

ORDINANCE NO. 23-012

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, **CHAPTER 10, "BUILDING CODE"**; ADOPTING THE 2021 "INTERNATIONAL RESIDENTIAL CODE", WITH LOCAL AMENDMENTS; TO MAKE CLARIFICATIONS, RENAME, RENUMBER AND REARRANGE THE CHAPTER AS APPLICABLE; PROVIDING FOR PENALTIES AS APPLICABLE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

---

**WHEREAS**, the Galveston City Council seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and,

**WHEREAS**, staff has reviewed Chapter 10, the "Building Code" of the City. Staff has made recommendations in order to update regulations, standards and procedures and make clarifications, and modifications, as applicable to the Chapter in furtherance of promoting the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and,

**WHEREAS**, the Building Code required extensive formatting and revisions as the Chapter encompasses several Articles relating to building and structures; including but not limited to:

- Article I. – International Building Code;
- Article II. – Building Board of Adjustments and Appeals;
- Article III. – International Residential Code;
- Article IV. -International Energy Conservation Code;
- Article V. – Dangerous and Substandard Building Code;
- Article VI. – Reserved.
- Article VII. – International Existing Building Code
- Article VIII. – City of Galveston Flood Damage Prevention Ordinance; and,

**WHEREAS**, due to the mass of Chapter 10, staff has provided individual Ordinances to several of the above mentioned Articles to aid in considering each respective Article in Chapter 10 and to aid in the codification process; and,

**WHEREAS**, staff desires to keep the City of Galveston current with the most recent codes pertaining to minimum requirements in regard to the above mentioned Articles and recommends adopting the "2021 International Residential Code", with local amendments; and,

**WHEREAS**, on December 6, 2022, Staff presented the proposed code updates and amendments to the Building Board of Adjustments and Appeals. The Building Board of Adjustments and Appeals, is comprised of local builders, architects, engineers, electrical, mechanical and plumbing contractors, formed with the intent to have local

input into the permit process, as well as, review potential amendments to regulatory codes; and,

**WHEREAS**, on December 6, 2022, the Building Board of Adjustments and Appeals, recommended approval of the request; and,

**WHEREAS**, the City Council deems it in the public's interest to amend Chapter 10, "Building Code", of "The Code of The City of Galveston 1982, as amended," as provided below.

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

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** Chapter 10, Article III., "International Residential Code", of "The Code of The City of Galveston 1982, as amended," is amended to provide as follows:

**ARTICLE III. - INTERNATIONAL RESIDENTIAL CODE**

**Sec. 10-40. - Adopted. International Residential Code.**

There is hereby adopted by the City Council to provide standards regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings, and multiple single family dwellings (townhouses), not more than three (3) stories in height, with separate means of egress as herein provided within the city, the 2021 Edition of the International Residential Code (IRC), published by the International Code Council, save and except such portions as are hereinafter amended. The 2021 International Residential Code, as adopted and amended, is on file in the office of the City Secretary, and the Building Official, and is incorporated herein to the same extent as though it were set out at length herein.

**Sec. 10-41. - Local Amendments.**

The 2021 International Residential Code, (hereafter the 2021 IRC) is hereby amended by the City of Galveston Local Amendments" to the extent set forth herein and in SECTION 3 below.

Provisions in the 2021 IRC appendices shall not apply unless specifically adopted.

The 2021 IRC is adopted with the following selected appendices or amendments: Appendices AA, AB, AC, AD, AE, AF, AG, AH, AJ, AK, AM, AN, AO, AP, AQ, AR, AS, AT, AU, and AV, are hereby adopted:

