all with regard to controlling building materials or construction methods?**

That's debatable, but the obvious method is by agreement. A city can enter into an agreement wherein a person voluntarily agrees to abide by certain standards. For commercial construction, the incentivizing tool would be a Local Government Code “Chapter 380 agreement.” For residential and commercial, it would be a “neighborhood empowerment zone” under Chapter

378 of the Local Government Code. Property and/or sales tax abatements could be other options.

8. Are some structures exempt from the prohibitions in the bill?

Yes. The prohibitions in questions 3 and 4, above, do not apply to:

1. a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;
2. a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage;
3. an ordinance or other regulation that: (i) regulates outdoor lighting for the purpose of reducing light pollution; and (ii) is adopted by a city that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;
4. an ordinance or order that: (i) regulates outdoor lighting; and (ii) is adopted under the authority of state law; or
5. a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a city may regulate through zoning, if the city: (i) is a certified local government under the National Historic Preservation Act; or (ii) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission (a city that doesn't meet (i) or (ii) can adopt or enforce a regulation in questions 3 and 4, above, that applies to a building located in a place or area designated on or after April 1, 2019, by the city for its historical, cultural, or architectural importance and significance, if the city has the voluntary consent from the building owner);
6. a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a city, if designated before April 1, 2019;
7. a building located in an area designated as a historic district on the National Register of Historic Places;
8. a building designated as a Recorded Texas Historic Landmark;
9. a building designated as a State Archeological Landmark or State Antiquities Landmark;
10. a building listed on the National Register of Historic Places or designated as a landmark by a city;
11. a building located in a World Heritage Buffer Zone; or
12. a building located in an area designated for development, restoration, or preservation in a main street city under the main street program.

3000.002(c)(1)-(12); 3000.002(d). In addition, the bill does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code. 3000.004. Section 1301.551(i) provides that:

Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other

fire sprinkler protection system in a new or existing one- or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.

9. How are the bill's prohibitions enforced?

The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of the bill. 3000.003. The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under the bill, and sovereign and governmental immunity to suit is waived and abolished to the extent necessary to enforce the bill. *Id.*



CITY OF WEBSTER CODE ADOPTION 2021 INTERNATIONAL CODES 2020 NATIONAL ELECTRICAL CODE

JAMES A. STEWART, CBO, CFM
CHIEF BUILDING OFFICIAL

Currently Adopted Codes

- ▶ 2015 International Building Code
- ▶ 2015 International Residential Code
- ▶ 2014 National Electrical Code
- ▶ 2015 International Fuel Gas Code
- ▶ 2015 International Mechanical Code
- ▶ 2015 International Plumbing Code
- ▶ 1985 Standard Unsafe Building Abatement Code
- ▶ 2015 International Swimming Pool and Spa Code
- ▶ 2015 International Property Maintenance Code
- ▶ 2015 International Energy Conservation Code
- ▶ 2021 International Fire Code

Proposed Code Adoption

- ▶ 2021 International Building Code
- ▶ 2021 International Residential Code
- ▶ 2020 National Electrical Code
- ▶ 2021 International Fuel Gas Code
- ▶ 2021 International Mechanical Code
- ▶ 2021 International Plumbing Code
- ▶ 1985 Standard Unsafe Building Abatement Code
- ▶ 2021 International Swimming Pool and Spa Code
- ▶ 2021 International Property Maintenance Code
- ▶ 2021 International Energy Conservation Code

Why are new codes adopted?

- ▶ Correct errors and omissions within current codes
- ▶ Introduce new technologies
- ▶ Align codes with other updated codes and standards
- ▶ Replace outdated provisions
- ▶ Response to building performance assessments following disasters

Benefits of adopting current codes.

- ▶ Efficient and effective way of creating safe environments that protect the public health and safety
- ▶ Maintain and increase property values
- ▶ Provides opportunity for the use of the latest technology and practices
- ▶ Demonstrates that jurisdictions are forward thinking
- ▶ Adoption of the most current codes has a positive effect on ISO ratings

Changes in the Adoption Ordinance

- ▶ All Codes – Insertion of City of Webster as the jurisdiction
- ▶ Deletion of various Exceptions from IBC and IRC (Allows Permitting and Inspection)
- ▶ Insertion of values into Table 301.2(1) of the 2021 IRC. (Design criteria)
- ▶ Deletion of exterior requirements from the Ordinance (HB 2439)
- ▶ Deletion of Qualifications for Board Members from the Ordinance (Covered in 2021 Codes)
- ▶ Deletion of Limitations on Electrical Products from the Ordinance (HB 2439)
- ▶ Deletion of Property Maintenance Code amendments (Included in 2021 IPMC)

