

ORDINANCE NO. O-2018-009-15

AN ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS AMENDING CHAPTER 14, BUILDING, STRUCTURES AND APPURTENANCES, ARTICLE II, BUILDING CODE BY ADDING SECTION 14-60 TO ADOPT THE 2015 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, ADDING SECTION 14-61 TO ADOPT LOCAL AMENDMENTS TO THE 2015 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; PROVIDING FOR THE MODIFICATION OF THE CODE TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE EXISTING BUILDING CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City, Texas (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council desires to adopt a nationally-recognized Existing Building Code containing standards regulating existing buildings; and

WHEREAS, the City Council has reviewed the available codes and has determined that the 2015 Edition of the International Existing Building Code most fully meets the needs of the City; and

WHEREAS, the City Council desires to provide a mechanism by which local modifications reflecting the unique needs of the may be made when deemed appropriate; and

WHEREAS, the North Central Texas Council of Governments and City Staff have recommended adoption of certain amendments to the 2015 Edition of the International Existing Building Code to reflect locally accepted practice; and

WHEREAS, the City Council has determined that these local amendments are in the public interest and therefore deems it advisable to amend the 2015 Edition of the International Existing Building Code to incorporate these local amendments.

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

SECTION 1.

Chapter 14, Buildings, Structures and Appurtenances is hereby amended by adding Section 14-60 "Adopted" to read as follows:

Sec. 14-60. - Adopted.

The 2015 International Existing Building Code is hereby adopted as the official existing building code of the City of Haltom City, Texas. This existing building code is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in the International Existing Building Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 2.

Chapter 14, Buildings, Structures and Appurtenances is hereby amended by adding Section 14-61 "Amendments" to read as follows:

Sec. 14-61. - Amendments.

The 2015 International Existing Building Code, as adopted herein, is hereby amended as shown on Exhibit "A" attached hereto. The material contained in Exhibit "A" to this ordinance, although fully adopted and incorporated by reference, shall not be included in the formal municipal codification of ordinances. The material contained in Exhibit "A" shall instead be maintained as a public record in the office of the City Secretary. This exhibit will be available for public inspection and copying during regular business hours.

SECTION 3.

The City may from time to time determine that additional local modifications to the codes adopted herein are necessary and appropriate to meet the unique building needs of the City. To effectuate modifications, the city council may enact individual ordinances amending this ordinance fully setting forth the change to be made in the specific code. Such subsequent amendments shall be consolidated as an exhibit to this ordinance, and shall be maintained as a public record in the office of the City Secretary.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5.

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, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the ordinances of the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City is hereby directed to publish in the official newspaper of the City, the caption, penalty clause, and effective date clause of this ordinance one (1) time within ten (10) days after the first reading of this ordinance as required by Section 10.01 of the Charter of the City of Haltom City.

SECTION 9.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 2nd DAY OF January, 2018.

PASSED AND APPROVED ON SECOND READING THIS 12th DAY OF FEBRUARY, 2018.



[Handwritten signature]

MAYOR

ATTEST:

[Handwritten signature]

CITY SECRETARY

EFFECTIVE: 2/12/18

APPROVED AS TO FORM AND LEGALITY:

[Handwritten signature]

CITY ATTORNEY

**EXHIBIT A
LOCAL AMENDMENTS OF
THE CITY OF HALTOM CITY, TEXAS
TO 2015 INTERNATIONAL EXISTING BUILDING CODE**

**Recommended Amendments to the 2015
International Existing Building Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2015 International Existing Building Code* are hereby amended as follows: Standard type is text from the IEBC. Underlined type is text inserted. ~~Lined through type is deleted text from IEBC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2015 code.

*****Section 102.4; change to read as follows:**

[A] 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.

[Reason: To not inadvertently adopt other codes (i.e. Wildland Urban Interface Code etc...) by reference.]

*****Section 202; amend definition of Existing Building 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; or a change of occupancy.

(Reason: To prevent potential abuses in new construction and shell buildings.)

*****Section 405.1.2, 405.1.3, 405.1.4; change to read as follows:**

405.1.2 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.

(Reason: To add clarity and help reduce confusion associated with the amendment preventing new fire escapes.)

*****Section 405.1.3; delete entire section:**

~~**405.1.3 New fire escapes.** New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized due to lot lines limiting stairway size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.~~

(Reason: To generally require a higher level of egress protection while still allowing options in the most extreme cases.)

*****Section 406.2; change to read as follows:**

406.2 Replacement window opening control devices. In Group R-2 or R-3 buildings containing dwelling units, window opening control devices complying with ASTM F 2090 shall be installed where an existing window is replaced and where all of the following apply to the replacement window . . .

