

ORDINANCE NO. 5322

**AN ORDINANCE OF THE CITY OF DENISON, TEXAS,
AMENDING CHAPTER 5 “BUILDINGS AND BUILDING
REGULATIONS”; PROVIDING FOR REPEALING,
SAVINGS, AND SEVERABILITY CLAUSES; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Denison, Texas (the “**City**”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Denison (the “**City Council**”) adopted Chapter 5 of its Code of Ordinances, which governs buildings and building regulations in the City; and

WHEREAS, the City Council wishes to make amendments to this chapter of the code to better align with updated development, health, and safety standards of the City.

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

Section 1: Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2: Amendment. Chapter 5, “Buildings and Building Regulations” is hereby amended to revise certain sections as provided in **Exhibit A**, attached hereto and incorporated herein. The inclusion of “. . .” within **Exhibit A** indicates sections that shall contain no revisions.

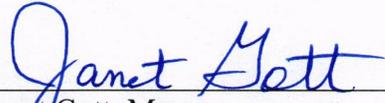
Section 3. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.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 4. 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. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, 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 5. Effective Date. This Ordinance shall become effective immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, on this the 6th day of November, 2023.

APPROVED:



Janet Gott, Mayor

ATTEST:



Christine Wallentine, City Clerk

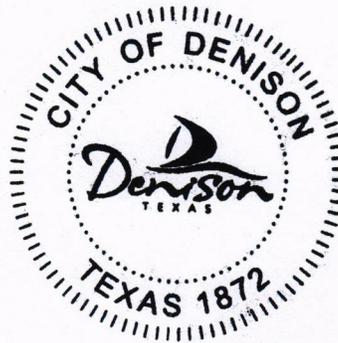


EXHIBIT A

Chapter 5 BUILDINGS AND BUILDING REGULATIONS

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ARTICLE III. BUILDING CONSTRUCTION STANDARDS

Sec. 5-301. International Building Code adopted.

(a) The International Building Code, 2018 Edition, as published by the International Code Council, and the whole thereof, except such portions as may hereinafter be amended, is hereby adopted and incorporated as fully as if set forth at length herein, and from and after the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city. A copy of the International Building Code shall be on file in the office of the city clerk for inspection during normal business hours.

(b) The International Building Code, 2018 Edition is amended as follows:

(1) Section 101.1 of the 2018 International Building Code is hereby amended as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Denison, hereinafter referred to as "this code."

(2) Section 101.4 of the 2018 International Building Code is hereby amended by adding a new section as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the electrical Code as adopted.

(3) Section 109 of the 2018 International Building Code is hereby amended as follows:

109.1 Fees. A permit shall not be issued until the fees prescribed by the city's adopted fee schedule have been paid, and an amendment to a permit shall not be released until the additional fee, if any, has been paid.

109.2 Work commencing before permit issuance. Any person who commences any work requiring a permit before obtaining the necessary permits shall be subject to the penalty prescribed in the city's adopted fee schedule, but in no case less than a penalty equal to 100 percent of the usual permit fee in addition the required permit fees.

109.3 Fee schedule. The fees for all work requiring a permit shall be as indicated in the city's adopted fee schedule.

109.4 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
2. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

109.5 Re-inspection Fee. A fee as established by city council may be charged when, but not limited to the following:

1. The inspection requested is not ready when the inspector arrives;
2. No building address or permit paperwork is clearly posted;
- 3.
4. The building is locked or work otherwise not available for inspection when requested;
5. The job site is failed twice for the same item;
- 6.
7. Form board survey is not uploaded into the permit when inspector arrives for the plumbing rough-in inspection.
8. Failure to maintain erosion control, trash control or tree protection. Any reinspection fees assessed shall be paid before any more inspections are made on that job site.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

(4) Section 111.1 of the 2018 International Building Code is hereby amended as follows:

111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Whenever there is a change in tenant or ownership of a building, a new certificate of occupancy shall be required within 30 days of the change in tenant or ownership of the building. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section 105.2.
2. Certificates of occupancy are not required for Group R-3 and Group U occupancies.

