

## CHAPTER 156

BUILDING CODE

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156.01 ADOPTION OF 2009 INTERNATIONAL BUILDING CODE AND 2009 INTERNATIONAL RESIDENTIAL CODE. Pursuant to published notice and public hearing as required by law, the 2009 International Building Code and the 2009 International Residential Code is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. An official copy of the 2009 International Building Code and the 2009 International Residential Code is on file in the office of the Clerk.

156.02 AMENDMENTS, MODIFICATIONS AND DELETIONS. The following amendments, modifications, additions and deletions to the 2009 International Building Code and 2009 International Residential Code are hereby made:

Section 3. Delete IBC 2009 Section 113

Section 4. Delete Section R313; refer to Grimes Ordinance Chapter 154 Fire Code Section 903

Section 5. Delete IRC 2009 112

Section 6. Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 90 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced.

Section 7. Exterior Walls Exception #1

Accessory structure with an area of 100 square feet or more located less than 10 feet from a dwelling and/or another structure shall be provided with two layers of 5/8" Type X sheetrock or equivalent in throughout the areas of the structure that encroaches the 10 feet.

1. Section 3109.4.1 – 3109.4.3 is hereby instated with the following amendments:

A. Swimming Pools. No person shall maintain or use a swimming pool unless it conforms to the requirements of this chapter, and in the event that any swimming pool is found not to comply with the terms of this chapter, it shall constitute a nuisance within the definition of Chapter 50 of this Code of Ordinances and the City may invoke remedies and penalties provided in said chapter. This section provided for construction regulations and permit fees with regard to swimming pools.

B. The definition of a swimming pool shall be: SWIMMING POOLS. Any structure intended for swimming, recreational bathing or wading that has the capacity of containing water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

C. Permit Required. No person shall construct or any alteration, addition, remodeling or other improvements to a swimming pool without a permit therefore. Swimming pools shall be maintained in accordance with the provisions of this chapter.

D. Application. A person seeking a permit shall make an application to the Clerk for such permit. The plans and specifications and plot plan, as well as other pertinent explanatory data, shall be submitted with each application.

E. Issuance of Permit. If the plans and specifications and plot plans meet the requirements of this chapter, a permit fee of \$15.00 for an above ground pool, three (3) feet or less in height, or a fee of \$50.00 for all other types of pools, shall be paid to the Clerk.

F. Design Requirements. The materials used in lining swimming pools shall be light in color, impervious to water, and provide a tight tank with smooth and easily cleaned surfaces. Sand or dirt bottoms are prohibited.

G. Plumbing. All cross connections between the City water supply or the sewer system in the plumbing of a swimming pool shall be constructed in accordance with the 2009 Uniform Plumbing Code.

H. Electrical. All electrical construction shall be installed in accordance with the current National Electric Code.

I. This Ordinance shall apply to all existing and new swimming pools. All existing swimming pools shall comply within fourteen (14) days of the effective date of this ordinance.

(For reference the IBC states the following:

3109.4 Residential swimming pools.

Residential swimming pools shall comply with sections **3109.4.1 through 3109.4.3.**

**Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346.**

3109.4.1 Barrier height and clearances.

The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

3109.4.1.1 Openings.

Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.1.2 Solid barrier surfaces.

Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 Closely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.1.4 Widely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical

members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

#### 3109.4.1.5 Chain link dimensions.

Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

#### 3109.4.1.6 Diagonal members.

Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

#### 3109.4.1.7 Gates.

Access gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped with a locking device.

Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7mm) within 18 inches (457mm) of the release mechanism.

#### 3109.4.1.8 Dwelling wall as a barrier.

Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

- 1.** Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.
- 2.** The pool shall be equipped with a power safety cover which complies with ASTM F 1346.
- 3.** Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

#### 3109.4.1.9 Pool structure as barrier.

Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

**3109.4.3 Prohibited locations.**

**Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers. )**

**2. FENCE**

Definitions: The following Construction terms are defined for use in this chapter only.

1. "Fence" means a freestanding structure over thirty-five (35) inches in height and shall be designed to restrict or prevent movement across a boundary.
2. "Fence, decorative" means a freestanding structure less than thirty-five (35) inches in height used to enhance the appearance of a property, garden or other landscaping and is not designed to restrict or prevent movement across a boundary
3. "Lot, Corner" means a lot adjacent to two (2) or more streets at their intersection.
4. "Lot , double frontage" means a lot having frontage on two (2) non-intersecting streets.
5. "Lot, triple frontage" means a lot having a frontage on three (3) intersecting streets.
6. "Yard, front" means the area from the public right -of-way to the front setback of the residence or building exclusive or any porches and is located where the primary entrance of the structure is facing. If ambiguous circumstances exist the front yard may be defined at the City Administrator's/designee's discretion.
7. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

8. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, double frontage lots, triple frontage lots and interior lots, the rear yard is the yard opposite of the front yard.