The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by Section ~~4029.2-1030.2~~ of the International Building Code.

Remainder unchanged

(Reason: Referenced Section was incorrect)

*****Section 406.3; change to read as follows:**

406.3 Replacement window emergency escape and rescue openings. Where windows are required to provide emergency escape and rescue openings in Group R-2 and R-3 occupancies, replacement windows shall be exempt from the requirements of Sections 1030.2, 1030.3 and 1030.5 of the International Building Code provided the replacement window meets the following conditions:

Remainder unchanged

(Reason: To clarify which code this section was referencing)

*****Section 408.3; to closely follow the amendments for the IBC:**

408.3 Flood hazard areas. *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city)

*****Section 409.1 add an exception to read as follows:**

Exception: Moved historic buildings need not be brought into compliance with the exception of new construction features required as the result of such movement, including but not limited to foundations and/or other structural elements.

(Reason: To maintain the integrity of historic buildings that would otherwise be required to comply with the provisions for new construction.)

*****Section 410.1 adds an exception to read as follows:**

Exception: 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.

(Reason: To coordinate with the IBC and State Law.)

*****Section 410.4.2; Add Number 7 to the list of requirements as follows:**

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

(Reason: Accessible toilet rooms should be available for disabled occupants.)

*****Section 601.3; to closely follow the amendments for the IBC:**

601.3 Flood hazard areas. *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city)

*****Section 601.3; to closely follow the amendments for the IBC:**

601.3 Flood hazard areas. (Jurisdictions may consider the option **to amend or delete** depending on local enforcement and flood hazard ordinances.)

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

*****Section 602.3; add code reference to read as follows:**

602.3 Glazing in hazardous locations. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the *International Building Code*, *International Energy Conservation Code*, or *International Residential Code* as applicable.

(Reason: The Reduces potential confusion/conflicts for glazing replacement regarding applicable codes.)

*****Section 606.2.4; to closely follow the amendments for the IBC:**

606.2.4: Flood hazard areas. (Jurisdictions may consider the option **to amend or delete** depending on local enforcement and flood hazard ordinances.)

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

*****Section 607.1; add a code reference to read as follows:**

607.1 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.

(Reason: To ensure compliance with the NEC relative to any electrical repairs/replacement.)

*****Section 701.3; to closely follow the amendments for the IBC:**

701.3: Flood Hazard areas. (Jurisdictions may consider the option **to amend or delete** depending on local enforcement and flood hazard ordinances.)

(Reason: Flood hazard ordinances may be administered by other departments within the city..)

*****Section 702.6; add a code reference to read as follows:**

702.6 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.

(Reason: To provide a more complete list of potentially adopted codes.)

****Section 802.1; add a code reference to read as follows:**

802.1 General. Alteration of buildings classified as special use and occupancy as described in Chapter 4 of the *International Building Code* shall comply with the requirements of Section 801.1 and the scoping provisions of Chapter 1 where applicable.

(Reason: To clearly identify the location of special use and occupancy requirements in the Building Code)

*****Section 803.5.1; Exception; change to read as follows:**

803.5.1 Minimum requirement. Every portion of a floor, such as a balcony or a loading dock, that is more than 30 inches (762 mm) above the floor or grade below open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings that are 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.

(Reason: To be consistent with Building Code requirements for guards and unsafe conditions.)

*****Section 804.1; add 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.

(Reason: The intent is to avoid work area protection that would result in partial sprinkler or fire alarm protection. Partial sprinkler protection not delineated by walls would be a clear violation of NFPA 13 and would not allow the sprinkler to perform or function as intended. Also, partial fire alarm coverage is a clear violation of the Fire Code, NFPA 72, and ADA.)

*****Section 804.2.2, Number 2; change Exception to read as follows:**

Exception: ~~If Where~~ the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump, fire sprinkler protection shall not be required ~~work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system in accordance with Sections 907.4, 907.5 and 907.6 of the International Building Code.~~

(Reason: Smoke detection is not an equivalency to sprinkler protection and in general, could result in increased false alarm issues.)

*****Section 804.2.5; change Exception to read as follows:**

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

1. ~~Underground gate valve with roadway boxes.~~
2. ~~Halogenated extinguishing systems.~~
3. ~~Carbon dioxide extinguishing systems.~~
4. ~~Dry and wet chemical extinguishing systems.~~
5. ~~Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.~~

(Reason: The published exceptions are over-reaching and will result in inconsistencies among supervised protection systems and cause confusion for first responders as well.)

