

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 4 “BUILDING REGULATIONS” IN THE SUNNYVALE CODE OF ORDINANCES TO TRANSFER ARTICLE 4.03, “MOVING BUILDINGS OR STRUCTURES” TO ARTICLE 4.12 “MOVING BUILDINGS OR STRUCTURES” AND REDESIGNATE THE SECTIONS TO REFLECT THE CHANGE AND ADD ARTICLE 4.03 “RESIDENTIAL CODE,” ADOPTING THE 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH LOCAL AMENDMENTS; PROVIDING A PENALTY OF NOT MORE THAN TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Sunnyvale, Texas has investigated and determined that it in the best interest of the health, safety, and welfare of the citizens of the Town of Sunnyvale, Texas to adopt the 2021 Edition of the International Residential Code, with the local amendments in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

SECTION 1. Recital. The recital set forth above is true and correct and is incorporated as if fully set forth herein.

SECTION 2. Transfer of Article 4.03 to 4.12. That Sunnyvale Code of Ordinances, Chapter 4 “Buildings Regulations,” Article 4.03 “Moving Buildings or Structures” is hereby transferred in its entirety to Article 4.12 “Moving Buildings or Structures” and the sections are redesignated to reflect the change.

SECTION 3. Amendment to Article 4.03. That Sunnyvale Code of Ordinances, Chapter 4 “Buildings and Building Regulations” is hereby amended by adding Article 4.03 “Residential Code” to read as follows:

Article 4.03 – RESIDENTIAL CODE

Sec.4.04.001 – Adoption of Residential code.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated herein, the International Residential Code, 2021 Edition,

copies of which, are on file in the Town Secretary’s office, and hereby adopted as the Residential Code of the Town as fully as if copied at length in this article, but with the changes therein and additions thereto provided in this article. Also, adopted are the following appendices of the 2021 International Residential Code:

- (a) Appendix-AE Manufactured Housing Used as Dwellings.
- (b) Appendix-AF, Radon Control Methods.
- (c) Appendix-AG, Piping Standards for Various Applications.
- (d) Appendix-AH Patio Covers.
- (e) Appendix-AI, Private Sewage Disposal.
- (f) Appendix-AJ, Existing Buildings and Structures.
- (g) Appendix-AK, Sound Transmission.
- (h) Appendix-AT, Solar-Ready Provisions-Detached one-and two-family dwelling and town houses

Sec. 4.04.002 – Deletions, amendments, and additions.

The 2021 International Residential Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

(a) Section R101.1 Title; of the International Residential Code has been amended adding the Town’s name to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the Town of Sunnyvale and shall be cited as such and will be referred to herein as “this code.”

(b) Section R102.4 Referenced Codes and Standards; of the International Residential Code has been amended by adding a second paragraph after the exception to read as follows:

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer’s instructions shall apply.

Whenever amendments have been adopted to the referenced *codes* and standards, each reference to said *code* and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70, or the *Electrical Code* shall mean the *Electrical Code* as adopted.

(c) Section 105.2 Work exempt from permit; the International Residential Code is amended by deleting items 1, 2, 4, 5, 9, and 10 and renumbering permit exemptions to read as follows:

R105.2 Work exempt from permit. Exemption 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. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids. Retaining walls over 4 feet (1,219 mm) in height shall be designed by a licensed design professional.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
4. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.

Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus, or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying *appliances*.

2. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
3. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating *appliances*.
2. Portable ventilation *appliances*.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
5. Replacement of any minor part that does not alter approval of *equipment* or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

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

(d) Section 105.5; Expiration, the International Residential Code has been amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work

authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(e) Section R108.2 Schedule of permit fees; the International Residential Code has been amended by adding a final sentence to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

(f) Section R110.1 Use and occupancy; the International Residential Code has been amended by to read as follows:

R110.1 Use and change of occupancy. A building or structure shall not be used or occupied until the *building official* has granted approval to occupy, based on the completions of all required inspections, therefor as provided herein. Approval to occupy a building or structure shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Approvals presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

Exception:

1. Approval of occupancy is not required for work exempt from permits under Section R105.2.

(g) Section R112 Board of appeals; the International Residential Code has been changed in its entirety to read as follows:

R112.1 General Board of Appeals. The board of appeals shall be as established in the Town's most current adopted Building Code as prescribed in Article 4.02.

