

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE 3.02, DIVISION 10, "EXISTING BUILDING CODE," ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE* BY THE AMENDMENT OF SECTION 3.02.451, "ADOPTION," AND ESTABLISHING AMENDMENTS TO THE 2021 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE* IN ACCORDANCE WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS' RECOMMENDED AMENDMENTS, LOCAL AMENDMENTS AND INDUSTRY STANDARDS THROUGH THE AMENDMENT OF SECTION 3.02.452, "AMENDMENTS"; PROVIDING A PENALTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the International Code Council ("ICC") has developed a set of comprehensive and coordinated national model construction codes (known as the "International Codes"), and the City of Forney, Texas ("City") has been involved throughout the development process of the International Codes, through the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG"); and

WHEREAS, the *International Existing Building Code* has been prepared by the ICC and in addition to review by the NCTCOG, has been reviewed by City staff; and

WHEREAS, the 2021 edition of the *International Existing Building Code* is intended to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings; and

WHEREAS, the provisions of the 2021 edition of the *International Existing Building Code* will apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings regardless of whether the building was previously occupied or not occupied and regardless of whether the building is subject to the *International Building Code* or the *International Residential Code*; and

WHEREAS, the current Existing Building Code in the City is the 2018 edition of the *International Existing Building Code*, and the City's Existing Building Code should be updated to the most current, published codes available; and

WHEREAS, the City Council of the City of Forney, Texas ("City Council") has determined that it is in the best interest of the citizens of the City of Forney to adopt the 2021 edition of the *International Existing Building Code*, as set forth herein and as that code is specifically modified by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct factual and legislative determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDMENT OF ORDINANCE

From and after the effective date of this Ordinance, Chapter 3, Article 3.02, Division 10, of the Code of Ordinances of the City of Forney, Texas, entitled “Existing Building Code,” is hereby amended by amending Sections 3.02.451, entitled “Adoption,” and 3.02.452, entitled “Amendments,” in their entirety and replacing said provisions with new Sections 3.02.451, entitled “Adoption of *International Existing Building Code*,” and 3.02.452, entitled “*International Existing Building Code* Amendments,” to read as follows:

“Sec. 3.02.451 Adoption of *International Existing Building Code*.

The *International Existing Building Code*, 2021 edition, a copy of which is on file in the offices of the City of Forney, is hereby adopted and designated as the Existing Building Code of the City, the same as though the provisions of the *International Existing Building Code*, 2021 edition, were copied at length in this section, subject to the deletions, amendments, and additions provided in section 3.02.452.

Sec. 3.02.452 *International Existing Building Code* Amendments.

The following amendments repeal and reenact or add sections to the *International Existing Building Code*, 2021 edition, adopted by Section 3.02.451 of this Code for the purpose of consistency with specific past practices and the recommendations of the North Central Texas Council of Governments, and all sections not expressly amended remain in full force and effect as adopted.

- (1) Section 101.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

101.1. Title. These regulations shall be known as the Existing Building Code for the City of Forney and shall be cited as such. It is referred to herein as the “this code.”

- (2) Section 102.4 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2. {No change to rest of section.}

- (3) Section 110.2 of the *International Existing Building Code*, 2021 edition, is hereby amended to delete number 11 to read as follows:

~~11. Where an automatic sprinkler system is provided, and whether an automatic sprinkler system is required.~~

- (4) Section 202 of the *International Existing Building Code*, 2021 edition, is hereby amended to amend the Existing Building definition to read as follows:

Existing Building - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; a building, structure or space that is undergoing a change of occupancy or use.

- (5) Section 202 of the *International Existing Building Code*, 2021 edition, is hereby amended to amend the Existing Structure definition to read as follows:

Existing Structure - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; a building, structure or space that is undergoing a change of occupancy or use.

- (6) Section 306.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to add an exception to read as follows:

Exceptions:

1. Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.
2. If the cost of the project is less than \$50K, it must comply with ICC A117.1, or it shall be reviewed and inspected to the Texas Accessibility Standards by a Registered Accessibility Specialist.

- (7) Section 306.2 of the *International Existing Building Code*, 2021 edition, is hereby amended to add an exception to read as follows:

Exception: Projects subject to the Texas Accessibility Standards as adopted by the Texas Department of Licensing and Regulation are exempt from this section. Projects with a valuation of less than \$50,000.00 (which are subject to the Texas Accessibility Standards) may be accepted as equivalent to this section where reviewed and inspected to the Texas Accessibility Standards by a Texas Department of Licensing and Regulation Registered Accessibility Specialist when a plan review report and a compliant inspection report are provided to the building code official.

- (8) Section 306.5.1 of the *International Existing Building Code*, 2021 edition, is hereby added to read as follows:

306.5.1 Complete change of occupancy. Where an entire building undergoes a *change of occupancy*, it shall comply with Section 305.4.1 and shall have all of the following accessible features

1. Not fewer than one accessible building entrance.

2. Not fewer than one accessible route from an accessible building entrance to *primary function* areas.
3. Signage complying with Section 1111 of the *International Building Code*.
4. Accessible parking where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are provided.
6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.
7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the *International Building Code*.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.

Exception: The accessible features listed in Items 1 through 6 are not required for an accessible route to Type B units.

