



# City of Wharton

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## PLAN REVIEW ATTACHMENT

**REFERENCE: CODES AND AMENDMENTS THAT SHALL APPLY TO CONSTRUCTION OF NEW RESIDENTIAL AND/OR COMMERCIAL STRUCTURES.**

1. International Building Code, 2018 Edition, with the latest revisions, including Appendices C, D, E, F, G, H, I, J, and K.
2. International Residential Code for One- and Two-Family Dwellings, 2018 Edition, with the latest revisions, including Appendices A, B, C, D, E, G, H, J, K, M, N, O, and P.
3. International Property Maintenance Code, 2018 Edition, with its latest revisions, including Appendix A.
4. International Plumbing Code, 2018 Edition, with its latest revisions including Appendices B, C, D, and E.
5. International Fuel Gas Code, 2018 Edition, with its latest revisions including Appendices A, B, C and D.
6. International Mechanical Code, 2018 Edition, with its latest revisions including Appendix A.
7. International Fire Code, 2018 Edition, with its latest revisions including Appendices B, C, D, E, F, G, H, I, J, K, and N.
8. International Energy Conservation Code, 2018 Edition, with its latest revisions.
9. International Swimming Pool and Spa Code, 2018 Edition, with latest revisions.

**All references to the International Electrical Code in the Codes adopted above shall be replaced with the National Electrical Code, 2020 Edition.**

## **AMENDMENTS:**

### **Section 18-69 Amendments to the International Building Code.**

The building code adopted by reference in this article is amended as follows:

- (1) Section 105.2 Work exempt from permit. Building: (1), (2) Fences not over seven (7') feet high, (3), (4), (6), and (12) are deleted.
- (2) Section 113 Board of Appeals is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article IV, Building Standards Commission shall administer appeals.
- (3) Section 1907 Minimum Slab Provisions is amended as to the following subsections only, which subsections are to read as follows:
  - a) The thickness of concrete floor slabs supported directly on the ground shall not be less than four inches (4").
  - b) Subsection 1907.1 (a) Use of Reinforcement Mesh. The use of reinforcement mesh in concrete foundations supporting structures shall be prohibited. A minimum of #3 reinforcement rods spaced twelve (12) inches on center each way shall be utilized. For reinforcement bar larger than #3, the maximum spacing shall be fifteen inches (15") on center each way.
  - c) Subsection 1907.1 (b) Steel Installation. All steel utilized in foundations shall be properly secured and arranged according to sound engineering practice according to the latest edition ACI 318.
  - d) Subsection 1907.1 (c) Post Stress--Post Tension Concrete Foundations. Use of "post stress" or "post tension" slabs in the foundation construction shall be permitted if said foundation has been properly designed by a certified engineer legally registered under the laws of the State of Texas. Construction of same "post stress" or "post tension" foundations shall be supervised and approved by a certified engineer legally registered under the laws of the State of Texas.
- (4) Termite protection shall be amended to read as follows: In geographical areas where hazard of termite damage is known to be very heavy, soils supporting concrete foundations with wood framing shall be chemically treated. Wood floor framing shall be of naturally durable species (termite resistant) or preservative treated in accordance with AWWA U1 for the species, product preservative and end use or provided with other approved methods of termite protection.
- (5) Size, height and spacing shall be amended to read as follows: The size, height and spacing of studs shall be in accordance with Table 2308.9.1 with the exception that 2x4 No. 2 standard grade lumber, spaced at 16" (inches) on center, shall be the minimum requirement for all load bearing walls supporting one roof and ceiling and 2x4 No. 2 standard grade lumber, spaced 24" (inches) on center, shall be the minimum requirement for all non-load bearing walls.
- (6) Ceiling joist spans for common lumber species, No. 3 standard grade lumber shall be omitted from the species and grade column.

- (7) Rafter spans for common lumber species, No. 3 standard grade lumber shall be deleted from the species and grade column.
- (8) Appendix H. Any discrepancy between requirements set forth by the City of Wharton Sign Ordinance and Appendix H shall result in the more restrictive of the two.
- (9) Appendix K. Any discrepancy between requirements set forth by the City of Wharton Electrical Code Ordinance and Appendix K shall result in the more restrictive of the two.