Appendix AA: Sizing and Capacities of Gas Piping;  
Appendix AB: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances listed for use with Type B Vents;  
Appendix AC: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;  
Appendix AD: Recommended Procedure for Safety Inspection of an Existing Appliance Installation;  
Appendix AE: Manufactured Housing Used as Dwellings;  
Appendix AF: Radon Control Methods;  
Appendix AG: Piping Standards for Various Applications;  
Appendix AH: Patio Covers;  
Appendix AJ: Existing Buildings and Structures;  
Appendix AK: Sound Transmission  
Appendix AM: Home Day Care — R-3 Occupancy  
Appendix AN: Venting Methods  
Appendix AO: Automatic Vehicular Gates  
Appendix AP: Sizing of Water Piping System  
Appendix AQ: Tiny Houses  
Appendix AR: Light Straw-Clay Construction  
Appendix AS: Strawbale Construction  
Appendix AT: Solar-Ready Provisions-Detached One and Two-Family Dwellings and Townhouses  
Appendix AU: COB Construction (Monolithic Adobe)  
Appendix AV: 3D-Printed Building Construction

**Sec. 10-42. Reserved. - Local residential code supplements.**

The Residential Code and revisions adopted pursuant to the provisions of the foregoing sections of this chapter are hereby modified and amended to the extent set forth in the following identified documents, hereby adopted, their contents and provisions being incorporated herein by reference, and the same being available for inspection and copying in the respective offices of the city secretary and the building official.

"CG" is noted as an acronym for "City of Galveston" and the number corresponds to the entitled respective documents either attached herein or as referenced.

**CG 6: 2021 IRC Fees Schedule**

**Sec. 10-43. 44– Palapa and/or thatched roof structures.**

Palapa and/or thatched roof structures shall be no larger than three hundred (300) square feet accessory to a main structure and shall be separated from any building and property line by at least ten (10) feet. The structure cannot be used with any open flame appliance or anything that produces a flame. The palapa and/or thatched roof structure shall be open on all sides and be limited to one (1) structure per property. The owner is responsible for the application of required fire retardant for said palapa and/or thatched roofing.

**Sec. 10-44. 45- Detached accessory structure—Tool sheds, storage sheds, playhouses.**

One (1) story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided floor area does not exceed two hundred (200) square feet, may have approved engineering anchoring systems.

**Sec. 10-45. 46- Projections—Decks, stairs, A/C platforms.**

All uncovered decks, stairs and A/C platforms equal to or greater than two (2) feet but less than five (5) feet from interior property lines shall be exempt from Section R302.1(1) Fire-Resistant Construction and Table R302.1(2) Exterior Walls. These projections are not permitted less than two (2) feet to interior property lines.

**Sec. 10 - 46. Fees Schedule noted as CG 6, as adopted.**

**CG 6. FEES SCHEDULE**

<b><u>A</u></b>	<b><u>Existing Structures</u></b>	
	<b><u>Work</u></b>	<b><u>FEE</u></b>
	<b><u>Building Permit Additions</u></b>	<b><u>\$.40 / square foot</u></b>
	<b><u>Building Plan Review – Additions</u></b>	<b><u>\$.20 / square foot</u></b>
	<b><u>Roof Permit</u></b>	<b><u>\$150.00</u></b>
	<b><u>Windows</u></b>	<b><u>\$150.00.</u></b>
	<b><u>Storage Building</u></b>	<b><u>\$150.00</u></b>
	<b><u>Building Permit – Remodel Interior</u></b>	<b><u>\$250.00</u></b>
	<b><u>Building Permit – Remodel Exterior</u></b>	<b><u>\$300.00</u></b>
<b><u>B</u></b>	<b><u>New Construction</u></b>	
	<b><u>Residential One &amp; Two Family Dwelling</u></b>	<b><u>15 cents per square foot plus Site Inspection Charge and Plan Checking Fee.</u></b>
	<b><u>Commercial</u></b>	<b><u>20 cents per square foot for the first 20,000 square feet plus .05 per square foot there, plus Site inspection Charge, Plan Checking Fee and Fire Marshall Fee.</u></b>
<b><u>C</u></b>	<b><u>Plan Checking Fees</u></b>	<b><u>When a plan is required to be submitted to the Planning Division, a Plan Checking Fee shall be</u></b>

