

ORDINANCE NO. 20121018-024

AN ORDINANCE AMENDING VARIOUS ITEMS IN THE CITY CODE TO CORRECT NONSUBSTANTIVE AND TYPOGRAPHICAL ERRORS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (D) of City Code Section 3-2-3 (*Commerce in Live Animals*) is amended to read as follows:

- (D) This section does not apply to:
- (1) the City of Austin animal shelter or a City of Austin animal shelter certified partner, or a not for profit 501(c)(3) animal welfare organization registered with the City; or
 - (2) an event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products; or
 - (3) an adoption at which consideration is paid if it occurs at a mobile pet adoption establishment that is operated by an organization that is exempt pursuant to paragraph (~~D~~)(1) of this section.

PART 2. Chapter 4-11 (*Regulation of Game Rooms and Amusement Redemption Machines*) is renumbered Chapter 4-13, and the code sections within that chapter are renumbered accordingly.

PART 3. Subsection (A) of City Code Section 9-2-14 (*Restrictions on Permits Impacting Residential Properties*) is amended to read as follows:

- (A) The limitations in this section apply to all permits for the use of sound equipment authorized under this chapter.

PART 4. Subsection (A) of City Code Section 9-2-53 (*Decision on Application*) is amended to read as follows:

- (A) The accountable official shall approve an application under Section 9-2-37 (24-Hour Live Music Permit), Section 9-2-38 (*Multi-Day Special Event Permit*), or Section 9-2-39 (*Outdoor Music Venue Permit*) if:
- (1) the music office and the special events office have recommended a temporary event impact plan under Section 9-2-52 (*Temporary Event Impact Plan*), if applicable; and

(2) the accountable official finds that the conditions included in the temporary event impact plan or other recommendation of the music office are sufficient to:

(a[+]) mitigate adverse impacts of the proposed venue on adjacent residential, commercial, and civic uses; and

(b[+]) protect the health and safety of residents living in areas adjacent to the proposed event or venue.

PART 5. Subsection (C) of City Code Section 9-2-53 (*Decision on Application*) is amended to read as follows:

(C) The accountable official may not deny an initial permit for an outdoor music venue located within the footprint of a restaurant (general) use under Section 25-2-808 (*Restaurants and Cocktail Lounges*), but the accountable official may:

(1[a]) impose conditions on the permit, as provided in Subsection (B)(2) of this section; and

(2[b]) deny an application to renew the permit under Section 9-2-~~326~~2 (*Denial of Permit for Repeated Offenses*) based on repeated violation of applicable decibel limits.

PART 6. Subsection (D) of City Code Section 9-2-53 (*Decision on Application*) is amended to read as follows:

(D) A decision under this section must:

(1[a]) be in writing;

(2[b]) describe conditions of approval, including requirements of the temporary event impact plan; or

(3[e]) be mailed to the applicant and any interested party within three days after the decision is issued, per the requirements of Section 9-2-54 (*Notice of Application*).

PART 7. Subsection (B) of City Code Section 9-2-55 (*Interested Parties*) is amended to read as follows:

(B) A person communicates an interest in a proposed outdoor music venue for purposes of Subsection (A)(2) of this section by communicating his or her concerns, in writing or by phone, to the accountable official. The communication must:

- (1) generally identify the issues of concern;
- (2) include the person's name, telephone [~~phone~~] number, and mailing address;
- (3) be delivered before the earliest date on which action on the application may occur under Subsection 9-2-53(G) (*Decision on Application*); and
- (4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date that a decision on the application can be made under Subsection 9-2-53(G) (*Decision on Application*).

PART 8. Subsection (L) of City Code Section 10-3-97 (*Sampling of Food Products at Certified Farmers Markets*) is amended to read as follows:

- (L) All violations shall be corrected at the time of inspection unless an extension is allowed by the health authority. No extension may [~~shall~~] be granted where the violation poses a significant risk of food-borne illness to the public.

PART 9. City Code Section 15-6-121 (*Notice*) is renumbered as Section 15-6-125, and the remaining sections of Chapter 15-6, Article 8 (*Enforcement and Penalties*) are renumbered accordingly.