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ARTICLE III. BUILDING CONSTRUCTION STANDARDS

Sec. 5-302. International Residential Code for One- and Two-Family Dwellings adopted.

- (a) The International Residential Code for One- and Two-Family Dwellings, 2018 Edition, as published by the International Code Council, and the whole thereof, except such portions as may hereinafter be amended, is hereby adopted and incorporated as fully as if set forth at length herein, and from and after the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city. A copy of the International Residential Code for One- and Two-Family Dwellings shall be on file in the office of the chief building official for inspection during normal business hours.
- (b) The International Residential Code for One- and Two-Family Dwellings, 2018 Edition, is amended as follows:

- (1) Section R101.1 of the 2018 International Residential Code for One- and Two-Family Dwellings is hereby amended as follows:

R101.1 Title. These regulations shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Denison hereinafter referred to as "this code."

- (2) Section R102.4 of the 2018 International Residential Code for One- and Two-Family Dwellings is hereby amended as follows:

R102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of a listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

R102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

R102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

- (3) Section R105.2 of the 2018 International Residential Code for One- and Two-Family Dwellings is hereby amended by deleting items 1, 2 and 10 under Building.
- (4) Section R108 of the 2018 International Residential Code for One- and Two-Family Dwellings is hereby amended as follows:

R108.1 Fees. A permit shall not be issued until the fees prescribed by the city's adopted fee schedule have been paid, and an amendment to a permit shall not be released until the additional fee, if any, has been paid.

R108.2 Work commencing before permit issuance. Any person who commences any work requiring a permit before obtaining the necessary permits shall be subject to the penalty prescribed in the city's adopted fee schedule, but in no case less than a penalty equal to 100 percent of the usual permit fee in addition the required permit fees.

R108.3 Fee schedule. The fees for all work requiring a permit shall be as indicated in the city's adopted fee schedule.

R108. Fee refunds. The code official shall authorize the refunding of fees as follows:

1. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
2. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

R108.5 Re-inspection Fee. A fee as established by city council may be charged when, but not limited to the following:

1. The inspection requested is not ready when the inspector arrives;
2. No building address or permit is clearly posted;

- 3.
4. The building is locked or work otherwise not available for inspection when requested;
5. The job site is failed twice for the same item;
- 6.
7. Form board survey is not uploaded into the permit when inspector arrives for the plumbing rough-in inspection.
8. Violations exist on the property including failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

- (5) Table R301.2(1) of the 2018 International Residential Code for One- and Two-Family Dwellings is hereby amended by completing the undesignated values as follows:

Ground Snow Load	5 lb/ft ²
Wind Speed	115 (3-sec-gust)/ 76 fastest mile
Topographic effects	No
Seismic Design Category	A
Weathering	Moderate
Frost line depth	6"
Termite	Very Heavy
Winter Design Temp	22°F
Ice Barrier Underlayment Required	No
Flood Hazards	Local Code
Air Freezing Index	150
Mean Annual Temp	64.9°F

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ARTICLE III. BUILDING CONSTRUCTION STANDARDS

Sec. 5-304. National Electrical Code adopted.

- (a) The 2023 Edition of the National Electrical Code of the National Fire Protection Association, and the whole thereof, except such portions as may hereinafter be amended, is hereby adopted and incorporated as fully as if set forth at length herein, and from and after the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city. A copy of the National Electric Code shall be on file with the building official for inspection during normal business hours.
- (b) The National Electrical Code, 2023 Edition, is amended as follows:

DIVISION 8 NATIONAL ELECTRIC CODE. Sec. 3.02.351 of the 2023 National Electrical Code is hereby amended as follows:

- (1) Article 100 is hereby amended to add the definition as follows:

Engineering Supervision – Supervision by a qualified State of Texas Licensed Professional Engineer engaged primary in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

(2) Article 110.2 is amended as follows:

110.2 Approval. The conductors and equipment required or permitted by this code shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board program and approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the ICC IAS AC354 or ANAB programs and approved by the AHJ.