#### **Sec. 18-69.1 Additions to the International Building Code.**

##### (1) Installation and Placement of Steel Reinforcement:

- a. A minimum of number three (#3) steel reinforcement bar shall be installed in all concrete paving. Bars, regardless of size, shall be placed at a maximum distance of sixteen (16) inches on center, or less, in all directions dependent upon application. Plastic or metal supports shall be utilized so that the steel reinforcement bars are located in the center third of the concrete. Bricks or concrete rubble shall not be used to support reinforcement bar. The use of welded wire fabric (wire mesh) and fiber reinforcement shall be prohibited unless approved by the code official.
- b. Isolation (expansion) joints, with sleeved steel dowel bars spaced at a maximum distance of eighteen (18) inches on center, shall be placed at designed locations or a maximum distance of twenty (20) feet on center to allow relative movement in three (3) directions and avoid formation of cracks elsewhere in the concrete.
- c. Thickness and compression strength of the concrete shall be dependent upon the application for which it is designed. Concrete paved driveways and sidewalks shall be constructed to a minimum thickness of four (4) inches.

##### (2) Permits and Inspections:

- a. Permits and inspections shall not be required for private residential concrete paving that is not used by the public if the concrete paving application is less than fifty (50) square feet.
- b. Permits and inspections shall be required for all other concrete paving applications.

#### **Sec. 18-70 Amendments to the International Residential Code.**

The residential code adopted by reference in this article is amended as follows:

- (1) Work Exempt from Permit Building: (1), (2) Fences not over seven feet (7') high, (3), (5), (9), and (10) are deleted.
- (2) Section R112. Board of Appeals is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article IV, Building Standards Commission shall administer appeals.
- (3) Section R313 Automatic Fire Sprinkler Systems. No Provisions of this article shall be contradictory to Texas State Law.

- (4) Section R318.1 Sub-terranean Termite Control Methods shall be amended to read as follows: In areas subject to very heavy termite infestation probability as indicated by Table R301.2(1), methods of protection shall include chemical termiticide treatment as provided in Section R318.2 or termite baiting system installed and maintained according to the label, in addition to pressure-preservative-treated wood in accordance with the AWWA standards listed in Section R317.1 or; naturally durable termite-resistant wood as provided in Section R320.3 or; physical barriers as provided in Section R318.1 (4) or; physical barriers as provided in Section R318.3. [Recommendation]
- (5) Chemical Termiticide Treatment shall be amended to read as follows: Chemical termiticide treatment shall include soil treatment for all soils supporting concrete foundations and wood framing. The concentration, rate of application and method of treatment of the chemical termiticide shall be in strict accordance with the termiticide label. [Recommendation]
- (6) Slabs on Ground with Turned Down Footings shall be amended as to the following subsections only, which are to read as follows: [Recommendation]
- a. Exterior Beams with Brick Veneer. All exterior beams of single level, one- and two-family dwellings employing concrete foundations shall have a minimum of four (4), No. 5 continuous reinforcement rods running full length of said beams. Concrete brick and/or stone exterior veneers shall require two (2) additional No. 5 reinforcement rods.
  - b. Exterior Beams on Frame Structures. All exterior beams of single level, one- and two-family dwellings employing concrete foundations and wall siding applications shall have a minimum of four (4), No. 5 continuous reinforcement rods running full length of said beams.
  - c. Interior Beams on Brick Veneer. All Interior beams of single level, one- and two-family dwellings employing concrete foundations shall have a minimum of four (4), No. 5 continuous reinforcement rods running the full length of said beams.
  - d. Interior Beams on Frame Structures. All interior beams on single level, one- and two-family dwellings employing concrete foundations and wall siding applications shall have a minimum of two (2) No. 5 continuous reinforcement rods running the full length of said beams.
  - e. Use of Welded Wire Reinforcement (Mesh Wire). The use of welded wire reinforcement (mesh wire) in one- and two-family dwellings employing concrete floor slabs supported directly on ground be prohibited. A minimum of No. 3 reinforcement rods spaced a maximum twelve inches (12”) on center each way shall be utilized. A minimum thickness of a concrete floor slab supported directly on ground shall be four inches (4”).
  - f. Steel Installation. All steel reinforcement utilized in one- and two-family dwelling concrete foundations shall be properly secured and arranged according to sound engineering practice according to the latest edition of ACI 318.
  - g. Post Stress/Tension Concrete Foundations. Use of “post stress/tension” reinforcement for concrete foundations of one- and two-family dwellings shall be

permitted if said foundation has been properly designed by a certified structural engineer legally registered under the laws of the State of Texas. Construction of the same “post stress/tension” foundations shall be supervised and approved by a certified engineer legally registered under the laws of the State of Texas.

