

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF IRVING, TEXAS, BY ADDING SECTIONS 8B-24 THROUGH 8B-26, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE AS THE EXISTING BUILDING CODE FOR THE CITY OF IRVING, TEXAS; PROVIDING LOCAL AMENDMENTS, ADDITIONS, AND DELETIONS THERETO; ADOPTING PENALTY PROVISIONS; AND PROVIDING FOR SEVERABILITY, SAVINGS, AND AN EFFECTIVE DATE.

WHEREAS, the North Central Texas Council of Governments encourages local jurisdictions to adopt the 2021 International Codes; and

WHEREAS, the Construction Board of Appeals, among its other duties, has been created to obtain public comment on the periodic update of the code; and

WHEREAS, the Construction Board of Appeals has conducted a public meeting to receive public comments from persons affected by the proposed amendments to the code, and recommends adoption of the International Existing Building Code as the Existing Building Code for the City with the following local amendments.

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

SECTION 1. That Chapter 8B entitled “Building Codes” of The Land Development Code of the City of Irving, Texas, is hereby amended by adding Sections 8B-24, 8B-25, and 8B-26 to read as follows:

Sec. 8B-24. International Existing Building Code.

The 2021 edition of the International Swimming Pool and Spa Code is adopted as the swimming pool and spa code of the City of Irving, Texas, as amended herein.

Sec. 8B-25. Local Amendments, additions, and deletions to the 2021 edition of the International Existing Building Code.

Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published 2021 International Existing Building Code and this section, the specific provisions of this section shall control. Amendments, modifications, and deletions to the 2021 International Existing Building Code are adopted as follows:

- a) Chapter 1 (Scope and Administration), Section 101 (Scope and General Requirements) subsection 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Irving, hereinafter referred to as “this code” or “IEBC.”

- b) Chapter 1 (Scope and Administration), Section 102 (Applicability), Subsection 102.4 is 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.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 Conflicting provisions. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

- c) Chapter 1 (Scope and Administration), Section 103 (Code Compliance Agency), Subsection 103.1 is amended to read as follows:

103.1 Creation of Agency. The City of Irving Inspections Department is hereby created, and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

- d) Chapter 1 (Scope and Administration), Section 110 (Certificate of Occupancy) is amended to delete 110.2 (11) so that it reads as follows:

- a. **110.2 Certificate issued.** After the code official inspects the structure and does not find violations of the provisions of this code or other laws that are enforced by the department, the code official shall issue a certificate of occupancy that contains the following:

1. The permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance with the provisions of the International Building Code.
9. The type of construction as defined in the International Building Code.
10. Where an automatic sprinkler system is provided, and whether an automatic sprinkler system is required.

11. Any special stipulations and conditions of the building permit.

- e) Chapter 1 (Scope and Administration), Section 202 (General Definitions) is amended to revise only the following definitions 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.

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.

- f) Chapter 3 (Provisions for All Compliance Methods), Section 306 (Accessibility for Existing Buildings), Subsection 306.1 is amended to add the following exceptions to read as follows:

306.1 Scope. The provisions of Sections 306.1 through 306.7.16 apply to maintenance and repair, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

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 \$50,000, it must comply with ICC A117.1, or it shall be reviewed and inspected to the Texas Accessibility Standards by a Registered Accessibility Specialist.

- g) Chapter 3 (Provisions for All Compliance Methods), Section 306 (Accessibility for Existing Buildings), Subsection 306.2 is amended to add the following exception to read as follows:

306.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the alteration and existing building provisions in ICC A117.1, as applicable.

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.

- h) Chapter 3 (Provisions for All Compliance Methods), Section 306 (Accessibility for Existing Buildings), Subsection 306.5 (Change of Occupancy) is amended to add 306.5.1 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.

- i) Chapter 4 (Repairs), Section 401 (General) is amended to delete Subsection 401.3 “Flood Hazard Areas” in its entirety.
- j) Chapter 4 (Repairs), Section 405 (Structural) is amended to delete Subsection 405.2.6 “Flood Hazard Areas” in its entirety.
- k) Chapter 4 (Repairs), Section 406 (Electrical), Subsection 406.1 “Material” is amended 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.

- l) Chapter 5 (Prescriptive Compliance Method), Section 502 (Additions) is amended to delete Subsection 502.3 “Flood Hazard Areas” in its entirety.
- m) Chapter 5 (Prescriptive Compliance Method), Section 503 (Alterations) is amended to delete Subsection 503.2 “Flood Hazard Areas” in its entirety.
- n) Chapter 5 (Prescriptive Compliance Method), Section 503 (Alterations), Subsection 503.16 (Enhanced classroom acoustics) is amended to add an exception to read as follows:

503.16 Enhanced classroom acoustics. In Group E occupancies, where the work area exceeds 50 percent of the building area, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.