Informational Note 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of Approved, Identified, Labeled, and Listed.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with U.S. product safety standards as certified by an NRTL.

Informational Note No. 3: National Fire Protection Association (NFPA) 790 and 791 provide an example of an approved method for qualifying a third-party inspection agency.

(3) Article 110.5 is amended as follows:

110.5 Conductors. Conductors normally used to carry current shall be of copper or may be of aluminum of (2) AGW or larger and may be used only for service panel boards or sub-panel board service feeders. Where conductor material is not specified, the material and the sizes... (the rest of the paragraph as written.)

(4) Article 110.12 B is amended to add the following:

(B) Integrity of Electrical Equipment and Connections.

Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, corrosive residues or influences, fire, products of combustion, or water.

There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; or deteriorated by corrosion, chemical action, or overheating. Except where prohibited elsewhere in this Code, equipment shall be specifically evaluated by its manufacturer or a qualified testing laboratory prior to being returned to service .

(5) Article 210.8 A 1; Bathrooms Exception is amended as follows:

Dwelling Units.

All 125-volt through 250-volt receptacles installed in the following locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:

Bathrooms

Exception No. 4: Factory-installed receptacles that are not readily accessible and are mounted internally to exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.

- (6) Article 210.52 C 1; Countertop and Work Surfaces Exception is amended as follows:

C) Countertops and Work Surfaces.

In kitchens, pantries, breakfast rooms, dining rooms, and similar areas of dwelling units, receptacle outlets for countertop and work surfaces that are 300 mm (12 in.) or wider shall be installed in accordance with 210.52 (C) (3) through (C)(3) and shall not be considered as the receptacle outlets required by 210.52(A).

For the purposes of this section, where using multioutlet assemblies, each 300 mm (12 in.) of multioutlet assembly containing two or more receptacles installed in individual or continuous lengths shall be considered to be one receptacle outlet.

(2) Wall Spaces.

Receptacle outlets shall be installed so that no point along the wall line is more than 600 mm (24 in.) measured horizontally from a receptacle outlet in that space. The Location of the receptacles shall be in accordance with 210.52 (C) (3).

Exception: Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52 (C) (1).

- (7) Article 210.52 (C)(2); Island and Peninsular Countertops and Work Surfaces is amended as follows:

Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52 (C) (3). If receptacle outlet is not provided to serve an island or peninsular countertop or work surface a Chapter 3 wiring method shall be installed and supplied from a Small Appliance Branch Circuit to a listed outlet box in the peninsular countertop or work surface.

- (8) Article 210.63 (B) (1), (2); Equipment Requiring Servicing is amended as follows:

(B) Other Electrical Equipment.

In other than one- and two-family dwellings, a receptacle outlet shall be located as specified in 210.63(B) (1) and (B)(2).

(1) Indoor Service Equipment

The required receptacle outlet shall be located within the same room or area as the service equipment.

(2) Indoor Equipment Requiring Dedicated Equipment Spaces.

Where equipment, other than service equipment, requires dedicated equipment space as specified in 110.26(E), the required receptacle outlet shall be located within the same room or area as the electrical equipment.

(9) Article 220.7; Load Calculation is added to read as follows:

A load calculation shall be provided upon request when modifications to the electrical installation occurs.

(10) Article 230.2 is amended to add additional language at the end of section to read as follows:

230.2 Number of Services. {no changes to current section} ... The height of the meter, measured from finish grade, shall be between a minimum height of 4 feet to a maximum of 6 feet measured to the center of the glass. For residential services, only one service will be allowed for main building and other structures.

