

ORDINANCE NO. O-2024-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS BY AMENDING ARTICLE V “TECHNICAL CODES” BY ADDING, ADOPTING UPDATED AND CURRENT EDITIONS OF THE INTERNATIONAL CODES AND THE ELECTRICAL CODE RENUMBERING SECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Magnolia, Texas has studied the present provisions of Chapter 14 “Buildings and Building Regulations” of the Code of Ordinances of the City of Magnolia relating to the adoption of certain international codes and national electrical codes for the regulation of buildings; and

WHEREAS, the City Council is continually reviewing the provisions of the Code of Ordinances relating to the elimination of hazards and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants;

WHEREAS, the adoption of these codes facilitates proper inspection activated by the City of Magnolia relating to construction and to maintenance of buildings within said City of Magnolia, and relating to public safety, health, and general welfare;

WHEREAS, the City Council finds it necessary to adopt the following amendment to the codes and international codes for regulation of buildings; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

Section 2. Amendments. Sections 14-136 thru 14.144, 14-146 of Article V, of Chapter 14 entitled “Building and Building Regulations” of the City of Magnolia Code of Ordinances are hereby amended; a new code is adopted and numbered Section 14-147; and the previous Section 14-147 is renumbered as Section 14-148, as shown in the attached Exhibit “A” and said amendments are incorporated herein for all purposes.

Section 3. Repealing Clause. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

Section 5. Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted, and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code, at which time this Ordinance takes effect.

PASSED, APPROVED and ADOPTED by the City Council of the City of Magnolia, Montgomery County, Texas on this the 13 day of August 2024.

CITY OF MAGNOLIA, TEXAS




Matthew "Doc" Dantzer, Mayor

ATTEST:


Christian Gable, City Secretary

EXHIBIT "A"

CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. TECHNICAL CODES

Sec. 14-136. - International Building Code.

The International Building Code, 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

- (1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the building code of the City of Magnolia, Texas, hereinafter referred to as "this code".

- ~~(2) Section 1404.1.1 is hereby amended to read as follows:~~

~~1404.1.1 Exterior walls on all buildings constructed after effective date of the ordinance from which this section is derived for non-residential use shall have at least seventy five percent (75%) fire resistant exterior masonry construction, or highly textured or pattern pre-cast concrete panel construction, exclusive of windows and doors. No one wall or elevation shall have less than fifty percent (50%) exterior masonry construction or highly textured or pattern pre-cast concrete panel construction. Non-masonry materials, such as EIFS, untextured concrete, wood, fiber-cement siding, or any combination thereof shall be limited to trim or accent materials or up to twenty five percent (25%) of the total exterior surface area, exclusive of windows and doors. The use of metal or vinyl siding is prohibited.~~

- ~~(3) Section 1404.1.2 is hereby amended to read as follows:~~

~~1404.1.2 Exterior walls on all buildings constructed after January 8, 2013 for residential use shall have at least seventy five percent (75%) fire resistant exterior masonry construction, exclusive of windows and doors. No one wall or elevation shall have less than fifty percent (50%) exterior masonry construction. The remaining portions of exterior walls, exclusive of windows and doors, shall be clad with masonry, stucco, or fiber-cement siding.~~

- ~~(4) Section 1404.1.3 is hereby amended to read as follows:~~

~~1404.1.3 Exterior walls on all buildings constructed before the effective date of the ordinance from which this section is derived may be maintained or repaired without compliance to 1404.1.1 or 1404.1.2 provided the repair meets all the other requirements of this and other adopted building codes of the City of Magnolia.~~

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects		Weathering	Frost line depth	Termite					
5 psf	110	None	A	Negligible	6 inches	Yes	28°F	No		<1,500	67.5°F

~~(5) The following 2015 design criteria 2015 IRC Table R301.2(1).~~

~~TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA~~

Sec. 14-137. - International Mechanical Code.

The International Mechanical Code 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

(1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the mechanical code of the City of Magnolia, Texas, hereinafter referred to as "this code".

Sec. 14-138. - International Plumbing Code.

The International Plumbing Code 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

(1) Section 101.1 is hereby amended to read as follows:

~~101.1 Title. These regulations shall be known as the plumbing code of the City of Magnolia, Texas, hereinafter referred to as "this code".~~

Sec. 14-139. - International Fuel Gas Code.