PART 10. City Code Section 25-2-901 (*Residential Tours*) is renumbered to City Code Section 25-2-902.

PART 11. City Code Section 25-2-902 (*Garage Sales*) is renumbered to City Code Section 25-2-903, and Subsection (D) is amended to read:

- (D) A garage sale may not be held at the same property more than four days per calendar year or at a property participating in a residential tour under Section 25-2-902 [~~901~~] (*Residential Tours*).

PART 12. Subsection (E) of City Code Section 25-2-1174 (*Structural Requirements*) is amended to read as follows:

(E) On a determination by a city official or employee that a dock has become, or is in imminent danger of becoming, structurally unsound, the building official:

- (1) shall take action to declare the dock a hazard;
- (2) shall abate the hazard under Chapter 25-12, Article 9 (Property Maintenance Code) [~~Article 10 (Dangerous Buildings Code)~~], at the owner's expense; and

- (3) may impose a lien on the affected property for the collection of the expense.

PART 13. Section 2.2.3(B) (*Sidewalks*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read as follows:

- (B) Public sidewalks shall be located along both sides of all Urban Roadways in accordance with the requirements of this section. Compliance with this section is required for all sites with frontage along an Urban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way. A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.

For development that is subject to the requirements of this section, sidewalks shall be no less than 12 feet in width, unless otherwise approved as part of the site plan review process. (See Figure 23.) The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.

Sidewalks shall consist of two zones: a planting [~~street-tree/furniture~~] zone located adjacent to the curb, and a clear zone.

PART 14. Section 2.2.4(C) (*Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read as follows:

- (C) Building Placement.
 - (1) On Suburban Roadways, parking is discouraged between the building and the street. (See Figure 32.) If the property meets the building placement requirements for Urban Roadways as set forth in Section 2.2.3.D. above and no parking is located between the principal street and any street-facing building elevation, the project is exempt from the connectivity requirements in Section 2.3.1.
 - (2) Exception: Pad-site Building with Drive-In or Drive-Through. A lot or site containing a drive-in or drive-through building may include a circulation lane of up to 20 feet in width between the building and the curb if the site has only one point of access to a public roadway. The drive-in or drive-through building located behind the circulation lane need not be built up to the clear zone, but the circulation lane may not

have parking and must contain an accessible and clearly marked walkway that crosses the circulation aisle and connects [to] the clear zone to the building's principal entrance.

PART 15. Section 3.2.2, Subsection A (*Glazing on Building Facades*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read as follows:

Glazing on Building Facades. Glazing provides interest for pedestrians [~~pedestrian~~], connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades. Projects subject to this section shall meet the following minimum glazing requirements, but may provide additional glazing beyond what is required under this section:

- (A) On the facade facing the roadway or Internal Circulation Route where building frontage is provided under the requirements of this Subchapter:
 - 1. 40 percent of the wall area that is between two and ten feet above grade shall consist of glazing (See Figure 46.); and
 - 2. 25 percent of the second floor wall area that is between three and eight feet, as measured from that story's finished floor level. (See Figure 46 [~~44~~].)

PART 16. Section 108.5 (*Temporary earth retention systems*) of City Code Section 25-12-3 (*Local Amendments to the Building Code*) is amended to read as follows:

108.5. Temporary earth retention systems. Temporary earth retention system components used to facilitate below-grade construction of a building or structure shall conform to Sections 1811 (*Earth Retention Systems*) and [~~Section~~] 3202.1.4 (*Earth retention system components*).

PART 17. City Code Section 25-12-133 (*Local Amendments to the Mechanical Code*) is amended to amend Section 401.4.1 (*Intake openings*) to read:

401.4.1 Intake openings. Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) horizontally from any hazardous or noxious contaminant source, such as vents, chimneys, plumbing vents, streets, alleys, parking lots and loading docks except as otherwise specified in this code. Where a source of contamination is located a minimum of 3 feet (914 [~~3048~~] mm) horizontally of an intake opening, such opening shall be located a minimum of 3 feet below the contaminant source. The exhaust from a bathroom or kitchen in a residential dwelling shall not be considered to be a hazardous or noxious contaminant.