(11) Article 230.70 (A) (1) is amended as follows:

1) Readily Accessible Location. The service disconnection means shall be installed at a readily accessible location on the outside of a building or structure nearest the service.

(12) Article 230.85 Emergency Disconnects (C) Replacement is amended as follows:

(C) Replacement

Where service equipment is replaced, all of the requirements of this section shall apply.

Exception: Where a pre-existing installation is Code Compliant with 230.70 A, only meter sockets, service entrance conductors, or related raceways and fittings are replaced, the requirements of this section shall not apply.

(13) Article 408.4 Descriptions Required is amended as follows:

(A) Circuit Directory or Circuit Identification.

Every circuit and circuit modification shall be provided with legible and permanent description that complies with all of the following conditions as applicable:

- (1) Located at each switch or circuit breaker in a switchboard or switchgear
- (2) Included in a circuit directory that is located on the face of, inside of, or in an approved location adjacent and permanently affixed to the panel door in the case of a panelboard.
- (3) Clear, evident and specific to the purpose or use of each circuit including spare positions with an unused overcurrent device.
- (4) Described with a degree of detail and clarity that is unlikely to result in confusion between circuits.
- (5) Not dependent on transient conditions of occupancy.
- (6) Clear in explaining abbreviations and symbols when used.

(14)Article 410.118 is amended as follows:

410.118 Access to other boxes.

Luminaires recessed in the ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.

Exception: removable luminaires with a minimum measurement of 22 in. X 22 in. shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.

(15)Article 422.31 (B) is amended as follows:

422.31 (B) Appliances Rated over 300 Volt-Amperes

(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance it serves or is capable of being locked in the open position in accordance with 110.25 and is readily accessible to the appliance it serves.

Informational Note No. 1: For appliances employing unit switches, see 422.34.

Informational Note No 2: The following means of access are considered to constitute readily accessible for this code change when conforming to the additional access requirements of the I Codes:

- (1) A permanent stair
- (2) A pull-down stair with a minimum 300 lb. (136 kg) capacity
- (3) An access door from an upper floor level

(16)Article 500.8 (A) (3) is amended as follows:

500.8 Equipment.

Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C. (-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

- (A) Suitability. One of the following shall determine suitability of identified equipment:
- (1) Equipment listing or labeling.
 - (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation; or,
 - (3) By Special Permission Only, Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation accompanied by or an owner's engineering judgment an engineering judgment signed and sealed Under Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

(17)Article 505.7 and 505.7 (A) is amended as follows:

505.7 Special Precaution.

This article requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Electrical equipment that is dependent on the protection technique by 505.8 (A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. Low ambient conditions require special consideration. At low ambient temperatures, flammable concentrations of vapors might not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

- (A)Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by Supervision. By a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

(B)GO TO TBPE LAW FOR THE DEFINITION OF AN ENGINEER
i.<https://pels.texas.gov/>

(18)Article 690.9 (D) is amended as follows:

690.9 (D) Transformers. Overcurrent protection for power transformers shall be installed in accordance with 705.30(F).

(19)Article 695.6.(A) (1) is amended as follows:

695.6 (A) Supply Conductors.

(1) Services and On-Site Power Production Facilities.

Service conductors and conductors supplied by on-site power production facilities shall be physically routed outside a building(s) and shall be installed as service-entrance conductors in accordance with 230.6, 230.9, and Parts III and IV of Article 230. Where supply conductors cannot be physically routed outside of buildings, the conductors shall be permitted to be routed through the building(s) where installed in accordance with 230.6(1) or (2).

(20)Article 705.8 System Installation is amended as follows:

705.8 System Installation. Installation of one or more electrical power production sources operating in parallel with a primary source(s) of electricity shall be performed only by qualified persons. During the installation there shall be on site one of the following:

(1) A person holding a Master Electrician License issued by the Texas Department of Licensing and Regulation.

(2) A person holding a Journeyman Electrician License issued by the Texas Department of Licensing and Regulation.