Exception: Compliance with the Texas Accessibility Standards is not considered equivalent compliance for the purpose of enforcement of this code section.

- o) Chapter 5 (Prescriptive Compliance Method), Section 504 (Fire Escapes), Subsection 504.1.2 “Existing fire escapes” is 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.

- p) Chapter 5 (Prescriptive Compliance Method), Section 504 (Fire Escapes), Subsection 504.1.3 “New fire escapes” is deleted in its entirety.
- q) Chapter 5 (Prescriptive Compliance Method), Section 507 (Historic Buildings), Subsection 507.3 “Flood Hazard Areas” is deleted in its entirety.
- r) Chapter 7 (Alterations- Level 1), Section 701 (General), Subsection 701.3 “Flood Hazard Areas” is deleted in its entirety.
- s) Chapter 7 (Alterations- Level 1), Section 702 (Building Elements and Materials), Subsection 702.4 “Window opening control devices on replacement windows” is amended to add a second exception to read as follows:

702.4 Window opening control devices on replacement windows. In Group R-2 or R-3 buildings containing dwelling units and one- and two-family dwellings and townhouses regulated by the International Residential Code, window opening control devices complying with ASTM F2090 shall be installed where an existing window is replaced and where all of the following apply to the replacement window:

1. The window is operable.
2. One of the following applies:
 - a. The window replacement includes replacement of the sash and frame.
 - b. The window replacement includes the sash only where the existing frame remains.
3. One of the following applies:
 - a. In Group R-2 or R-3 buildings containing dwelling units, the bottom of the clear opening of the window opening is at a height less than 36 inches (915 mm) above the finished floor.
 - b. 3.2. In one- and two-family dwellings and townhouses regulated by the International Residential Code, the bottom of the clear opening of the window opening is at a height less than 24 inches (610 mm) above the finished floor.
4. The window will permit openings that will allow passage of a 4-inch-diameter (102 mm) sphere when the window is in its largest opened position.
5. The vertical distance from the bottom of the clear opening of the window opening to the finished grade or other surface below, on the exterior of the building, is greater than 72 inches (1829 mm).

Exceptions:

1. Operable windows where the bottom of the clear opening of the window opening is located more than 75 feet (22 860 mm) above the finished

grade or other surface below, on the exterior of the room, space or building, and that are provided with window fall prevention devices that comply with ASTM F2006.

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

- t) Chapter 7 (Alterations- Level 1), Section 702 (Building Elements and Materials), Subsection 702.7 is amended 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.

- u) Chapter 8 (Alterations- Level 2), Section 802 (Building Elements and Materials), Subsection 802.5.1 is 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.

- v) Chapter 8 (Alterations- Level 2), Section 803 (Fire Protection), Subsection 803.1 is amended to read as follows:

803.1 Scope. The requirements of this section shall be limited to work areas in which Level 2 alterations are being performed, and where specified they shall apply throughout the floor on which the work areas are located or otherwise beyond the work area. 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.

- w) Chapter 8 (Alterations- Level 2), Section 803 (Fire Protection), Subsection 803.2 (Automatic Sprinkler System) is amended such that 803.2.6 “Supervision” reads as follows:

803.2.6 Supervision. Fire sprinkler systems required by this section shall be supervised by one of the following methods:

1. Approved central station system in accordance with NFPA 72.
2. Approved proprietary system in accordance with NFPA 72.
3. Approved remote station system of the jurisdiction in accordance with NFPA 72.
4. Where approved by the code official, approved local alarm service that will cause the sounding of an alarm in accordance with NFPA 72.

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

- x) Chapter 8 (Alterations- Level 2), Section 803 (Fire Protection), Subsection 803.3 is amended to read as follows:

803.3 Standpipes. Refer to Section 1103.6 of the International Fire Code as adopted by City of Irving Code of Ordinances Chapter 17 for retroactive standpipe requirements.

- y) Chapter 8 (Alterations- Level 2), Section 804 (Means of Egress), Subsection 804.2 “General” is amended to delete exception number 1 such that the section reads as follows:

804.2 General. The means of egress shall comply with the requirements of this section.

Exception: Means of egress complying with the requirements of the building code under which the building was constructed shall be considered to be compliant means of egress if, in the opinion of the code official, they do not constitute a distinct hazard to life.

- z) Chapter 8 (Alterations- Level 2), Section 804 (Means of Egress), Subsection 804.4 (Number of exits) is 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.