- (9) Section 401.3, Flood Hazard Areas, of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (10) Section 405.2.6, Flood Hazard Areas, of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (11) Section 406.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to add a code reference to read as follows:

406.1 Material. Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.
- (12) Section 502.3, Flood Hazard Areas, of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (13) Section 503.2, Flood Hazard Areas, of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (14) Section 503.16 of the *International Existing Building Code*, 2021 edition, is hereby amended to add an exception to read as follows:

Exception. Compliance with the Texas Accessibility Standards is not considered equivalent compliance for the purpose of enforcement of this code section.
- (15) Section 504.1.2 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

504.1.2 Existing fire escapes. Existing fire escapes shall continue to be accepted as a component in the means of egress in existing buildings only. Existing fire escapes shall be permitted to be repaired or replaced.

- (16) Section 504.1.3 of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (17) Section 507.3, Flood Hazard Areas, of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (18) Section 701.3, Flood Hazard Areas, of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (19) Section 702.4 of the *International Existing Building Code*, 2021 edition, is hereby amended to add exception 2 to read as follows:

2. Operable windows with openings that are provided with window fall prevention devices that comply with ASTM F2090.

- (20) Section 702.7 of the *International Existing Building Code*, 2021 edition, is hereby amended to add a code reference to read as follows:

702.7 Materials and methods. All new work shall comply with the materials and methods requirements in the *International Building Code*, *International Energy Conservation Code*, *International Mechanical Code*, National Electrical Code, and *International Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

- (21) Section 802.5.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

802.5.1 Minimum requirement. Every portion of open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings that is more than 30 inches (762 mm) above the floor or grade below and is not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.

- (22) Section 803.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to add a sentence to read as follows:

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the *work area* shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject *work area*, and if the *work area* includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

- (23) Section 803.2.6 of the *International Existing Building Code*, 2021 edition, is hereby amended to amend the exception to read as follows:

Exception: Supervision is not required where the Fire Code does not require such for new construction.

- (24) Section 803.3 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

803.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.
{Delete rest of Section 803.3.}

- (25) Section 804.2 of the *International Existing Building Code*, 2021 edition, is hereby amended to delete Exception #1.

- (26) Section 804.4.1.2 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

804.4.1.2 Fire Escapes required. For other than Group I-2, where more than one exit is required, an existing fire escape complying with section 805.3.1.2.1 shall be accepted as providing one of the required means of egress.

- (27) Section 804.4.1.2.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

804.4.1.2.1 Fire Escape access and details - ...

1. *Remain Unchanged*
2. Access to a new fire escape shall be through a door...
3. *Item deleted*
4. *Remain Unchanged*
5. In all building of Group E occupancy up to and including the 12th grade, building of Group I occupancy, boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

- (28) Section 804.6.2, Transoms, of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

804.6.2 Transoms. In all buildings of Group B, E, I-1, I-2, R-1 and R-2 occupancies, [*Remainder Unchanged*]

- (29) Section 904.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to add a sentence to read as follows:

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the *work area* shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject *work area*, and if the *work area* includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

- (30) Section 904.1.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to add a sentence to read as follows:

904.1.1 High-rise buildings. An automatic sprinkler system shall be provided in work areas of high-rise buildings.

- (31) Section 1011.2.1 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

1011.2.1 Fire sprinkler system. Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code. The installation of the automatic sprinkler system shall be required within the area of the change of occupancy and areas of the building not separated horizontally and vertically from the change of occupancy by one of the following:

- ~~1. Nonrated permanent partition and horizontal assemblies.~~
- ~~2. Fire partition.~~
- ~~3. Smoke partition.~~
- ~~4. Smoke barrier.~~
5. Fire barrier, as required by Section 707 of the IBC.
6. Fire wall, as required by Section 706 of the IBC.

Exceptions: [Remain unchanged.]

- (32) Section 1102.2.1 of the *International Existing Building Code*, 2021 edition, is hereby added to read as follows:

1102.2.1 Fire Separations. Where fire separations are utilized to allow additions without exceeding the allowable area provisions of Chapter 5 of the IBC for either the existing building or the new addition, the decreased clear space where the two buildings adjoin shall be accounted for in such calculation relative to the allowable frontage increase.

- (33) Section 1103.3 of the *International Existing Building Code*, 2021 edition, is hereby deleted.

- (34) Section 1201.4 of the *International Existing Building Code*, 2021 edition, is hereby deleted.

- (35) Section 1301.3.2 of the *International Existing Building Code*, 2021 edition, is hereby amended to read as follows:

1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the International Fire Code.

- (36) Section 1301.3.3 of the *International Existing Building Code*, 2021 edition, is hereby deleted.

- (37) Section 1402.6 of the *International Existing Building Code*, 2021 edition, is hereby deleted.
- (38) Section 1509 of the *International Existing Building Code*, 2021 edition, is hereby amended to delete Section 1509.1 through 1509.5 and to add Section 1509.1 to read as follows:

1509.1 When required. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. The water supply design and the timing of the water supply installation relative to building construction shall comply with the adopted Fire Code.

Section 3. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

Upon its passage and publication as required by law, this Ordinance shall become effective on January 1, 2023.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, on this the _____ day of _____, 2022.

Amanda Lewis, Mayor

ATTEST:

Laura Calcote, Interim City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jennifer Barnes Smith, City Attorney