- (7) Floor Joist Spans for Common Lumber Species shall be amended as follows: Delete #3 grade lumber from Species and Grade Column. [Recommendation]
- (8) Grade shall read as follows: studs shall be a minimum of No. 2 standard or stud grade lumber. [Recommendation]
- (9) Size, height, and spacing of wood studs, bearing walls, maximum spacing for 2x4 when supporting roof and ceiling only, shall be 16” inches on center. [Recommendation]
- (10) Ceiling Joist Spans for Common Lumber Species shall be amended as follows: Delete #3 grade lumber from Species and Grade Column. [Recommendation]
- (11) Rafter Spans for Common Lumber Species shall be amended as follows: Delete #3 grade lumber from the Species and Grade Column. [Recommendation]

#### **Sec. 18-70.1. Additions to the International Residential Code.**

The following provisions are added to the International Residential Code adopted in Section 18-66.

- (1) Installation and Placement of Steel Reinforcement: [Recommendation]
  - a. A minimum of No. 3 (three) steel reinforcement bar shall be installed in all concrete paving. Bars shall be placed at a maximum distance of sixteen (16) inches on center, or less, in all directions dependent upon application. Plastic or metal supports shall be utilized so that the steel reinforcement bars are located in the center one-third of the concrete. Bricks or concrete rubble shall not be used to support reinforcement bar. The use of welded wire fabric (wire mesh) and fiber reinforcement shall be prohibited unless approved by the code official.
  - b. Isolation (expansion) joints, with sleeved dowel bars spaced at a maximum distance of eighteen (18) inches on center, shall be placed at designed locations or a maximum distance of twenty (20) feet on center to allow relative movement in three (3) directions and avoid formation of cracks elsewhere in the concrete.
  - c. Thickness and compression strength of the concrete shall be dependent upon the application for which it is designed. Concrete paved driveways and sidewalks shall be constructed to a minimum thickness of four (4) inches.
- (2) Permits and Inspections:
  - a. Permits and inspections shall not be required for private residential concrete paving that is not used by the public if the concrete paving application is less than fifty (50) square feet.
  - b. Permits and inspections shall be required for all other concrete paving applications.

## **Sec. 18-70.2. Amendments to the International Property Maintenance Code.**

The property maintenance code adopted by reference in this article is amended as follows:

- (1) Section 111 Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article IV, Building Standards Commission shall administer appeals.
- (2) Clothes Dryer Exhaust shall be amended to read as follows: Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the International Mechanical Code and the manufacturer's instructions.
- (3) Mechanical Appliances shall be amended to read as follows: All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances, water heating appliances and air-conditioning/heat appliances shall be capable of performing the intended function in accordance with the manufacturer's specifications and related International Codes as referenced in Section 18-66 of this Article.

## **Sec. 18-72 Amendments to the International Plumbing Code.**

The plumbing code adopted by reference in this article is amended as follows:

- (1) Section 109. Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article VII, Division I, Plumbing and Mechanical Appeals and Advisory Board shall administer the appeals.
- (2) Corrosion. Pipes passing through concrete or cinder walls and floors or other corrosive material shall be protected against external corrosion by a protective plastic tubing that will withstand any reaction from the lime and acid of concrete, cinder or other corrosive material. Poly wrap sleeves are prohibited.
- (3) Water Service Pipe. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3. All water service pipe or tubing, installed underground and outside of the structure, shall have a minimum working pressure rating of 160 psi (1100 kPa) at 73.4°F (23°C). Where the water pressure exceeds 160 psi (1100 kPa), piping material shall have minimum rated working pressure equal to the highest available pressure. Plastic (PVC) water service piping shall terminate within 5 feet (1524 mm) inside the point of entry into a building. All ductile iron water pipe shall be cement mortar lined in accordance with AWWA C104. If copper water supply pipe is utilized it shall be K or L copper.
- (4) Water Distribution Pipe. Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.4. All hot water distribution pipe and tubing shall have a minimum pressure rating of 100 psi (690 kPa) at 180°F (82°C). If copper water distribution pipe is utilized it shall be K or L copper.
- (5) Building and Sewer Pipe. Building sewer pipe shall conform to one of the standards listed in Table 702.3. All plastic piping shall be a minimum of Schedule 40 PVC or its equivalent.