- aa) Chapter 8 (Alterations- Level 2) Section 804 (Means of Egress), Subsection 804.4 (Number of exits), Subsection 804.4.1 (Minimum Number), Subsection 804.4.1.2 (Fire Escapes Required), Subsection 804.4.1.2.1 is amended to read as follows:

804.4.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.
2. Access to a fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2 and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications.
 1. The window shall have a minimum net clear opening of 5.7 square feet (0.53 m²) or 5 square feet (0.46 m²) where located at grade.
 2. The minimum net clear opening height shall be 24 inches (610 mm) and net clear opening width shall be 20 inches (508 mm).
 3. The bottom of the clear opening shall not be greater than 44 inches (1118 mm) above the floor.
 4. The operation of the window shall comply with the operational constraints of the International Building Code.
3. Openings within 10 feet (3048 mm) of fire escape stairways shall be protected by fire assemblies having minimum ¾ -hour fire resistance ratings.

Exception: Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

4. In all buildings of Group E occupancy, up to and including the 12th grade, buildings 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.

bb) Chapter 8 (Alterations- Level 2), Section 804 (Means of Egress), Subsection 804.6 (Openings in corridor walls), Subsection 804.6.2 is 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, all transoms in corridor walls in work areas shall be either glazed with ¼ -inch (6.4 mm) wired glass set in metal frames or other glazing assemblies having a fire protection rating as required for the door and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

cc) Chapter 9 (Alterations- Level 3), Section 904 (Fire Protection), Subsection 904.1 is amended to read as follows:

904.1 Automatic sprinkler systems. An automatic sprinkler system shall be provided in a work area where required by Section 803.2 or this section. 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.

dd) Chapter 9 (Alterations- Level 3), Section 904 (Fire Protection), Subsection 904.1.1 is amended to read as follows:

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

ee) Chapter 10 (Change of Occupancy), Section 1011 (Change of Occupancy Classification), Subsection 1011.2.1 is 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. Fire barrier, as required by Section 707 of the 2021 International Building Code as adopted by the City of Irving.
2. Fire wall, as required by Section 706 of the 2021 International Building Code as adopted by the City of Irving.

Exceptions:

1. An automatic sprinkler system shall not be required in a one- or two-family dwelling constructed in accordance with the 2021 International Residential Code as adopted by the City of Irving.
 2. Automatic sprinkler system shall not be required in a townhouse constructed in accordance with the 2021 International Residential Code as adopted by the City of Irving.
 3. The townhouse shall be separated from adjoining units in accordance with Section R302.2 of the 2021 International Residential Code as adopted by the City of Irving.
- ff) Chapter 11 (Additions), Section 1102 (Heights and Areas), Subsection 1102.2 (Area Limitations) is amended to add 1102.2.1 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 2021 International Building Code as adopted by the City of Irving 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.
- gg) Chapter 11 (Additions), Section 1103 (Structural), Subsection 1103.3 “Flood Hazard Areas” is deleted in its entirety.
- hh) Chapter 12 (Historic Buildings), Section 1201 (General), Subsection 1201.4 “Flood Hazard Areas” is deleted in its entirety.
- ii) Chapter 13 (Performance Compliance Methods), Section 1301 (General), Subsection 1301.3 (Acceptance), Subsection 1301.3.2 is 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 2021 International Fire Code as adopted and amended by the City of Irving Code of Ordinances Chapter 17 (Fire Protection).
- jj) Chapter 13 (Performance Compliance Methods), Section 1301 (General), Subsection 1301.3.3 “Compliance with Flood Hazard Provisions” is deleted in its entirety.
- kk) Chapter 14 (Relocated or Moved Buildings), Section 1402 (Requirements), Subsection 1402.6 “Flood Hazard Areas” is deleted in its entirety.
- ll) Chapter 15 (Construction Safeguards), Section 1509 (Water Supply for Fire Protection), Subsections 1509.1 through 1509.5 are deleted and replaced by the following:
- 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.

Sec. 8B-26. Penalty.

- a) A person commits an offense if the person violates a provision of the 2021 International Existing Building Code, as adopted and amended by the City of Irving, allows another person to violate a provision of the 2021 International Existing Building Code, as adopted and

amended by the City of Irving, or fails to perform an act required of the person by the 2021 International Existing Building Code, as adopted and amended by the City of Irving. A person commits a separate offense each day or portion of a day during which the violation is committed, allowed, or continued.

- b) An offense described in Section 8B-26(a) is a class “C” misdemeanor and shall be punishable by a fine not to exceed \$500.00. However, a fine for the violation of a provision of this chapter that governs fire safety, zoning, or public health and sanitation, including dumping or refuse, may not exceed \$2,000.00.
- c) The penalties provided for in this section are in addition to any other enforcement remedies that the city may have under other city ordinances or state law.

SECTION 2. That terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 3. That it is the intent of the Irving City Council that pending prosecutions, brought under the previous code, which this ordinance replaces, should continue under the terms and penalties of said code and be saved from dismissal as if said prior ordinances had not been repealed.

SECTION 5. That this ordinance shall become effective on February 13, 2023.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on _____.