



# City of Magnolia

P.O. BOX 396  
MONTGOMERY COUNTY  
MAGNOLIA, TEXAS 77353-0396  
281-356-2266  
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## Ordinance No. 2006-105

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, ABOLISHING ORDINANCE NO. 308 AND ORDINANCE NO. 302 AND ADOPTING THE 2006 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, AND INTERNATIONAL FIRE CODE, INTERNATIONAL ENERGY CONSERVATION CODE INCLUDING ALL APPENDIXES, EACH AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND ADOPTING THE NATIONAL ELECTRICAL CODE, 2005 EDITION, AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; PROVIDING CERTAIN AMENDMENTS TO THE CODES ADOPTED HEREBY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:**

**Section 1. Building Code.** The *International Building Code, 2006 Edition*, including appendixes, as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinances, except as follows:

(a) Section 101.1 is hereby amended to read as follows:

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

(b) Section 101.4.1 is hereby amended to read as follows:

**101.4.1 Electrical.** The provisions of the *National Electrical Code 2005(NFPA 70)*, as published by the National Fire Protection Association, heretofore adopted by the City, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(c) Section 1612.3 is hereby amended to read as follows:

**1612.3 Flood Hazard Areas.** The most recent Flood Insurance Study for the City of Magnolia, as amended or revised, along with the most recent Flood Insurance Rate Map (FIRM), Flood Boundary and Floodway Map (FBFM), including related supporting data and revisions thereto, is hereby adopted by reference and declared to be a part of this section.

- (d) The first paragraph of Section 3410.2 is hereby amended to read as follows:

**3410.2 Applicability.** Structures existing prior to the effective date of this ordinance in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**Section 2. Mechanical Code.** The *International Mechanical Code, 2006 Edition*, including all appendixes, as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinance, except as follows:

- (a) Section 101.1 is hereby amended to read as follows:

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

- (b) Section 106.5.2 is hereby amended to read as follows:

**106.5.2 Fee Schedule.** The fees for permits required hereunder shall be in accordance with the schedule of fees as established from time to time by the City Council of the City of Magnolia.

- (c) Section 106.5.3 is hereby amended to read as follows:

**106.5.3. Fee Refunds.** Refunds of fees otherwise required hereunder shall be made only as provided from time to time by the City Council of the City of Magnolia.

- (d) Section 108.4 is hereby deleted.

- (e) Section 109.2 is hereby amended to read as follows:

**109.2 Membership of the Board.** The board of appeals shall be appointed by the City Council of the City of Magnolia. The qualifications of members of the board, and the terms for which such members shall serve, shall be as determined by the City Council. The City Council may remove any member of the board at any time, with or without cause,

regardless of whether such member has been appointed for a definite or an indefinite term.

**Section 3. Plumbing Code.** The *International Plumbing Code, 2006 Edition*, including all appendixes, as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinance, except as follows:

- (a) Section 101.1 is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Plumbing Code* of the City of Magnolia, Texas, hereinafter sometimes referred to as "this code."

- (b) Section 106.6.2 is hereby amended to read as follows:

**106.6.2 Fee Schedule.** The fees for permits required hereunder shall be in accordance with the schedule of fees as established from time to time by the City Council of the City of Magnolia.

- (c) Section 106.6.3 is hereby amended to read as follows:

**106.6.3 Fee Refunds.** Refunds of fees otherwise required hereunder shall be made only as provided from time to time by the City Council of the City of Magnolia.

- (d) Section 108.4 is hereby deleted.

- (e) Section 109.2 is hereby amended to read as follows:

**109.2 Membership of the Board.** The board of appeals shall be appointed by the City Council of the City of Magnolia. The qualifications of members of the board, and the terms for which such members shall serve, shall be as determined by the City Council. The City Council may remove any member of the board at any time, with or without cause, regardless of whether such member has been appointed for a definite or an indefinite term.

**Section 4. Fuel Gas Code.** The *International Fuel Gas Code, 2006 Edition*, including all appendices, as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinance, except as follows:

- (a) Section 101.1 is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Fuel Gas Code* of the City of Magnolia, Texas, hereinafter sometimes referred to as "this code."

- (b) Section 106.5.2 is hereby amended to read as follows:

**106.5.2 Fee Schedule.** The fees for permits required hereunder shall be in accordance with the schedule of fees as established from time to time by the City Council of the City of Magnolia.