**Sec. 18-73. Amendments to the International Fuel Gas Code.**

The fuel gas code adopted by reference in this article is amended as follows:

- (1) Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Chapter 18, Article VII, Division I, Plumbing and Mechanical Appeals and Advisory Board shall administer appeals.
- (2) Test Pressure Measurement. Test pressure shall be measured with a manometer or with a pressure measuring device designed and calibrated to read, record, or indicate a pressure loss due to leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. An annually certified diaphragm gauge shall be used for all pressure tests.
- (3) Line and System Test. Upon completion of repairing or replacing a gas line, the Code Official has the authority to require a test on all gas lines and systems during a gas pressure test inspection.
- (4) Equipment shutoff valve. *Exception:* Shutoff valves for vented decorative appliances and decorative appliances for installation in vented fireplaces shall be installed in a ready accessible location within sight of the appliance. Such valves shall be permanently identified and shall service no other equipment. (This amendment shall also apply to the 2012 International Residential Code, Section G2420.5 (409.5) Equipment shutoff valve.)

**Sec. 18-74. Amendments to the International Mechanical Code.**

The mechanical code adopted by reference in this article is amended as follows:

- (1) Means of Appeal is deleted. The City of Wharton, Code of Ordinances, Section 18, Article VII, Plumbing and Mechanical Appeals and Advisory Board shall administer appeals.

**Sec. 18-74.1 Addition to the International Mechanical Code.**

The mechanical code adopted by reference in this article is added as follows;

- (1) Require the mechanical contractor to mark the air handler legend plates with the appropriate voltage/kw and phase of the installed components at the time of installation. If modifications are made, mark the appropriate electrical information at that time.

**Sec. 18-75. Amendments to the International Fire Code.**

The fire code adopted by reference in this article is amended as follows:

- (1) Section 108 Board of Appeal is deleted. The City of Wharton, Code of Ordinances, Section 18, Article IV, Building Standards Commission will administer appeals.
- (2) Section 315.1 has the following addition, which is to read as follows:
  - a. Tank Storage-Restricted Locations
    - i. The storage of flammable or combustible liquids in above ground tanks outside of buildings is prohibited within the limits of the fire district.

- ii. The location and installation of outside aboveground tanks for the storage of flammable or combustible liquids shall be in accordance with NFPA 30.
- b. Bulk Plants – Location of Plants.
  - No new bulk plants shall be constructed within the limits of the Fire District.
- c. Installation of Containers.
  - Within the limits of the fire district established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the aggregate capacity of any one installation shall not exceed 2,000 gal (7.57 m<sup>3</sup>) water capacity, except that in particular installations this capacity limit may be altered at the discretion of the fire official, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed containers, degree of private protection to be provided, and capabilities of the local fire department.

**Sec. 18-77. Building line setback requirements.**

(a) Definitions:

- (1) Abut/abutting shall mean to physically touch or border upon; or to share a common property line or border. This term implies a closer proximity than the term “adjacent.”
- (2) Accessory building shall mean a building, the use of which is incidental to that of the principal building and which is located on the same lot. An accessory building is not an unattached residential vehicular garage that supports the use of the principal building.
- (3) Adjacent shall mean lying near or close to. (See "abut/abutting")
- (4) Building/yard setback line shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and property line.
- (5) Commercial shall mean a building(s)/structure(s) where the occupation, employment or enterprise is carried on for profit generally located on a smaller site than industrial. (A business, non-residential).
- (6) Duplex/two-family dwelling shall mean a building containing two dwelling units designed to be occupied by two families living independently of each other.
- (7) Dwelling shall mean a building, or portion thereof, which is used exclusively for human habitation. An unattached residential vehicular garage is considered to be part of the dwelling.
- (8) Exterior side building/yard setback line shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and an exterior property line. (See "setback measurements")