PART 18. City Code Section 25-12-133 (*Local Amendments to the Mechanical Code*) is amended to amend Section 521.10.1 (*Exhaust fans*) to read:

521.10.1 Exhaust fans. Components of exhaust fans shall be rated and certified by the manufacturer for the probable temperature rise to which the components will be exposed. This temperature rise shall be computed by:

$$T_s = (Q_c/mc) + (T_a)$$

(Equation 5-4)

where:

c=Specific heat of smoke at smoke- layer temperature, Btu/lb°F (kJ/kg K [$^{\circ}$]).*

m=Exhaust rate, pounds per second (kg/s).

Qc=Convective heat output of fire, Btu/s (kW).

Ta=Ambient temperature, °F (K).

Ts=Smoke temperature, °F (K).

PART 19. City Code Section 25-12-172 (*Local Amendments to the Fire Code*) is amended to amend Section 907.7.6 (*Annunciation and Control*) to read:

907.7.6 Annunciation and control. The main fire alarm control panel or a ~~[an]~~ full function remote annunciator shall be installed [~~install~~] at the main entrance or at an approved location near the main entrance of buildings with fire alarm systems.

PART 20. City Code Section 25-12-172 (*Local Amendments to the Fire Code*) is amended to amend the row numbered “265-2007” in the table at Chapter 47 (*Referenced Standards*) to read as follows:

265 – 2007 Standard Method of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Wall Coverings	803.5.1, 803.5.1.1, 803.5.1.2 [2.3, 806.2.3.1, 806.2.3.2]
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PART 21. City Code Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*) is amended to renumber Section 901.5 (Orders) as Section 901.6.

PART 22. City Code Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*) is amended to amend Paragraph 4 of Section 902.2.1 (*Satisfaction of Civil Penalty*) to read as follows:

4. The code official shall determine whether the costs provided under Subsection 3 [~~(C)~~] of this section are associated with a repair ordered by the Building and Standards Commission. The determination by the code official under this subsection may not be appealed.

PART 23. City Code Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*) is amended to amend Paragraph 1.2 of Section 1100.1 (*Criminal Offense and Penalty*) to read as follows:

1.2 leases or causes to be leased a building or structure or portion of a building or structure that becomes vacant after the owner receives notice from the code official that the building or structure is substandard or dangerous.

PART 24. City Code Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*) is amended to amend the definition of "Rooming House" in Section 1301 (*Definitions*) to read as follows:

ROOMING HOUSE. A building, other than a hotel, where [~~for~~] lodging for more than six unrelated persons is provided without meals in return for compensation.


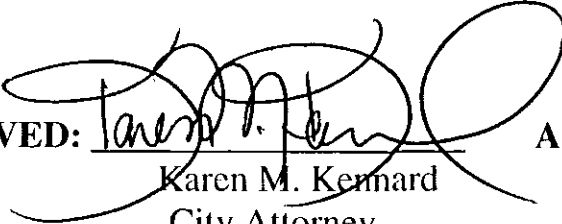
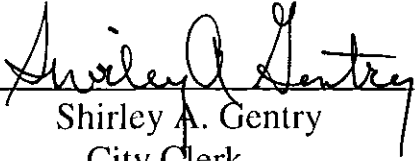
PART 25. City Code Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*) is amended to amend Section 1311 (*Transfer and Notice on Sale of Premises*) to read as follows:

1311 TRANSFER AND NOTICE ON SALE OF PREMISES

A license issued under this chapter is not transferable. Every person holding a license shall give written notice to the code official no later than 10 days before the conveyance, transfer, or any other disposition of the ownership of, interest in, or control of any boarding house, hotel, rooming house, or bed and breakfast establishment. The notice must include the name and address of the person succeeding to the ownership or control of the boarding house, hotel [~~or~~], rooming house, or bed and breakfast establishment.

PART 26. This ordinance takes effect on October 29, 2012.

PASSED AND APPROVED

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<u>October 18</u> , 2012		 Lee Jeffingwell Mayor
APPROVED:  Karen M. Kennard City Attorney	ATTEST:  Shirley A. Gentry City Clerk	