Significant Changes in the 2021 International Building Code

- ▶ Definition added: Impact Protective Systems (Clarification)
- ▶ Definition added: Mass Timber (New Construction Materials)
- ▶ Several Code Sections added dealing with Mass Timber Construction, its application and requirements.
- ▶ New Code Section added for Puzzle Rooms (Exiting and Life Safety)
- ▶ New Code Section for Intermodal Shipping Containers
- ▶ Clarifications of Separated Occupancies tables (Multi-tenant buildings)

Significant Changes in the 2021 International Residential Code

- ▶ Intermodal Shipping Containers – Requirements for the use of shipping containers.
- ▶ Decks – Modifications and revisions to deck design and construction
- ▶ Wind Rating labeling for Garage Doors
- ▶ Soffit Materials – Requirements to clarify wind performance
- ▶ Maximum length of hot water piping – (Source to fixture now 100 feet)
- ▶ Electrical Service Disconnect now required to be readily accessible on the Outside of the building (Reflects NEC)
- ▶ Surge Protection required for Electrical Services (Reflects NEC)

Significant Changes in the 2021 International Mechanical Code

- ▶ Addition of Code Language and Regulation for Alcohol Fuel Burning Appliances. (New Technology)
- ▶ Exiting Requirements for Mechanical Rooms (Mirror IBC Requirements)

Significant Changes in the 2021 International Fuel Gas Code

- ▶ Several Modifications and Clarifications to Existing Code Sections

Significant Changes in the 2021 International Plumbing Code

- ▶ Tracer wire now required for non-metallic underground water piping.
- ▶ Drinking Fountains – 50% must be for standing persons and 50% must be for persons in wheelchairs. (Accessibility)
- ▶ New allowances for push on fittings for ABS and PVC Piping (Speed up installation)

Significant Changes in the 2020 National Electrical Code

- ▶ Exterior Service Disconnect required in all cases.
- ▶ GFCI and ARC fault required locations have been greatly expanded.



Questions?

Agenda Item #6

AGENDA
BUILDING BOARD OF ADJUSTMENTS AND APPEALS
COUNCIL CHAMBERS
CITY HALL
101 PENNSYLVANIA
WEBSTER, TEXAS
AUGUST 30, 2021
6:00 P.M.

Staff Present:

Dean Spencer, Fire Chief
Warren Chappell, Fire Marshal
Kevin Dozier, Assistant Fire Marshal
Erich Pen, Building Official
Heather Cherry, Administrative Coordinator

Board Members Present:

Kenneth Goodwin
Susan Levy
Gerald Griffith
Perry Blair
Alice Coad

1. Call to Order.

Chairman Kenneth Goodwin called the meeting to order at 6:05 p.m.

2. Roll Call and Certification of Quorum.

Heather Cherry called the roll and certified a quorum was present.

3. Consideration/Action to recommend adoption of the 2021 International Fire Codes (IFC) with recommended amendments.

Warren Chappell, Fire Marshal, gave an overview. He stated that in order for the City to remain current with fire safety standards and to maintain the City's ISO Public Protection Class rating of 1, and the Texas Fire Chiefs Association Best Practices, the City must adopt the 2021 International Fire Codes. He also stated that in addition to the 2021 International Fire Codes, the Fire Marshal's Office has two additional amendment recommendations as additional means to promote fire and life safety measures throughout the City. Mr. Chappell discussed the following proposed amendments:

Amendment 1:

Chapter 9, Section 903.2.1.2 Group A-2 amended to add the following conditions for requirement for an automatic sprinkler system:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 100 or more.

3. The fire area is located on a floor other than the level of exit discharge.

Amendment 2:

Section 903.2 is recommended to read as follows:

Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section, when the gross square footage of the building or structure exceeds 11,999 square feet or when the area under one roof is capable of having two or more floors above or below grade with any one floor exceeding 5,999 square feet.

Kenneth Goodwin moved to recommend adoption of the 2021 International Fire Codes with Staff recommended amendments to City Council. Gerald Griffith seconded the motion.

The motion carried unanimously.

4. Consideration/Action to approve the March 21, 2019 Board Minutes.

Gerald Griffith moved to approve the minutes of the March 21, 2019 Building Board Meeting. Susan Levy seconded the motion.

The motion carried unanimously.

5. Agenda Requests.

The Board requested a status update on the Kobayashi property litigation.

6. Adjournment.

There being no further business the meeting was adjourned at 7:28 p.m.

Kenneth Goodwin
Chairman

ATTEST:

Heather Cherry
Administrative Coordinator