The International Fuel Gas Code, 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

(1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the fuel gas code of the City of Magnolia, Texas, hereinafter referred to as "this code".

Sec. 14-140. - International Residential Code for One- and Two-Family Dwellings.

The International Residential Code for One- and Two-Family Dwellings, 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

- (1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the International Residential Code for One- and Two-Family Dwellings of the City of Magnolia, Texas, hereinafter referred to as "this code".

- ~~(2) Section 7.03.1.3 is hereby amended to read as follows:~~

~~703.1.3 Exterior Materials. Each exterior wall or elevation on all buildings constructed after January 8, 2013 shall be constructed of fire resistant exterior masonry construction of masonry, stucco, fiber cement siding, or any fire resistant exterior cladding that meets the intent of this ordinance. The remaining portions of exterior walls, exclusive of windows and doors shall be clad with masonry, stucco, fiber cement siding, or any combination thereof. The following exceptions shall apply:~~

- ~~a) Residential accessory buildings of one hundred twenty (120) square feet or less are exempt from compliance.~~
- ~~b) Exterior walls on all buildings constructed before January 8, 2013 may be maintained or repaired without compliance to 1404.1.1 or 1404.1.2 provided the repair meets all the other requirements of this and other adopted building codes of the City of Magnolia.~~

Sec. 14-141. - International Fire Code.

The International Fire Code 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

- (1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the fire code of the City of Magnolia, Texas, hereinafter referred to as "this code".

Sec. 14-142. - International Energy Conservation Code.

The International Energy Conservation Code 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

- (1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the energy conservation code of the City of Magnolia, Texas, hereinafter referred to as "this code".

Sec. 14-143. - National Electrical Code.

The National Electrical Code (NFPA 70) 2023 edition, including annexes, as amended, as published by the National Fire Protection Association, an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article.

Sec. 14-144. - International Property Maintenance Code.

The International Property Maintenance Code 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

(1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the property maintenance code of the City of Magnolia, Texas, hereinafter referred to as "this code".

Sec. 14-146. – International Existing Building Code.

The International Existing Building Code, 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

(1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the existing building code of the City of Magnolia, Texas, hereinafter referred to as "this code".

Sec. 14-147. – International Swimming Pool and Spa Code.

The International Swimming Pool and Spa Code, 2021 edition, as amended, including appendices as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the city, is hereby adopted and made part of this article, except as follows:

(1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the existing building code of the City of Magnolia, Texas, hereinafter referred to as "this code".

Sec. ~~14-147~~ 14-148 Fees; enforcement; penalty.

(a) The fee schedule for permits required under any of the codes adopted in this article shall be the fees prescribed or recommended in the code adopted, as amended, and if no fees are prescribed or recommended, then the fees shall be in accordance with the schedule of fees as established from

time to time by the city council of the City of Magnolia. If there is a conflict between fees prescribed or recommended in the code with those set by the city council, then in such instance the fees set by city council will prevail. If there is a conflict between fees prescribed or recommended in the adopted code or set by city council and any fees set by state law, then fees set by state law will prevail.

(b) The designated official of the City of Magnolia in the Code of Ordinances who has duties corresponding to those of the named official in said codes shall be deemed to be the responsible official in so far as enforcing the provisions of said are concerned.

(c) Any person or entity who shall violate any provision of this article, or any provision contained in any code adopted hereby, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation of any such provision shall constitute a separate offence.

(d) The imposition of a fine under this article shall not prevent the revocation, suspension or denial of any permit issued or granted by the City of Magnolia, nor shall it be deemed to prevent impede or delay the rights of the city to proceed in any other court of competent jurisdiction to secure equitable relief, including but not limited to, injunctions or to file suits in the name of the city or as a member of a class for damages or other relief as provided for by law.

(e) Any person or corporation who permits, aids, assists or employs another person or corporation in doing any prohibiting or failing to do any act as shall be required in this article shall be deemed in violation of this article, as if such person or corporation had actually committed such act or failed to actually perform such act as herein required.

(f) When any portion of the codes adopted in sections 14-136 through 14-144 and section 14-146 through Section 14-147 conflicts with state law or any other code or ordinance adopted by the city, the most restrictive requirements shall apply.

§ 14-149 through § 14-167. (Reserved)