

6-22-12

ORDINANCE NO. 28707

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended; providing definitions for temporary structures, value or valuation, and single-family or duplex premises; amending the requirements for approval of alternate materials or methods of construction and requiring research reports when supporting data is necessary to assist in the evaluation of alternate materials or methods of construction; amending the minimum qualifications for the building official; amending the list of work that does not require a permit; correcting an occupancy in the alternative provisions section; authorizing the administrative withholding of inspections and permits; exempting work on structures owned by the United States or the State of Texas from fees; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection 102.3, “Definitions,” of Section 102, “Purpose of the Codes,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“102.3 Definitions. For the purpose of the codes:

BUILDING PERMIT means a permit issued to perform work described in Section 301, excluding permits to erect signs, barricade public property or public ways, or move or demolish structures.

BUILDING SERVICE EQUIPMENT means the plumbing, mechanical, electrical, and elevator equipment, including, but not limited to, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting, and transportation facilities essential for the occupation of the structure for its designated use and occupancy.

GREEN BUILDING means structures and their surrounding landscapes designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.

GREEN BUILT TEXAS means an initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

GREEN BUILT TEXAS-CERTIFIABLE means a proposed project that is not required to be registered with the Home Builders Association of Greater Dallas but is planned, designed, and constructed to meet or exceed a certified rating using version 2.0 of the Green Built Texas rating system.

LEED means the Leadership in Energy and Environmental Design green building rating systems which are nationally accepted standards for green buildings developed by the USGBC.

LEED-CERTIFIABLE means a proposed project that is not required to be registered with the USGBC but is planned, designed, and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2 to present, LEED CS (core and shell) version 2.0 to present, LEED CI (commercial interiors) version 2.0 to present, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2, or LEED for homes.

PROPOSED PROJECT means, for purposes of the green building program, the erection of any new structure for which a person, firm, or corporation is required to obtain a building permit.

TEMPORARY STRUCTURE means any new structure erected for 31 days or less.

USGBC means the U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work.

VALUE OR VALUATION means the total value of all work, including materials and labor, for which a permit is issued, as well as all finish work, painting, roofing, electrical, gas, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent systems, and includes any work which does not require a permit under Section 301.2 and which is marked out on any submitted plans or applications as not included as part of the subject project.”

SECTION 2. That Subsection 106.2, "Approval of Alternate Material or Method," of Section 106, "Alternate Materials and Methods of Construction," of Subchapter 1, "Title and Scope," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

"106.2 Approval of alternate material or method. The building official may approve an alternate material or method if the building official finds that the proposed design is satisfactory and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the codes in quality, strength, effectiveness, fire resistance, durability, safety, and sanitation."

SECTION 3. That Section 106, "Alternate Materials and Methods of Construction," of Subchapter 1, "Title and Scope," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended by adding a new Subsection 106.4, "Research Reports," to read as follows:

"106.4 Research reports. Any supporting data supplied to assist in the approval of a material or method of construction not specifically prescribed by the codes must consist of a valid research report produced by the International Code Council Evaluation Service or an equivalent agency approved by the building official."

SECTION 4. That Subsection 201.1, "General," of Section 201, "Building Official," of Subchapter 2, "Organization and Enforcement," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

"201.1 General. The building official, who shall be appointed by the city manager, shall be in administrative and operational charge of the division of building inspection. The building official must be an architect or engineer legally registered under the laws of this state or have a degree in an associated field of study including public administration, business administration, or law. The building official must also have at least 10 years' experience as an architect, engineer, building inspector, or building contractor, five years of which shall have been in directing the work of others. Preference will be given to candidates certified as a building official by the International Code Council. A candidate who does not possess certification as a building official shall obtain certification within six months after appointment as building official."

SECTION 5. That Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subsection 301.0, “Definition,” to read as follows:

“301.0 Definition. In this section:

SINGLE-FAMILY OR DUPLEX PREMISES means a building housing a single-family or duplex use as defined in the *Dallas Development Code*.”

SECTION 6. That Subsection 301.2, “Defenses,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is deleted and replaced with a new Subsection 301.2, “Defenses,” to read as follows:

“301.2 Defenses. It is a defense to prosecution under Section 301.1.1 that the act is included in one of the enumerated categories listed in this subsection. Each of the following separate paragraphs - building, plumbing, mechanical, electrical, and other – must be consulted for the type of work involved. No permit is required for the following:

301.2.1 Building.

1. Painting, papering, paneling, floor coverings, cabinets, moldings, countertops, and similar finish work.
2. Erection of one-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, that are located on property that contains a single-family or duplex premises and that do not exceed 200 square feet (18.58 m²) in floor area.
3. Erection of patio covers with an area less than 200 square feet (18.58 m²) on single-family or duplex premises.
4. Addition of storm windows, screens, shutters, rain gutters, or insulation to a building.
5. Addition of trim or siding to single-family or duplex premises.
6. Erection of fences not over four feet high in a front yard, nor over six feet high elsewhere.