- (9) Front building/yard setback line shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and the property line facing a street right-of-way. The front of a building/structure is the primary access to it as originally intended by the builder/architect and inherent to the style and design of the building structure.
- (10) Industrial shall mean a building(s)/structure(s), which is used to engage in the basic processing and manufacturing of materials or products predominantly from extracted, or raw materials. Engaged in the manufacture, predominately from previously prepared materials of finished parts, including processing, fabrication, assembly, treatment, packaging, storage, sales and distribution of such products; or engaged in storage, wholesale and distribution of manufactured products, supplies and equipment. An industrial building(s)/structure(s) may generate high levels of noise, vibrations, smoke, dust, odors or light.
- (11) Interior side building/yard setback line shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and the interior property line. (See "setback measurements")
- (12) Lot shall mean a plot of land having frontage on at least one public street, which is or in the future may be offered for sale, conveyance, transfer or improvement.
- (13) Multi-family residential shall mean buildings designed to contain three or more complete separate living facilities for single family occupancy. Multi-family dwellings shall include apartments and condominiums.
- (14) Parcel shall mean a contiguous area of land in the possession of or owned by, or recorded as the property of, the same person or persons. Parcels of land generally are large enough to be subdivided into lots.
- (15) Principal building shall mean the building in which the principal use of the lot, which it is located on, is conducted.
- (16) Property line shall mean the surveyed line(s) bounding the property to form a legal boundary.
- (17) Rear building/yard setback line shall mean a line or lines within a property defining the minimum horizontal distance between a building/structure outermost projection and the rear property line.
- (18) Setback measurements shall be measured from the outermost projection of the structure to the appropriate property line. An exterior side property line is one, which abuts or is adjacent to a street right-of-way. An interior side property line has no street frontage and is one which abuts another lot(s) or parcel(s) boundary. A rear property line is one which abuts another lot(s) or parcel(s), or a street right-of-way.
- (19) Single family residential shall mean a building/structure containing one dwelling designed to be occupied primarily by one family and with the total of all habitable areas not to be less than 700 square feet excluding the garage.

- (20) Street shall mean a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.
- a) A major thoroughfare means a principal traffic artery or traffic way, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare on the current major thoroughfare plan formally adopted and designated by the planning commission and city council. Minimum width of right-of-way shall be 100 feet.
  - b) A collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets. It is not necessarily of continuous routing for long distances, has intersections at grades, provides direct access to abutting property, and shall include each street designated as a collector street on the thoroughfare plan formally adopted and designated by the planning commission and city council. Minimum width of right-of-way shall be 80 feet.
  - c) A minor street means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not of continuous routing for any great distance so as to discourage heavy, through traffic. Minimum width of right-of-way shall be 60 feet.
- (21) Utility easement shall mean an area for restricted use on private property upon which a public or private utility shall have the right to remove and keep removed; all or part of any permanent or portable building; obstructing fences without proper gate configuration to allow reasonable ingress or egress; trees, shrubs, or other improvements or growths which in any way endanger, tend to endanger, or significantly interfere with the construction or maintenance, or efficiency of its respective utility systems on any of these easements. The public utility shall at all times have the right of ingress and egress to, from, over, under and upon the said easement for the purposes of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity of procuring the permission of anyone. The ownership or title to the land encompassed by the easement is retained by the owner, while the dominant right to use the area is retained by the public or private and encumbered utility. Private owners may only make temporary and incidental use of the easement surface area in ways that do not interfere with the superior rights of the utility.
- (22) Variance shall mean a deviation from the required norm that may be granted following certain procedures specified herein.
- a) Single-family residential:
    - 1. Minimum front yard setback shall be twenty-five (25) feet from the front property line except where abutting or adjacent to a major thoroughfare, in which event the minimum setback for the principal building shall be thirty-five (35) feet. This shall also apply for accessory buildings.
    - 2. Minimum interior side yard setback shall be five (5) feet for the principal building. Accessory buildings shall be permitted to

maintain a minimum of five feet setback from the property line to the accessory building line.