*****Section 804.3; change section to read as follows:**

804.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.
{Delete rest of Section 804.3.}

(Reason: The Fire Code already requires standpipes in these buildings (greater than 50 ft.) retroactively in Section 1103.6. This new section would negate/lessen those retroactive provisions already contained in the Fire Code.)

*****Section 805.2; Remove Exception #1**

Exception 1. ~~Where the work area and the means of egress serving it complies with NFPA101.~~

(Reason: NFPA 101 is not a commonly adopted code in the region and enforcement could be problematic)

***** Section 805.3.1.1; delete #4**

~~4. In Group R-4 Occupancies, the maximum occupant load excluding staff is 16.~~

(Reason: Consistency with IBC limit of 10 occupants in R-4 occupancies and committee approved code change for 2018)

***** Section 805.3.1.2; add change to read as follows:**

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

(Reason: Higher level of safety by not allowing new fire escapes.)

***** Section 805.3.1.2.1; add change to read as follows:**

805.3.1.2.1 Fire Escape access and details - ...

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

(Reason: Higher level of safety by not allowing new fire escapes. Consistency with language and defined term in IBC.)

***** Section 805.3.1.2.2; delete entire section.**

~~**805.3.1.2.2 Construction.** The fire escape shall be designed to support a live load of 100 pounds per square foot (4788 Pa) and shall be constructed of steel or other approved noncombustible materials. Fire escapes constructed of wood not less than nominal 2 inches (51mm) thick are permitted on buildings of Type V construction. Walkways and railings located over or supported by combustible roofs in buildings of Types III and IV construction are permitted to be of wood not less than nominal 2 inches (51mm) thick.~~

(Reason: Due to striking out new fire escapes)

***** Section 805.3.1.2.3; delete entire section.**

~~**805.3.1.2.3 Dimensions.** Stairways shall be at least 22 inches (559 mm) wide with risers not more than, and treads not less than, 8 inches (203 mm). Landings at the foot of stairways shall be not less than 40 inches (1016 mm) wide by 36 inches (914 mm) long and located not more than 8 inches (203 mm) below the door.~~

(Reason: Due to striking out new fire escapes)

***** Section 805.5.2 Transoms Add note to read as follows:**

B and E occupancies are not included in the list and consideration should be given to adding them depending on existing buildings stock.

(Reason: Transom windows were historically a common practice in school buildings and each jurisdiction should evaluate the impact on their stakeholders and their community with regards to section)

*****Section 806.2; add an exception to read as follows:**

Exception: 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.

(Reason: with COG amendments to Section 1101.2 of IBC)

*****Section 904.1; add 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.

(Reason: The intent is to avoid work area protection that would result in partial sprinkler or fire alarm protection. Partial sprinkler protection not delineated by walls would be a clear violation of NFPA 13 and the Fire Code and would not allow the sprinkler system to perform or function as intended. Also, partial fire alarm coverage is a clear violation of the Fire Code, NFPA 72, and ADA.)

*****Section 904.1; add sentence to read as follows:**

904.1.1 High-rise buildings. An automatic sprinkler system shall be provided in work areas of where the high-rise buildings has a sufficient municipal water supply for the design and installation of an automatic sprinkler system at the site.

(Reason: Level 3 alterations are affecting more than 50% of the existing high-rise building, and as such, sprinkler protection is more than justifiable, even when fire pumps, etc., are necessary. It is noted that the work area method is one of three different methods available to the designer/owner in the IEBC.)

*****Section 1103.5 Flood hazard areas.** *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city)

*****Section 1201.4 Flood hazard areas.** *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

*****Section 1302.7 Flood hazard areas.** *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

*****Section 1401.2; change to read as follows:**

1401.2 Applicability. Structures existing prior to [DATE TO BE INSERTED BY THE JURISDICTION. Note: it is recommended that this date coincide with the effective date of building codes within the jurisdiction] the date of an approved final inspection issued under a code edition which is at least two published code editions preceding the currently adopted building code; or a change of occupancy, {rest of section un-changed}.

(Reason: For consistency with amendment in Chapter 2 relative to allowable use of this code for existing building.)

*****Section 1401.3.2; change to read as follows:**

1401.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code* and ~~*International Property Maintenance Code*~~.

(Reason: NCTCOG does not currently review the IPMC for recommended amendments at this time.)

***** Chapter 16 – Referenced Standards; change to read as follows:**

IECC— <u>15 Edition as adopted by the State of Texas</u>	International Energy Conservation Code® . 301.2, 702.6, 708.1, 811.1, 908.1
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(Reason: For compliance with State Law requirements for Energy Code adoption)