(h) Section R113.4 Violation penalties; the International Residential Code has been amended by adding a second paragraph to read as follows:

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed by law.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum not to exceed two thousand dollars (\$2,000.00) per day and each day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm, or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

(i) Table R301.2 Climate and Geographic Design Criteria; of 2021 International Residential Code is amended by providing values in Table R301.2:

Table R301.2(1) Climate and Geographic Design Criteria

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDER-LAYMENT ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	SPEED ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
5 lb/ft	115 (3 sec-gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22 ^o F	No	Local Code	150	64.9 ^o F

****Delete remainder of table Manual J Design Criteria and footnote N**

(j) Section R313 Automatic Fire Sprinkler Systems; the International Residential Code has been changed in its entirety to read as follows:

R313 Automatic Fire Sprinkler Systems. An approved automatic fire sprinkler system shall be installed as follows:

1. In all residential buildings of any area, and size over 5000sf or occupancy built, added to, or moved into the Town of Sunnyvale. In the case of an addition to an existing structure or space, an approved automatic fire sprinkler system shall be installed in the addition of the structure or space when it exceeds 5000sf.

Exception: Fire walls may be used in lieu of fire sprinkler at port-a-caches as determined by the Building Official and Fire Official.

2. In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance shall provide a sprinkler system when the additional square

footage surpasses the 5000sf threshold and shall be installed when one of the following apply:

- a. Where the reconstruction because of structural damage involves greater than 50% of the square footage of the structure,
 - b. Where residential additions exceed five hundred (500) square feet in area, in which case an approved fire sprinkler system must be installed in the new addition space in accordance with this code, or
 - c. Sprinkler protection is required in attached garages.
3. Any change of an existing occupancy type to a more restrictive fire rated type of occupancy based on proposed use and occupant load, the more restrictive fire protection requirements of this code shall apply.

(k) Section G2415.12 Minimum burial depth, the International Residential Code has been amended to read as follows:

G2415.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches below grade.

(l) Section P2603.5.1 Sewer depth, the International Residential Code has been amended by inserting the depth requirements to read as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than 12 inches (304 mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches (304 mm) below grade.

(m) Section P2801.6 Required Pan, the International Residential Code has been amended to read as follows:

P2801.6 Required Pan. Where a storage tank-type heater or a hot water storage tank is installed in a location where water leakage from the tank will cause damage, the tank shall be installed in a pan constructed of one of the following:

1. Galvanized steel or aluminum of not less than 0.0236 inch (0.6010 mm) in thickness.
2. Other approved materials.

(n) Section E3406.3 Minimum size of conductors, the International Residential Code has been amended to read as follows:

E3406.3 Minimum size of conductors. The minimum size of conductors for feeders and branch circuits shall be 14 AWG copper and 8 AWG aluminum. Aluminum wire shall not be permitted as branch circuit wiring. The minimum size of service conductors shall be as specified in Chapter

36. The minimum size of Class 2 remote control, signaling and power-limited circuits conductors shall be as specified in Chapter 43.

SECTION 4. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of not to exceed two thousand dollars (\$2,000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Sunnyvale retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Sunnyvale hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 7. Effective Date. This Ordinance shall become effective **May 1, 2022**.

DULY PASSED AND ADOPTED by the Town Council of the Town of Sunnyvale, Texas, on this **28th** day of **February 2022**.



TOWN OF SUNNYVALE, TEXAS



Saji George, Mayor

ATTEST:



Rachel Ramsey, Town Secretary