3. Minimum exterior side yard setback shall not be less than fifteen (15) feet, except that where the lot is adjacent or abuts on a major thoroughfare, the building line shall not be less than twenty-five (25) feet from the side property line. Where the side of a corner lot is across from, or adjacent to the front yards of other lots, the building line shall be at the same setback distance from the street as the front building line of the opposite or adjacent lots.
  4. Minimum rear yard setback for the principal building shall be five (5) feet from the rear property line. Accessory buildings shall be permitted to maintain a minimum of five feet setback from the rear property line. When the rear yard abuts any street, a minimum of fifteen (15) feet shall be required from the rear property line to the building line of the principal buildings and accessory buildings. If the rear public right-of-way is a major thoroughfare, a minimum twenty-five-(25) feet setback from the rear property line to the building line shall be required.
  5. Principal buildings and accessory buildings shall not be allowed to encroach upon public or private utility easements even if such buildings are portable.
- b) Duplex/two-family dwellings: Same requirements as single-family residential. Exception: Duplex buildings may either be constructed entirely on one lot; or two lots, in which case when on two lots the two units shall be separated by a common fire-resistive wall on the common property line.
- c) Multiple-family residential:
1. Same requirements as single-family residential.  
Exception: Multiple-family buildings on the same lot shall maintain a minimum separation of ten (10) feet between outermost projection of the structures.
  2. Where interior side yard setback is abutting existing or proposed single family or duplex residential uses, the minimum interior side yard setback shall be ten (10) feet.
- d) Commercial:
1. Minimum front building line setback: twenty-five (25) feet, except that were abutting or adjacent to major thoroughfare, the minimum front building line setback requirement shall be thirty-five (35) feet.
  2. Minimum interior side building line setback: Ten (10) feet, except where abutting existing or proposed residential uses, in which case the minimum interior side building line setback shall be twenty (20) feet.
  3. Minimum exterior side building line/street setback: Abutting or adjacent to a major thoroughfare, a minimum twenty-five (25) foot

setback shall be maintained. Abutting or adjacent to other streets, fifteen (15) feet minimum setback shall be maintained.

4. Minimum rear building line setback: Ten feet (10'), except where abutting existing or proposed residential uses, in which event the rear building line setback shall be twenty (20) feet. Also, if the building is abutting or adjacent to a major thoroughfare, the minimum rear building line setback shall be twenty-five (25) feet. Other streets shall require a minimum fifteen (15) feet rear building line setback.

e) Industrial:

1. Minimum front building line setback: Twenty-five (25) feet, except that were abutting or adjacent to major thoroughfare, the minimum front building line setback requirement shall be thirty-five (35) feet.
2. Minimum interior side building line setback: Ten feet, except where abutting existing or proposed residential uses, in which case the minimum interior side building line setback shall be twenty (20) feet.
3. Minimum exterior side building line/street setback: Abutting or adjacent to a major thoroughfare, a minimum twenty-five (25) feet setback shall be maintained. Abutting or adjacent to other streets, fifteen (15) feet minimum setback shall be maintained.
4. Minimum rear building line setback: Ten feet, except where abutting existing or proposed residential uses, in which event the rear building line setback shall be twenty (20) feet. Also, if the building is abutting or adjacent to a major thoroughfare, the minimum rear building line setback shall be twenty-five (25) feet. Other streets shall require a minimum fifteen (15) feet rear building line setback.

f) Building permits required: No building permit shall be issued for the construction, exterior alteration, enlargement, or location of any building which does not conform to the building line setback requirements herein.

g) Variances: When an applicant can show that a provision of these regulations would cause excessive regulatory hardship if strictly adhered to and where, because of some unique condition peculiar to the site (e.g. multiple boundaries, irregular shaped lot, three sided lot, etc.), which in the sole opinion of the planning commission would warrant a limited departure from standard application of the regulations without destroying the general intent of such provisions, the planning commission may authorize a specified variance. An application for a variance shall be obtained through the Planning Department for a non-refundable fee and submitted to the planning commission for consideration. If the application is approved by the planning commission, then the application will be submitted to the city council for final approval. Upon approval, the variance shall be effective for six months from that date. A new variance application and fee must be submitted if no work has commenced by the expiration date. If the applicant is denied, the

applicant may appeal the decision of the planning commission to the city council within ten days from the date the planning commission decision. If the city council denies the application, the applicant may appeal to the district court and, upon perfection of the appeal, such appeal shall be by a trial de novo. The person appealing the decision of the city council must also file an original petition in the appropriate district court within 20 days from the date of the city council's decision; otherwise, the decision of the city council shall be final.