(21)Article 705.80 is amended as follows:

705.80 Power Source Capacity.

For interconnected power production sources that operate in island mode, capacity shall be calculated using the sum of all power source output maximum currents for the connected power production source. Solar photovoltaic (PV) and wind systems shall not be included in the sum capacity.

(22)Article 710.15 (A) Supply Output: Delete this section in its entirety.

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ARTICLE III. BUILDING CONSTRUCTION STANDARDS

Sec. 5-305. International Mechanical Code adopted.

(a) The International Mechanical Code, 2018 Edition, as published by the International Code Council, and the whole thereof, except such portions as may hereinafter be amended, is hereby adopted and incorporated as fully as if set forth at length herein, and from and after the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city. A copy of the International Mechanical Code shall be on file in the office of the chief building official for inspection during normal business hours.

(b) The International Mechanical Code, 2018 Edition, is amended as follows:

(1) Section 101.1 of the 2018 International Mechanical Code is hereby amended as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Denison, hereinafter referred to as "this code."

(2) Section 102.8 of the 2018 International Mechanical Code is hereby amended as follows:

102.8 Referenced codes. The codes and standards listed herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to the referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

(3) Section 106.5 of the 2018 International Mechanical Code is hereby amended as follows:

106.5 Fees. A permit shall not be issued until the fees prescribed by the city's adopted fee schedule have been paid, and an amendment to a permit shall not be released until the additional fee, if any, has been paid.

106.5.1 Work commencing before permit issuance. Any person who commences any work requiring a permit before obtaining the necessary permits shall be subject to the penalty prescribed in the city's adopted fee schedule, but in no case less than a penalty equal to 100 percent of the usual permit fee in addition the required permit fees.

106.5.2 Fee schedule. The fees for all work requiring a permit shall be as indicated in the city's adopted fee schedule.

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

2. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

106.5.4 Re-inspection Fee. A fee as established by city council may be charged when, but not limited to the following:

1. The inspection requested is not ready when the inspector arrives;
2. No building address or permit is clearly posted;
- 3.
4. The building is locked or work otherwise not available for inspection when requested;
5. The job site is failed twice for the same item;
- 6.
7. Form board survey is not uploaded into the permit when inspector arrives for the plumbing rough-in inspection.
8. Violations exist on the property including failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

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ARTICLE III. BUILDING CONSTRUCTION STANDARDS

Sec. 5-306. International Plumbing Code adopted.

- (a) The International Plumbing Code, 2018 Edition, as published by the International Code Council, and the whole thereof, except such portions as may hereinafter be amended, is hereby adopted and incorporated as fully as if set forth at length herein, and from and after the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city. A copy of the International Plumbing Code shall be on file in the office of the chief building official for inspection during normal business hours.
- (b) The International Plumbing Code, 2018 Edition, is amended as follows:
 - (1) Section 101.1 of the 2018 International Plumbing Code is hereby amended as follows:

101.1 Title. These regulations shall be known as the International Plumbing Code of the City of Denison hereinafter referred to as "this code."
 - (2) Section 102.8 of the 2018 International Plumbing Code is hereby amended as follows:

102.8 Referenced codes. The codes and standards listed herein shall be those that are listed in Chapter 14 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to the referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

(3) Section 106 of the 2018 International Plumbing Code is hereby amended as follows:

106.5 Fees. A permit shall not be issued until the fees prescribed by the city's adopted fee schedule have been paid, and an amendment to a permit shall not be released until the additional fee, if any, has been paid.

106.5.1 Work commencing before permit issuance. Any person who commences any work requiring a permit before obtaining the necessary permits shall be subject to the penalty prescribed in the city's adopted fee schedule, but in no case less than a penalty equal to 100 percent of the usual permit fee in addition the required permit fees.

