

ORDINANCE NO. 15- 025

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 10, "BUILDING CODE," OF THE CODE OF THE CITY OF GALVESTON, 1982; AS AMENDED, SECTION 10-2, "CANOPIES AND AWNINGS", TO INCLUDE BALCONIES; TO ALLOW FOR UP TO A FIVE YEAR CERTIFICATION OF CONFORMANCE WITH THE INTERNATIONAL BUILDING CODE ON PERMANENT BALCONIES, A CERTIFICATION THAT TEMPORARY BALCONIES WOULD CONFORM WITH THE INTERNATIONAL BUILDING CODE FOR A PERIOD OF ONE YEAR, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City of Galveston is currently operating under the 2009 edition of the "International Building Code" ("IBC") as amended; and,

WHEREAS, staff desires to allow property owners with balconies, canopies and awnings that are permanently or temporarily attached to a structure to provide a report from a registered, professional engineer certifying the balcony or awning conforms to the 2009 and or current International Building Code of the City; and,

WHEREAS, the report can be certified for up to five years on permanently attached balconies, and for one year for temporarily attached balconies;; and,

WHEREAS, staff recommends amending Chapter 10, "Building Code," of The Code of The City of Galveston, 1982; as amended, by amending Article I. "International Building Code"; Section 10-2, "Canopies and Awnings" to include balconies and to allow for a five year certification period for permanent balconies, canopies and awnings, and an annual certification on balconies canopies and awnings for conformance with the City's international building code by a registered and professional engineer; and,

WHEREAS, the City Council of the City of Galveston deems it to be in the public interest to amend Chapter 10, "Building Code," of The Code of The City of Galveston, 1982; as amended, by amending Article I. "International Building Code"; Section 10-2, "Canopies and Awnings".

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, "Building Code," Of The Code of The City of Galveston, 1982; as amended, Article I. "International Building Code"; Section 10-2, "Canopies and Awnings" is hereby amended to read and provide as follows:
Sec. 10-2. Balconies, Canopies and Awnings.

(a) Definitions:

Awning: an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

Canopy: a permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and shall be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

Balcony: a platform enclosed by a wall, hand rail, guard rail or balustrade on the outside of a building, with access from an upper-floor window or door. The term "balcony" includes a structure commonly known as a porch. A balcony shall either be temporary or permanent.

Temporary platform: A platform which is intended for use for a period not to exceed fourteen days from the event for which certification is sought, at the end of the fourteen day period all temporary components of the platform will be dismantled and removed from the site.

Permanent platform: A platform which is a part of an existing structure, or is being appended to an existing structure, which is not intended for removal at all.

(b) No property owner may allow people to gather for any reason on an awning or canopy as defined above. A property owner may allow people to gather on a platform which meets the definition of balcony as set out above, and for which a certification has been provided to the City and has been approved.

(c) (a) Property owners shall ensure that all ~~balconies canopies or awnings~~ that are going to be used as a viewing stand or for public use shall conform to the 2009 International Building Code, and or current adopted building code, including live and dead load factors, handrails and guardrails. Property owners shall supply the city a copy of certification on live and dead load factors for all ~~balconies canopies or awnings~~.

(1) For permanent balconies a property owner shall provide a report from a registered, professional engineer which certifies the balcony conforms to the 2009 International Building Code (as amended). The engineer will specify whether his certification is applicable for one, two, three, four or five years from the date the report is certified. If the engineer does not specify the number of years for which his certification covers, it will be deemed to cover a single year.

(2) For temporary balconies, a property owner shall provide a report from a registered, professional engineer who certifies the balcony conforms to the 2009 International Building Code (as amended), and without its removal would continue to conform to that standard for a one year period.

(d) ~~(b)~~ The violation of any provision of this section shall be unlawful and a misdemeanor offense punishable by a fine not exceeding two thousand dollars (\$2,000.00). Each day any violation of this section occurs shall constitute a separate offense.

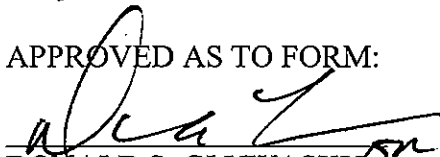
SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree 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 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. 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 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

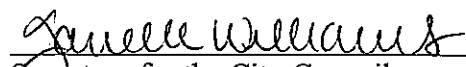
APPROVED AS TO FORM:


DONALD S. GLYWASKY
SR. ASS'T. 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 April 9, 2015, 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 20 day of April, 2015.




Secretary for the City Council
of the City of Galveston