

ORDINANCE NO. 11122002 -B

An Ordinance of the City of Niederwald, Texas, adopting the 2000 edition of the International Residential Code, save and except the deletions and amendments set forth herein; regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and related accessory structures in the City of Niederwald, Texas; providing for a penalty for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.

WHEREAS, the City Council of the City of Niederwald, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Niederwald, Texas ("Niederwald") to adopt the 2000 Edition of the International Residential Code, save and except the deletions and amendments set forth below: and

WHEREAS, the Niederwald Planning and Zoning Commission and the Building Official for Niederwald have reviewed the 2000 Edition of the International Residential Code and both recommend adoption of the same by the City Council.

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

Section 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the 2000 International Residential Code. The International Residential Code, 2000 Edition, copyrighted by the International Code Council, Inc. including Appendix Chapters G, J, and K, save and except the deletions and amendments as set forth below and in Section 3 of this Ordinance, is hereby adopted as the residential building code for Niederwald, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures located in Niederwald (the "2000 International Residential Code"). The 2000 International Residential Code, save and except the deletions and amendments as set forth below and in Section 3 of this Ordinance, is made a part of this Ordinance as if fully set forth herein. One (1) copy of the 2000 International Code Council, Inc., is on file in the office of the City Secretary of Niederwald being marked and designated as the 2000 International Residential Code.

Section 3: Amendments to the 2000 International Residential Code. The 2000 International Residential Code is amended as follows:

A. Section P3111.1 of the 2000 International Residential Code is hereby amended to read as follows:

P3111.1 Limitation.

P3111.1.1 General. Combination Waste and Vent Systems shall be permitted only where:

1. Structural conditions preclude the installation of conventional systems as otherwise prescribed by this Code;
2. The installation of the Combination Waste and Vent System is specifically approved by the Building Official before it is installed; and
3. The Combination Waste and Vent System shall not serve any fixture other than floor drains, standpipes, sinks and lavatories.

B. Section P3112.2 of the 2000 International Residential Code is hereby amended to read as follows:

P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drain board height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drain board shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

C. Section P3112.3 of the 2000 International Residential Code is hereby deleted.

D. Section P3114 of the 2000 International Residential Code is hereby amended as follows:

P3114.1 General. Air admittance valves shall not be utilized in a Vent System without specific approval of the Building Official prior to the installation of the system. Air admittance valves shall only be approved by

the Building Official if the use of conventional venting methods would, in the Building Official's sole discretion, create an undue hardship.

Section 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction there of shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Niederwald from filing suit to enjoin the violation. Niederwald retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 6: 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 portions of said ordinances shall remain in full force and effect.

Section 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Niederwald 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 or invalid.

Section 8: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

PASSED AND APPROVED by the City Council of the City of Niederwald, Texas this 12th day of NOVEMBER, 2002.



Rickie Adkins, Mayor
City of Niederwald

ATTEST:



Angie Schulze, City Secretary
City of Niederwald