7. Reroofing of single-family or duplex premises, if the value of work does not exceed \$500.
8. Interior remodeling of nonload bearing components of single-family or duplex premises that does not add floor area or change exterior doors or windows.
9. Erection of movable cases, containers, and partitions not over 69 inches (1,752.6 mm) high.
10. Attaching window awnings to exterior walls of single-family homes or single-family garages where the awnings project not more than 54 inches (1,374.6 mm) from any wall.
11. Erection of structures, boots, sets, and scenery used for motion pictures, conventions, television shows, theater shows, and similar temporary uses.
12. Erection of retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless the walls are supporting a surcharge or impounding Class I, II, or IIIA liquids.
13. Construction of platforms and decks on property that contains a single-family or duplex premises that do not exceed 200 square feet (18.58 m²) in area, are not more than 30 inches (762 mm) in height above grade at any point, are not attached to a dwelling, and do not serve the exit door required by Section R311.4 of the *Dallas One- and Two-Family Dwelling Code*.
14. Construction on private property of walks and driveways that are not more than six inches above grade, not over any basement or story, and not part of an accessible route.
15. Paving or grading on a property that is less than two acres in size and that contains a single-family or duplex premises.
16. Erection of carports of 200 square feet (18.58 m²) or less that are accessory to a single-family or duplex premises.
17. Excavations less than four feet (1,219 mm) in depth below existing grade.
18. Replacement of exterior or interior doors, hinges, hardware, and decorative trim, provided the following conditions are met:
 - 18.1. The replacement door is of the same size and required type.
 - 18.2. The replacement door does not require any modification to existing wall framing.

- 18.3. The existing door is not a component of a fire-resistive rated construction element.
19. Replacement of exterior or interior windows, provided the following conditions are met:
 - 19.1. The replacement window is of the same size, required type, and thickness.
 - 19.2. The replacement window does not require any modification to the existing wall frame or window frames.
 - 19.3. The existing glazing is not a component of a fire-resistive rated construction element.
 - 19.4. The existing glazing is not required to be safety glazed.
- Exception:** 19.4 is omitted for single-family and duplex premises.
20. Erection or installation of shade cloth structures that are constructed for non-commercial nursery or agricultural purposes and that do not include building service equipment or systems.
21. Erection or installation of swings and other playground equipment accessory to single-family or duplex premises.
22. New construction or renovation work on county owned buildings or facilities if the work is done by county personnel or by county personnel acting as the general contractor. Documentation approved by the building official is required to use this defense. The construction work must comply with the codes and must be inspected by a registered professional engineer or architect licensed in the State of Texas.
23. Work involving a structure, the title of which is vested in the United States or the State of Texas and that is devoted exclusively to governmental use.
24. Storage racks eight feet (2,438 mm) or less in height.
25. Freestanding satellite dishes not exceeding one meter in diameter that do not exceed 12 feet (3,657 mm) in height.
26. Installation of prefabricated swimming pools accessory to single-family or duplex premises in which the pool wall is completely above adjacent grade, the pool capacity does not exceed 5,000 gallons (18,927 L), and the pool depth is less than 24 inches (610 mm).

27. Erection of temporary structures in conjunction with a special events permit issued under Chapter 42A of the *Dallas City Code* that meets all of the following criteria:
- 27.1. The temporary structures must cover an area of 120 square feet or less, including connecting areas and spaces with a common means of egress or entrance that are used or are intended to be used for a gathering of 10 persons or less.
 - 27.2. The temporary structures must not exceed 12 feet (3,657 mm) in height.
 - 27.3. The temporary structures, including stages, platforms, reviewing/observation stands or towers, must not be more than 30 inches (762 mm) above grade or over any basement or story, and cannot be part of an accessible route.
28. Conveyances or stages, platforms, or reviewing or observation stands or towers that are part of conveyance mounted equipment.

301.2.2 Plumbing.

- 1. Maintenance, repair, or replacement in kind of accessible traps on lavatories, sinks, or replacement of parts in kind of plumbing fixtures where no change in "rough-in" is involved, except that a permit is required for the replacement of boilers.
- 2. Stopping of leaks in pipes, drains, valves, or plumbing fixtures if the repair does not require rearrangement of valves, pipes, or fixtures.
- 3. Installation of storm water drains for one-family, two-family, or multifamily dwellings.
- 4. Installation of steam, hot, or chilled water piping within comfort heating or cooling equipment.
- 5. Replacement in kind of any fitting, valve, or plumbing fixture that does not change the number of fixtures or the location of a fixture "rough-in" except that a permit is required if a utility release is necessary.
- 6. Installation of water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

301.2.3 Mechanical.

- 1. Installation of a portable heating appliance, portable ventilating equipment, portable evaporative cooler, or portable comfort cooling unit.