		assessed. Said fee shall be equal to one half of the building permit fee for Building Division review.
<b><u>D</u></b>	<b><u>Site Inspection Fees</u></b>	A Site Inspection for building layout shall be required on all new construction. Said Site Inspection fee shall be \$25.00.
<b><u>E</u></b>	<b><u>Demolition</u></b>	For the demolition of any building or structures, the fee shall be: 0 up to 100,000 cu ft. is \$50.00. 100,000+ cu ft. at \$.50/per thousand cu ft.
<b><u>F</u></b>	<b><u>Moving Permit</u></b>	The moving of any building or structure shall be \$100.00, plus Site Inspection Charge provided if the structure remains in the City limits.
<b><u>G</u></b>	<b><u>Late Fee/Stop Work Orders</u></b>	Where work for which a permit is required by this Code, is started or proceeded with, prior to obtaining said permit, the fees herein specified shall be doubled with minimum being \$100.00.
<b><u>H</u></b>	<b><u>Energy related plan review</u></b>	Plan review fee \$50.00
<b><u>I</u></b>	<b><u>Re-inspection Fee (1<sup>st</sup> visit)</u></b>	\$50.00
	<b><u>Re-inspection Fee (2 or more visits to same property for same violation)</u></b>	\$200.00

#### **Sec. 10-47. Penalties. Violations.**

Any person violating any provision of this Code shall be guilty of a class "C" misdemeanor and upon conviction thereof shall be assessed a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00); however, the maximum penalty for offenses arising under such Code governing fire safety, public health and sanitation shall not exceed the sum of two thousand dollars (\$2,000.00) Each day a violation continues shall constitute a new and separate offense.

#### **Sec. 10-~~48~~ – 10-49. Reserved.**

**SECTION 3.** The 2021 International Residential Code, is amended to read and provide as follows:

**R101.1 – Title.** These provisions shall be known as the Residential Code for One – and Two-Family Dwellings of the City of Galveston, and shall be cited as such and will be referred herein as "this code."

**R101.2.1 Allowable Building Height.** Buildings constructed in flood hazard areas in accordance with the provisions of Section R322, Flood-Resistant Construction, shall have their height determined as follows:

1. Enclosed areas located below flood elevation and used solely for vehicle parking, building access, or limited storage as defined in Section R322.2.2 shall not be considered a story for purposes of determining building height.
2. The third story above the flood elevation is limited as follows:
  - 2.1 The total area of all enclosed and exterior deck areas, excluding the stair, may not exceed 1/3 of the area of the floor below or 350 square feet, whichever is less.
  - 2.2 The enclosed area shall be one uninterrupted space, with no subdividing partitions. Small closets of less than 10 square feet are permitted. The space shall be open to the stairway, and shall not be separated from the stairway by a door at the top or bottom of the stair.
  - 2.3 No bathrooms are permitted.
  - 2.4 This story must be served by at least one means of egress in compliance with Section R311. Additionally, the story must be served by an emergency escape and rescue opening complying with Section R310.
  - 2.5 A sign shall be posted in a prominent location near the stair leading up to the third level reading: "The upper floor is intended as an observation area only and shall not be used as a sleeping area."
3. The total allowable height of the building is limited to 45 feet above the first floor platform (the first occupied level above the required flood elevation) or 55 feet above grade, whichever is lower.

**R105.2 Work Exempt from Permit** is amended to read and provide as follows:

\*\*\*

**Building:**

- (1) ~~One story detached accessory structures, used as tool and storage sheds, playhouses and similar uses, provided the floor does not exceed (18.58 m2).~~
- (2) ~~Fences not over 7 feet (2134mm) high.~~

\*\*\*

- (10) Decks not exceeding 200 square feet (18.58m2) in area that are not more than 30 inches (762mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

**R105.3. Application for Permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

\*\*\*

- 8. Department of Army Permit (DA) documentation is required by the Building Official prior to the issuance of a Building Permit to fill, dredge or construct structures in/or affecting any navigable waters of the United States (this includes all waters affected by the daily tides). Any proposed modifications to authorize work by the Department of Army shall be resubmitted to the Corp of Engineers for evaluation and approval prior to the issuance of a Building Permit by the Building Official.