Construction: No fence may be constructed within the City unless the following requirements are met:

- A. Building Permit Required. The plans for the proposed fence must be submitted to the City Building Official along with a building permit application and a fifteen dollar (\$15.00) fee must be paid upon issuance of the building permit to construct the fence.
- B. The fence must be constructed such that the finished side of the fence is facing the street or adjacent yard.
- C. Fence constructed on side yards adjacent to street frontage – the fence may be constructed no closer to the side yard property line than the height of the fence itself.
- D. Fence construction on side yards that are not adjacent to street frontage – the fence may be constructed on the side yard property line.
- E. Fence construction in front yards – no fence may be constructed in a front yard
- F. Fence construction in rear yards on double or triple frontage lots – fences may be constructed no closer than ten (10) feet from the rear yard property line.
- G. Fence construction in rear yards on all lots other than double or triple frontage lots – fences may be constructed on the rear yard property line.
- H. Fences constructed along trails or sidewalks. Fences that border trails or sidewalks must be constructed with a minimum setback of 10 feet. Fences that border trails or sidewalks that run in-between two properties must be constructed with a minimum setback of 3 feet.
- I. Portions of this ordinance may be waived due to extenuating circumstances upon presentation to and approval by the City Council.

- J. Fences may not be installed anywhere within a forty (40) foot vision triangle.
- K. Fences constructed on commercial or industrial zoned property – no fence shall be added to an existing site plan without submitting a revised site plan showing the new fence has been approved per Grimes Code of Ordinances.
- L. Fence height – shall not exceed six (6) feet tall unless approved by the Grimes City Council and/or used in a commercial or industrial zones.
- M. Barbed Wire and Electric fences - shall not be allowed to enclose land within without the consent of the City Council unless such land consists of ten (10) or more acres and is used as agricultural land.
- N. Fences are to be constructed of customarily used materials such as chain-link, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental woven wire or other similar materials. Fences shall be firmly connected to posts sunk in the soil at least two feet or more as necessary to properly support the fence. Any fence considered by the Building Administrator or his/her designee, to not be a standard or customarily styled or construction fence is prohibited.

The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock or other animals or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets or strips; plastic or vinyl tarps, sheets, mesh, or strips; bamboo; reed; plywood sheeting. Chain link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. Wood fences shall be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, or green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.

An exception may be approved by the Building Administrator, or his/her designee, for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts.

1. Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc. Walls constructed of weather resistant wood or manufactured substitutes may be used if brick or stone columns are incorporated and spaced no more than twenty feet (20') on center.
2. Prohibited Materials: A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited, unless specified otherwise herein.
3. Construction and Maintenance: All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Building Administrator, or his/her designee, after ten (10) days' notice to the owner of the fence, may order the removal of any fence that is not maintained in accordance with the provisions of this code and the cost assessed against the property where said fence is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

156.04 TEMPORARY PERMIT. The Building Inspector may approve the construction of part of a building or structure and shall endorse upon the plans and specifications for such part such approval before the entire plans and specifications for the whole building or structure have been submitted and approved, provided adequate information and detailed statements have been filed, complying with the pertinent requirements of this Code. Upon approval of the plans and specifications the Clerk shall issue a temporary permit, and the holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire building or structure shall be granted.

156.05 FEE SCHEDULE. Building permits. A fee for each building permit shall be paid to the City Clerk as set forth in the fee schedule entitled "Building Permit Fees," as adopted by the City Council by resolution from time to time. If construction on the building project has either commenced or finished prior to the time that the building permit application is submitted, the Clerk shall charge a fee which is double that set forth in the "Building Permit Fees" schedule.

FEES:

\$1.00 to \$500.00 -Fee is \$22.00

\$501.00 to \$2000.00 -Fee is \$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2000.00.

\$2,001.00 to \$50,000.00 -Fee is \$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.

\$25,001.00 to \$50,000.00 -Fee is \$352.00 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.

\$50,001.00 to \$100,000.00 -Fee is \$580.00 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.

\$100,001.00 to \$500,000.00 -Fee is \$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.

\$500,001.00 to \$1,000,000.00 -Fee is \$2,855.00 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.

\$1,000,001 and up -Fee is \$4,955.00 for the first 1,000,000.00 plus \$2.75 for each additional \$1,000.00, or fraction thereof.

**Other Inspection Costs:**

Inspections requested of the Building Inspector after normal business hours shall be paid according to Grimes Code of Ordinances Chapter 8 and shall be \$50.00 per hour with a minimum of 2 hours charged.

Inspections after normal business hours are subject to availability of personnel.

156.06 CONFLICT WITH STATE LAWS. Nothing in this chapter or in the 2009 International Building Code shall be construed to be in conflict with the State laws or State Housing Code. In the event of such conflict, the State laws will prevail.

156.07 ADMINISTRATION AND ENFORCEMENT. This chapter shall be enforced by the Building Official. No building permit or certificate of occupancy shall be issued by the Clerk unless in accordance with the provisions of this chapter.