2. Replacement of any component part of assembly of an appliance that does not alter its original design and complies with other applicable requirements of the codes.
3. Installation of a unit refrigerating system or any refrigerating equipment that is a part of equipment for which a permit has been issued pursuant to the requirements of this chapter.
4. Maintenance or repair of permanent gas or solid-fuel furnaces where no change in ducts, flues, electrical, plumbing, or gas "rough-in" is involved.
5. Installation of bathroom exhaust fans in single-family or duplex premises.
6. Installation of kitchen exhaust fans and dryer exhaust fans in single-family or duplex premises.
7. Replacement in kind of any fitting, valve, or plumbing fixture that does not change the number of fixtures or the location of a fixture "rough-in" except that a permit is required if a utility release is necessary.
8. Replacement of permanent heating, ventilating, or air-conditioning equipment where no change in "rough-in" is required, if the value of the work does not exceed \$3,000.
9. Relocation or addition of any outlet or associated connection to an existing heating, ventilating, or air-conditioning duct system in a single-family or duplex premises, if the value of the work does not exceed \$500.
10. Installation of approved fire-extinguishing equipment in a self-contained grease removal device and hood installed in accordance with the *Dallas Mechanical Code*.
11. Installation of self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

301.2.4 Electrical.

1. The restoration on a temporary basis of electrical service under emergency conditions when approval of the work is obtained from the building official before commencing the work, inspection of the work is made in accordance with this chapter, and a permit is obtained as soon as practicable.
2. Replacement of lamps, branch or feeder circuit breakers rated 30 amperes or less, or branch or feeder circuit fuses rated 30 amperes or less, or the connection of portable electrical equipment to permanently installed receptacles.

3. Installation of equipment for or by a public utility in the generation, transmission, sale, and use of energy or in the transmission of intelligence as outlined in its franchise.
4. Work involved in the manufacturing, repair, or testing of electrical equipment or apparatus in the course of manufacture.
5. Maintenance, repair, relocation, or replacement of any existing light fixture, receptacle, switch, ceiling fan, circuit breaker, or other electrical device or equipment where no change in electrical service or service disconnection is involved, if the value of work does not exceed \$1,000.
6. Installation of not more than six new 120-volt or one new 240-volt electrical outlets or devices for any lighting fixture, receptacle, switch, ceiling fan, or residential appliance within an existing occupied single-tenant space or structure, by extension of an existing circuit or by installation of not more than one new circuit, provided that no change in electrical service or service disconnection is involved.

301.2.5 Other.

1. Repair or replacement in kind of any automatic fire-extinguishing system head that does not alter the existing system design or operation.
2. Installation, repair, or replacement of landscaping materials, except that a permit is required to authorize the installation of landscaping that is required by:
 - 2.1. A city ordinance.
 - 2.2. A city board as a condition to the granting of relief requested by an applicant.
 - 2.3. A deed restriction instrument accepted by city council resolution.”

SECTION 7. That Subparagraph 301.4.7.6, “Alternative Provisions,” of Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Applications for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.4.7.6 Alternative provisions. When authorized by the building official, plans and specifications are not required for any of the following:

1. A one-story structure of Type V conventional wood-stud construction with an area not exceeding 600 square feet.

2. A Group U [~~M~~] Occupancy of Type V conventional wood-stud construction.
3. Maintenance repairs, minor nonstructural alterations, and minor additions to an existing structure.”

SECTION 8. That Section 302, “Application for and Issuance of Permit; Retention of Plans; Suspension or Revocation; Suspension of Permit Privileges,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subsection 302.0, “Administrative Withholding of Inspections and Permits,” to read as follows:

“302.0 Administrative withholding of inspections and permits. The building official is authorized to withhold inspections from, and the issuance of permits to, any registered contractor who:

1. Fails to correct a defect, error, or deficiency in work installed under the authority of a building permit within 10 calendar days after written notification from the office of the building official or the building official’s representative.
2. Fails to pay any indebtedness, when due, to the city for inspection fees or permits.”

SECTION 9. That Subsection 303.8, “Fee Exemption,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“303.8 Fee exemption. No fee [~~permit~~] is required for a permit for work involving a structure the title of which is vested in the United States government or the State of Texas and that is devoted exclusively to governmental use. The building inspection enterprise fund shall be reimbursed from the city of Dallas general fund for any fees not collected by the building official because of the exemption contained in this subsection.”

SECTION 10. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 11. That Chapter 52 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 12. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 13. That this ordinance will take effect on July 1, 2012, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By Casey Buzzard
Assistant City Attorney

Passed JUN 27 2012