- h) Application: These building line setbacks established herein shall apply to or supersede the following:
  - 1. Unplotted property;
  - 2. Property platted but not yet built upon including undeveloped properties with deed restriction self-imposing setback requirements and undeveloped subdivisions platted with setback requirements.
- i) The developer or owner pays an Application for Variance fee as established by the City Council of the City of Wharton under separate resolution.

#### **Amendments to the Electrical Code.**

**Sec. 18-251. Decision on questions.** The electrical inspector and the electrical board shall decide all questions not provided for in this article pertaining to the installation, operation or maintenance of electric wiring and apparatus.

#### **Sec. 18-252. Conformity to standards; identification of maker of materials.**

- a) No electrical material, apparatus, device, appliance, fixture or equipment shall be sold or installed in the city unless it is in conformity with this article, the statutes of the state and the rules and regulations issued by the state department of commerce under authority of the state statutes.
- b) The maker's name, trademark or other identification symbol shall be placed on all electrical materials, apparatus, devices, appliances, fixtures and equipment used or installed under this article. All items enumerated in this section shall be listed and /or labeled approved by Underwriters' Laboratories, Inc.

**Sec. 18-253. Use of approved wiring.** In general, any type of electric wiring or wiring system may be used in the city as approved in the national codes adopted in this article, except where specifically prohibited in this article

**Sec. 18-254. Services and feeders.** The use of service entrance cable type **SE** shall be prohibited use as a Service Entrance conductor.

**Sec. 18-255. Placing meters on street side of buildings.** The electrical public service company shall never require the placing of a meter on the front or street side of a building unless not practical to locate the meter otherwise. In such cases the location shall be at a point convenient to the electric public service company and as determined by the electrical board.

**Sec. 18-256. No. 1 Fire Zone Wiring Methods- General Requirements.** Wiring for electric light or power installed for general use in buildings or structures located within the No. 1 fire zone limit of the city shall be installed in metal raceways, flexible metal raceways, nonmetallic raceways encased in not less than 50mm (2 in.) of concrete, type MI, MC, or AC cable. Exception: Wiring for special occupancies, special equipment and or special conditions shall be installed in accordance with the provision of the National Electrical Code.

**Sec. 18-257. Aluminum cable, conductors or wire.** No aluminum or copper-clad aluminum electric cable, conductors or wire shall be used within the City on any building, structure or apparatus wiring except as noted in this section.

Aluminum type conductors may be used in feeders or as service entrance conductors, provided that no such aluminum conductors smaller than number one AWG shall be used. Aluminum conductors, where permitted, shall be installed in conduit and shall only be used in conjunction with compatible lugs, spliced, terminals or connectors. Aluminum conductors shall not be used as grounding electrode conductors. With the exception, aluminum conductors consisting of either two or three insulated wires wrapped around a messenger cable in sizes number six AWG and larger may be used for outside branch circuits and feeders, provided they are installed in accordance with the provisions of the National Electrical Code.

**Sec. 18-258. Type UF cable.** Type UF electric cable shall be used only for branch circuit wiring on residential properties. Where installed underground, the cable shall be buried in accordance with latest edition of the National Electrical Code. The cable shall be protected by rigid conduit on exterior walls and at the points where it enters and leaves the ground.

**Sec. 18-259. Back wired wiring devices.** All wires are to be terminated either under the screw or by use of a screw-activated clamp.

**Sec. 18-261. Service Equipment. Disconnecting Means for New Construction.** The service disconnecting means shall be installed at a readily accessible location outside of a building or structure nearest the point of entrance of the service conductors.

Exception: In large commercial and/or industrial application, this requirement could be waived by the authority of the City of Wharton Electrical Board.

**Termite treatment:**

All concrete foundations for one- and two-family dwellings, multifamily dwellings and commercial structures employing wood structural wall members shall be chemically treated by a certified applicator. Written documentation of such application shall be submitted to the Building Official prior to or at the time of the foundation inspection.

**Flood Zone Requirements:**

If a new structure is to be located in Zone AE, an elevation determination is required to be submitted prior to the issuance of a building permit. An additional elevation certificate is required upon completion of the project in order to obtain a certificate of occupancy. If a new structure is to be located in a Zone X or Shaded X, the elevation shall be one foot (1') above curb or adjacent grade, whichever is higher.

**NOTE:** All equipment (HVAC) located adjacent to the structure is also required to be elevated above Base Flood Elevation (BFE).