

ORDINANCE NO. 021-002

**AN ORDINANCE OF THE CITY OF MARLIN, TEXAS ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE AND THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS; ADOPTING AMENDMENTS TO THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE AND THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; ESTABLISHING PENALTY AND ENFORCEMENT PROVISIONS; PROVIDING AN EFFECTIVE DATE, SAVINGS, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, plumbing, electrical work and buildings within the City of Marlin, Texas;

**WHEREAS**, adoption of the 2015 International Building Code, together with certain deletions, additions, and amendments thereto, is in the best interest of the health, safety, and welfare of the citizens and will more adequately protect life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures and premises;

**WHEREAS**, adoption of the 2015 International Residential Code for One-and-Two-Family Dwellings, together with certain deletions, additions, and amendments thereto, is in the best interest of the health, safety, and welfare of the citizens and will more adequately protect life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures and premises; and

**WHEREAS**, the public health, safety and welfare of the citizens of the City will be protected and served by updating certain codes heretofore adopted by the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this Ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2. Adoption of the 2015 International Building Code and Amendments.**  
(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Building Code," 2015 edition, including all Appendix chapters, published by the International Code Council, Inc., is hereby adopted as the building code of the City establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied

utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in connection with the City's dangerous building regulations and Chapter 214, Tex. Local Gov't Code; and each and all of the regulations, provisions, conditions and terms of such "International Building Code," 2015 edition, published by the International Code Council, Inc., on file in the office of the city secretary are hereby referred to, adopted and made a part of this Section as if fully set out in this Ordinance.

(b) The 2015 International Building Code is further amended as follows:

- (1) Each reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Marlin, Texas.
- (2) Each reference to the "Board of Appeals" is amended to mean and refer to the "Board of Adjustments."
- (3) Section 113.1 and B101.2 is hereby amended to provide that the composition of the Board of Adjustments of the City of Marlin shall be as designated and appointed by the City Council for the City of Marlin.
- (4) Section 113.3 and B101.2 that refers to and provides for the qualification requirements for members of the "Board of Adjustments and Appeals" is hereby deleted.
- (5) Any reference in B101.1 or any other requirement that requires a written application for appeal to be filed within 20 days after the decision of a code official is deleted.
- (6) Section 103.1 is deleted.
- (7) Section 114.4 is amended to provide that any person, firm, corporation, organization, or entity that violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor, and subject to a fine of between \$1.00 and \$2,000.00. Each day a violation occurs constitutes a separate offense.
- (8) Permits are required for fences greater than 6 feet in height.
- (9) Guard rails are required for any wall greater than 48" in height, retaining or otherwise, with a walkable surface to the wall. Slopes greater than 3:1 are not considered to be walkable. A temporary guard rail may be required to be maintained during construction.
- (10) Wood frame construction for residential or multifamily cannot exceed 3 stories.

**Section 3. Adoption of the 2015 International Residential Code for One- and Two-Family Dwellings and Amendments.** (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the “International Residential Code,” 2015 edition, including all Appendix chapters, published by the International Code Council, Inc., is hereby adopted as the building code of the City establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in connection with the City’s dangerous building regulations and Chapter 214, Tex. Local Gov’t Code; and each and all of the regulations, provisions, conditions and terms of such “International Residential Code,” 2015 edition, published by the International Code Council, Inc., on file in the office of the city secretary are hereby referred to, adopted and made a part of this Section as if fully set out in this Ordinance.

(b) The 2015 International Residential Code is further amended as follows:

- (1) Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Marlin, Texas.
- (2) Each reference to the “Board of Appeals” is amended to mean and refer to “Board of Adjustments.”
- (3) Section R112.1 is hereby amended to provide that the composition of the Board of Adjustments of the City of Marlin shall be as designated and appointed by the City Council for the City of Marlin.
- (4) Section R112.3 that refers to and provides for the qualification requirements for members of the “Board of Adjustments and Appeals” is hereby deleted.
- (5) Any reference or requirement that requires a written application for appeal to be filed within 20 days after the decision of a code official is deleted.
- (6) Section R103.1 is deleted.
- (7) Appendix C (Exit Terminals for Direct Vent appliances), Appendix E (Manufactured Housing), Appendix G (Swimming Pools, Hot Tubs and Spas) and Appendix O (Gray Water Recycling Systems) are adopted by ordinance.
- (8) Section R105. Permits.
  - (A) A permit is required for an accessory structure if the floor area exceeds 120 square feet.
  - (B) A permit is required for a fence greater than 6 feet in height.



(9) Table R301.2(1). Design Criteria.

- (A) Ground snow load - 0 to 5.
- (B) Wind design - 105 miles per hour (no special topographical effect).
- (C) Seismic design category - A.
- (D) Weathering - Negligible.
- (E) Frost line depth - less than 6 inches.
- (F) Termites - Moderate.
- (G) Winter design temperature - 32 degrees.
- (H) Summer design temperature - 90 degrees - Hot and Humid environment.
- (I) Flood Hazard - Current FEMA maps J. Mean Annual Temperature - 70 degrees.
- (K) Rainfall - 4.25 inches per hour, 100 year.

(10) Section R311.1. Means of Egress.

- (A) 311.1(a) Front door shall be a minimum of 36 inches wide and 78 inches tall.
  - (B) Window seats may count as the finished floor height only where a windowsill cannot feasibly be below 44" for egress, due to first floor encroachment below the window.
- (11) Section P3114 - The building official may approve the use of air admittance valves as a vent of last resort.
- (12) Part VIII Electrical is deleted in its entirety. Electrical systems shall be installed under the 2014 National Electrical Code and local amendments.

**Section 4. Amendment of Ordinances.** All other ordinances relating to the adoption of prior versions of the International Building Code and International Residential Code, and any other earlier or prior codes, are hereby amended in their entirety to read as provided in this Ordinance, and all other ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

**Section 5. Violations and Penalties.** Any person violating any provision of this ordinance shall be fined for each and every day during which any violation of any provision of this ordinance is committed, continued, or permitted in an amount not to exceed \$ 2,000.00.

**Section 6. Savings Clause.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting dangerous and substandard buildings within the City which are pending or have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal,

whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 7. Severability.** It is hereby declared that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Section 8. Open Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**Section 9. Effective Date.** This ordinance shall take effect immediately upon its approval and passage and publication as required by law.

**FIRST READING** on this the 9 day of February, 2021.

**SECOND READING** on the 9th day March , 2021.

**PASSED AND APPROVED** on this the 9 day of March, 2021.

**THE CITY OF MARLIN, TEXAS**

  
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Carolyn Lofton, Mayor

**ATTEST:**

  
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Maryann Waddle, City Secretary