**SECTION R112 Board of Appeals** is deleted in its entirety and is amended to read:

Refer to Chapter 10, Article II. Building Board of Adjustments and Appeals, of the Code of the City of Galveston.

**\*\*These sections noted below have been significantly modified or deleted.**

**~~Sec. 10-40. -- Adopted.~~**

~~The 2012 edition of the "International Residential Code" (IRC), hereinafter referred to as the "Residential Code of the City of Galveston", copies of which have this day been exhibited to and approved by the city council and certified copies of which are on file in the respective offices of the city secretary and the building official of the city, with selected appendices and local amendments is hereby adopted by reference for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided within the city; providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, terms of said residential code on file in the office of the city secretary of the city, are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, save and except such portions as are hereinafter deleted, amended, varied or modified.~~

**~~Sec. 10-41. -- Amendments to the 2012 "International Residential Code".~~**

The 2012 edition of the "International Residential Code", adopted pursuant to the foregoing provisions of this chapter is hereby modified and amended to the extent set forth in that document entitled "Amendments for 2012 International Residential Code", which is hereby incorporated as "attachment A", which document is hereby adopted, its contents and provisions being incorporated herein by reference, and same being available for inspection and copying in the respective offices of the city secretary and building official.

The 2012 International Residential Code is adopted with the following selected appendices, AA, AB, AC, AD, AE, AF, AG, AH, AJ, AK, AM, AN, AO, AP, AQ, AR, AS, AU, and AV, which may be modified and amended as shown in "attachment A" which are listed as follows:-

AA	Sizing and Capacities of Gas Piping
AB	Sizing of Venting Systems Serving Appliances Equipped with Draft Hood, Category I Appliances, and Appliances listed for use with Type B Vents
AC	Exit Terminals of Mechanical Draft and Direct Vent Venting Systems
AD	Recommended Procedure for Safety Inspection of an Existing Appliance Installation
AE	Manufactured Housing Used As Dwellings
AF	Radon Control Methods
AG	Piping Standards For Various Applications
AH	Patio Covers
AJ	Existing Buildings and Structures
AK	Sound Transmission
AM	Home Day Care — R-3 Occupancy
AN	Venting Methods
AO	Automatic Vehicular Gates
AP	Sizing of Water Piping System
AQ	Tiny Houses



AR	Light Straw Clay Construction
AS	Strawbale Construction
AT	Solar Ready Provisions Detached One and Two Family Dwellings and Townhouses
AU	COB Construction (Monolithic Adobe)
AW	3D Printed Building Construction
CG1	IRC Schedule of Building Permit Fees
CG2	City of Galveston IRC Amendments
CG3	Galveston Flood Damage Prevention Ordinance
CG4	Wood and Steel Frame Construction

Appendices AI, AL and AV of the 2012 International Residential Code are deleted in their entirety and are not adopted.

The building department of the city is subject to all applicable city Charter, this Code, and personnel rules and regulations pertaining to jurisdiction and employment. No provision contained in the Residential Code governing the employment, staffing, hiring, termination, or discipline of an official or employee shall apply. Furthermore, the Residential Code shall not govern the appointment, liability and legal defense of any officer or employee.

**Sec. 10 47 — 10 49. Reserved.**

## **Appendix W**

### **One and Two Family Dwellings two (2) doors Required**

**R311.2 Egress door.** At least two doors shall be provided for each one and two family dwellings, one of which shall be an egress door. The egress door shall be side-hinged, and shall provide a minimum clear width of 32 inches (813 mm) when measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). The minimum clear height of the door opening shall not be less than 78 inches (1981 mm) in height measured from the top of the threshold to the bottom of the stop. Other doors shall not be required to comply with these minimum dimensions. Egress doors shall be readily openable from inside the dwelling without the use of a key or special knowledge or effort.

**SECTION 4.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if

any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 5.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 6.** All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

**SECTION 7.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 8.** This Ordinance shall be and become effective on, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

---

DONNA M. FAIRWEATHER  
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on January 26, 2023, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 27th day of January, 2023.

---

Secretary for the City Council  
Of the City of Galveston