106.5.2 Fee schedule. The fees for all work requiring a permit shall be as indicated in the city's adopted fee schedule.

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
2. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

106.6.4 Re-inspection Fee. A fee as established by city council may be charged when, but not limited to the following:

1. The inspection requested is not ready when the inspector arrives;
2. No building address or permit is clearly posted;
- 3.
4. The building is locked or work otherwise not available for inspection when requested;
5. The job site is failed twice for the same item;
- 6.
7. Form board survey is not uploaded into the permit when inspector arrives for the plumbing rough-in inspection.
8. Violations exist on the property including failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

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ARTICLE III. BUILDING CONSTRUCTION STANDARDS

Sec. 5-308. International Fuel Gas Code adopted.

- (a) The International Fuel Gas Code, 2018 Edition, as published by the International Code Council, and the whole thereof, except such portions as may hereinafter be amended, is hereby adopted and incorporated as fully as if set forth at length herein, and from and after the date on which this section shall take effect, the provisions therein shall be controlling within the area of jurisdiction of the city. A copy of the International Fuel Gas Code shall be on file in the office of the chief building official for inspection during normal business hours.
- (b) The International Fuel Gas Code, 2018 Edition is amended as follows:
- (1) Section 101.1 of the 2018 International Fuel Gas Code is hereby amended as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Denison, hereinafter referred to as "this code."
 - (2) Section 102.8 of the 2018 International Fuel Gas Code is hereby amended as follows:

102.8 Referenced codes. The codes and standards listed herein shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to the referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.
 - (3) Section 106.6 of the 2018 International Fuel Gas Code is hereby amended as follows:

106.6 Fees. A permit shall not be issued until the fees prescribed by the city's adopted fee schedule have been paid, and an amendment to a permit shall not be released until the additional fee, if any, has been paid.

106.6.1 Work commencing before permit issuance. Any person who commences any work requiring a permit before obtaining the necessary permits shall be subject to the penalty prescribed in the city's adopted fee schedule, but in no case less than a penalty equal to 100 percent of the usual permit fee in addition the required permit fees.

106.6.2 Fee schedule. The fees for all work requiring a permit shall be as indicated in the city's adopted fee schedule.

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

 1. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

2. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

106.6.4 Re-inspection Fee. A fee as established by city council may be charged when, but not limited to the following:

1. The inspection requested is not ready when the inspector arrives;
2. No building address or permit is clearly posted;
- 3.
4. The building is locked or work otherwise not available for inspection when requested;
5. The job site is failed twice for the same item;
- 6.
7. Form board survey is not uploaded into the permit when inspector arrives for the plumbing rough-in inspection.
8. Violations exist on the property including failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

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ARTICLE III. BUILDING CONSTRUCTION STANDARDS

Sec. 5-316. Residential water heaters.

Any water heater installed in a residential occupancy is prohibited from being installed in the attic.

Exception[s]:

- (1) Existing residential occupancies where a water heater is being replaced that is already located in the attic.
- (2) A residential occupancy where there are permanent stairs that lead directly from the second floor area to the attic. Pull-down attic stairs will not be considered permanent stairs for the purpose of this section.
- (3) Tankless water heaters shall be allowed to be installed in attics.

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ARTICLE VI. INSPECTIONS

Sec. 5-601. Notice of completion and application for inspection.

It shall be the duty of the person installing any work requiring a permit under this chapter to notify the inspection department. Such person shall notify the inspection department that the work is ready for an inspection. All persons making requests for inspections must do so online within the departments permit and inspection program. Requests for inspection for other than times the inspection department is open for business must be by special arrangement.

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ARTICLE VI. INSPECTIONS

Sec. 5-605. Inspection tags.

- (a) All inspection results will be posted on the permitting software used by the city.
- (b) It shall be unlawful for any person to proceed with any work requiring an inspection or conceal any work unless an inspection is listed as passed in the online software.
- (c) The gas and electric service provider shall not install a utility meter for any use unless a release has been made for the service by the chief building official or his/her authorized representative.
- (d)