- (c) Section 106.5.3 is hereby amended to read as follows:

**106.5.3 Fee Refunds.** Refunds of fees otherwise required hereunder shall be made only as provided from time to time by the City Council of the City of Magnolia.

- (d) Section 108.4 is hereby deleted.

- (e) Section 109.2 is hereby amended to read as follows:

**109.2 Membership of the Board.** The board of appeals shall be appointed by the City Council of the City of Magnolia. The qualifications of members of the board, and the terms for which such members shall serve, shall be as determined by the City Council. The City Council may remove any member of the board at any time, with or without cause, regardless of whether such member has been appointed for a definite or an indefinite term.

**Section 5. Residential Code for One and Two Family Dwellings.** The *International Residential Code for One and Two Family Dwellings, 2006 Edition*, including all appendices, as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinance, except as follows:

- (a) Section 101.1 is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *International Residential Code for One- and Two-Family Dwellings* of the City of Magnolia, Texas, hereinafter sometimes referred to as "this code."

- (b) Section P2603.6.1 is hereby amended to read as follows:

**P2603.6.1 Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be set below the finished grade as recommended by the manufacturer of the septic tank. If no minimum depth is recommended by the manufacturer the depth will be determined by the City of Magnolia designated Building Official. The above shall also apply to the minimum requirement below grade for building sewers.

**Section 6. Fire Code.** The *International Fire Code, 2006 Edition*, including appendices, as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinance, except as follows:

- (a) Section 101.1 is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Fire Code* of the City of Magnolia, Texas, hereinafter sometimes referred to as "this code."

- (b) Section 109.3 is hereby deleted.
- (c) Section 111.4 is hereby amended to read as follows;

**Section 7. Energy Conservation Code.** The *International Energy Conservation Code, 2006 Edition*, including appendixes, as published by the International Code Council, Inc., an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinance, except as follows:

- (a) Section 101.1 is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Energy Conservation Code* of the City of Magnolia, Texas, hereinafter sometimes referred to as "this code."

**Section 8. Electrical Code.** The *National Electrical Code (NFPA 70), 2005 Edition*, including annexes, as published by the National Fire Protection Association, an authentic copy of which will be kept on file as an official record of the City of Magnolia, is hereby adopted and made a part of this Ordinance. An appeal of the provisions of this ordinance will follow the same appeal process as designated by the International Building Code 2006 edition adopted by this ordinance unless they are in conflict with state law in such case state law will prevail.

**Section 9.** Any person who shall violate any provision of this Ordinance, or any provision contained in any code adopted hereby, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation of any such provision shall constitute a separate offense.

**Section 10.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed. Ordinance No. 308, passed and approved the 8th day of October, 2002 is hereby repealed.

**Section 11.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Magnolia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

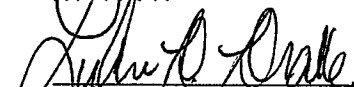
**Section 12.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**PASSED, APPROVED, AND ADOPTED this 12th day of December, 2006.**



\_\_\_\_\_  
Jimmy Thornton,  
Mayor

**Attest:**

  
\_\_\_\_\_  
LuAnn D. Drake  
City Secretary

**City Seal**

# AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Tracy Herron who on her oath stated:

## ORDINANCE 2006-105

An ordinance of the city of Magnolia, Texas, abolishing ordinance no. 308 and Ordinance No. 302 and adopting the 2006 editions of the International Building Code, international mechanical code, international plumbing code, international fuel gas code, international Residential Code for One and Two Family Dwellings, and international fire code, International Energy Conservation Code including all appendixes, each as published by the international code council, inc., and adopting the national Electrical Code, 2005 Edition, as published by the national fire Protection Association; providing certain amendments to the codes adopted hereby; providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.

*Received & Filed  
in the Office of*

DEC 27 2006

*City Secretary  
City of Magnolia, Texas*

I am the Account Manager of the Tomball Magnolia Tribune, a newspaper published in Montgomery County, Texas and now the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in the respective issue of:

12/25, 2006

\_\_\_\_\_, 2006

*Tracy Herron*

Tracy Herron Account Manager

Subscribed and sworn to this 26 day of Dec., 2006

