

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 4 “BUILDING REGULATIONS” IN THE SUNNYVALE CODE OF ORDINANCES BY TRANSFERRING ARTICLE 4.04 “PUBLIC WORKS IMPROVEMENTS” TO ARTICLE 4.04 “PUBLIC WORKS IMPROVEMENTS” AND REDESIGNATING THE SECTION TO REFLECT THE CHANGE AND BY ADDING ARTICLE 4.04 “EXISTING BUILDING CODE” TO ADOPT THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE WITH LOCAL AMENDMENTS; PROVIDING A PENALTY OF NOT MORE THAN TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Sunnyvale, Texas has investigated and determined that it in the best interest of the health, safety, and welfare of the citizens of the Town of Sunnyvale, Texas to adopt the 2021 Edition of the International Existing Building Code and the local amendments in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:**

**SECTION 1.** Recital. The recital set forth above is true and correct and is incorporated as if fully set forth herein.

**SECTION 2.** Transfer of Article 4.04 to 4.13. That Sunnyvale Code of Ordinances, Chapter 4 “Building Regulations,” Article 4.04 “Public Works Improvements” is hereby transferred in its entirety to Article 4.13 “Public Works Improvements” and the sections redesignated to reflect the change.

**SECTION 3.** Amendment to Article 4.04. That Sunnyvale Code of Ordinances, Chapter 4 “Building Regulations,” is hereby amended by adding Article 4.04 “Existing Building Code” to read as follows:

**Article 4.04. – EXISTING BUILDING CODE**

**Sec. 4.04.001. – Adoption of Existing Building Code.**

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the Town and

certain equipment specifically regulated herein, the International Existing Building Code, 2021 Edition, copies of which, are on file in the Town Secretary's Office, are hereby adopted as The Existing Building Code of the Town as fully as if copied at length in this article, but with the changes therein and additions thereto provided in this article.

**Sec. 4.04.002. - Deletions, amendments, and additions.**

The International Existing Building Code as adopted in this article, is hereby modified by the deletions, amendments and additions provided herein to read as follows:

*(a) Section [A] 101.1 Title; the International Existing Building Code has been amended adding the Town's name to read as follows:*

**[A] 101.1 Title.** These regulations shall be known as the *Existing Building Code* of Town of Sunnyvale, hereinafter referred to as "this code."

*(b) Section [A] 101.4.8; the International Existing Building Code has been changed by adding a new subsection 101.4.8 Electrical to read as following:*

**101.4.8 Electrical.** The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted by the Town.

*(c) Section [A] 105.2; the International Existing Building Code is amended by amending and renumbering permit exemptions to read as follows:*

**[A] 105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

**Building:**

1. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Temporary motion picture, television and theater stage sets and scenery.
4. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s.

5. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.

### **Electrical:**

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

### **Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

### **Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

### **Plumbing:**

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall

be considered as new work and a *permit* shall be obtained, and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

*(d) Section [A] 105.5; Expiration, the International Existing Building Code has been amended to read as follows:*

**[A] 105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

*(e) Section [A] 108.2 Schedule of permit fees; the International Existing Building Code has been amended by adding a final sentence to read as follows:*

**[A] 108.2 Schedule of permit fees.** On buildings, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

*(f) Section [A] 110.1 Change of occupancy; the International Existing Building Code has been amended to read as follows:*

**[A] 110.1 Change of occupancy.** A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. 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.

A certificate of occupancy shall be obtained for a building, structure, tenant space or business where there is a change in occupancy use as found in the zoning ordinance of the Town of Sunnyvale, where there is a change in occupancy classification as found in the International Building Code, or where there is a change in ownership, tenants or occupants of the building, individual lease space, individual suite, or structure. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

***(g) Section [A] 110.2 Certificate issued; the International Existing Building Code has been amended to read as follows:***

**[A]110.2 Certificate Issued.** After all necessary inspections are conducted by the building inspection division and the fire department, and when it is determined that the building, individual lease space, individual suite, structure, or land complies with all applicable provisions of the ordinances of the Town of Sunnyvale, the Building Official shall issue a certificate of occupancy which may contain the following:

1. The address of the building, structure, or land.
2. The name of the tenant or occupant who is occupying or using the building, individual lease space, individual suite, structure, or land.
3. A statement concerning the approved use of the building, structure, or land.
4. The maximum allowed occupancy load for assembly uses.
5. Other information deemed necessary by the Building Official.

***(h) Section [A] 110.5 Certificate of occupancy fees; the International Existing Building Code has been amended by adding section [A] 111.5 Certificate of occupancy fees, to read as follows:***

***(i) Section [A] 112 Board of appeals; the International Existing Building Code has been changed in its entirety to read as follows:***

**[A] 112.1 General Board of Appeals.** The board of appeals shall be as established in the Town's most current adopted Building Code as prescribed in Article 4.02 of this code.

***(j) Section [A] 113.4 Violation penalties; the International Existing Building Code has been amended by adding a second paragraph to read as follows:***

**[A] 113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed by law.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1,000.00) per day and each day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm, or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.



(k) *Section 202; the International Existing Building Code has been amended by adding the definition of a High-Rise Building to read as follows:*

**High-Rise Buildings.** High rise building. A building having any floor for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access.

- (a) All references in the code to high rise buildings or portions thereof shall be assumed to have this meaning regardless of any other height specified.

**SECTION 4. Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not to exceed two thousand dollars (\$2,000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Sunnyvale retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 5. 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 portion of conflicting ordinances shall remain in full force and effect.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Sunnyvale 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.

**SECTION 7. Effective Date.** This Ordinance shall become effective **May 1, 2022**.

**DULY PASSED AND ADOPTED** by the Town Council of the Town of Sunnyvale, Texas, on this **14th** day of **March 2022**.

**TOWN OF SUNNYVALE, TEXAS**

  
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Saji George, Mayor

**ATTEST:**

  
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Rachel Ramsey, Town Secretary

