

ORDINANCE NO. 2023-10684

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF IRVING, TEXAS, BY AMENDING SECTIONS 8B-1, 8B-2, AND 8B-5, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE AS THE COMMERCIAL 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 2021 International Building Code as the commercial 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 amending Sections 8B-1, 8B-2, and 8B-5 to read as follows:

Sec. 8B-1. International Building Code.

The 2021 edition of the International Building Code, including Appendices “C – Group U Agricultural Buildings,” “E – Supplementary Accessibility Requirements,” and “I – Patio Covers” is adopted as the commercial building code of the City of Irving, Texas, as amended herein.

Sec. 8B-2. Local Amendments, additions, and deletions to the 2021 edition of the International 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 Building Code and this section, the specific provisions of this section shall control. If there is a conflict between a provision in the published 2021 International Fire Code or City of Irving Code of Ordinances Chapter 17 (Fire Prevention), the provisions of Chapter 17 shall control. Amendments, modifications, and deletions to the 2021 International Building Code are adopted as follows:

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

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

- b) Chapter 1 (Scope and Administration), Section 101.4 (Scope and General Requirements) is amended to read as follows:
- 101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted by the City of Irving.
- c) Chapter 1 (Scope and Administration), Section 101.4 (Scope and General Requirements) is amended to add Section 101.4.8 to read as follows:
- 101.4.8 Electrical.** The provisions of the 2020 National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
- d) Chapter 1 (Scope and Administration), Section 103.1 (Creation of enforcement agency) is amended to read as follows:
- 103.1 (Creation of enforcement agency.** The department of inspections is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- e) Chapter 1 (Scope and Administration), Section 104.2 (Applications and permits) is amended to revise subsection 104.2.1 to read as follows:
- 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** Construction in flood hazard areas shall be in conformance with Chapter 47 "Flood Damage Prevention" of The Irving Land Development Code of the City of Irving, Texas.
- f) Chapter 1 (Scope and Administration), Section 104.10.1 (Flood hazard areas) is amended to read as follows:
- 104.10.1 Flood hazard areas.** Construction in flood hazard areas shall be in conformance with Chapter 47 "Flood Damage Prevention" of The Irving Land Development Code of the City of Irving, Texas.
- g) Chapter 1 (Scope and Administration), Section 105 (Permits), Subsections 105.1.3 through 105.1.5 are added to read as follows:
- a. **105.1.3 Dormant permit applications.** Permits that have been approved for which payment has not been received within 14 days may be cancelled.
 - b. **105.1.4 Lack of progress.** Permits may be cancelled for a lack of continuous and reasonable progress comparable to similar projects.
 - c. **105.1.5 Accessory buildings.** A permit issued for the construction of an accessory building shall be valid for a period of 3 months from the date of issuance. The building official shall be authorized to extend this initial 3-month period for one additional 3-month period after a determination that the property complies with all city ordinances.
- h) Chapter 1 (Scope and Administration), Section 105.2 (Work Exempt from permit), Subheading "Building" is amended to read as follows:
- Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, not exceeding 6 feet in any dimension (includes height measured from adjacent grade to the highest point of the roof).
 2. Fences require permits in accordance with Chapter 15 "Fences" of The Land Development Code of the City of Irving, Texas.
 3. Oil derricks.
 4. Installation or repair of retaining walls which are not over 30 inches in height of exposed face, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
 5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
 6. Sidewalks not exceeding 4 feet in width, which are:
 - a) On private property;
 - b) Not more than 30 inches above adjacent grade; and
 - c) Not over any basement or story below.
 Paving or driveways, which are:
 - d) On private property;
 - e) Not exceeding 1,000 square feet in area;
 - f) Not creating or reconfiguring parking spaces; and
 - g) Not replacing any required landscape area.
 7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 8. Temporary motion picture, television and theater stage sets and scenery.
 9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
 10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 11. Swings and other playground equipment other than indoor children's play structures as regulated by this code.
 12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- i) Chapter 1 (Scope and Administration), Section 109 (Fees) is amended to add Subsection 109.7 to read as follows:
- a. **109.7 Re-inspection Fee.** A fee as established by city council resolution may be charged when:
 1. The inspection called for is not ready when the inspector arrives;
 2. No building address or permit card is clearly posted;
 3. City-approved plans are not on the job site or readily available to the inspector;
 4. The building is locked or work otherwise not available for inspection when called;
 5. The job site is red-tagged twice for the same item;

6. Failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

- j) Chapter 2 (Definitions), Section 202 (Definitions) is amended to revise and add the following definitions to read as follows:

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following: Dialysis centers, Sedation dentistry, Surgery centers, Colonic centers, and Psychiatric centers.

ASSISTED LIVING FACILITY. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

SPECIAL INSPECTOR. A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.

- k) Chapter 3 (Occupancy Classification and Use), Section 303.1 (Assembly Group A), Subsection 303.1.3 is amended to read as follows:

303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy when applying the assembly requirements of Chapters 10 and 11.

- l) Chapter 3 (Occupancy Classification and Use), Section 304.1 (Business Group B) is amended to add the following to the list of business occupancies.

Fire stations

Police stations with detention facilities for 5 or less

- m) Chapter 3 (Occupancy Classification and Use), Section 307 (High-Hazard Group H), Subsection 307.1.1(4) is amended to read as follows:

4. Cleaning establishments that utilize combustible liquid solvents having a flash point of 140°F (60°C) or higher in closed systems employing equipment listed by an approved testing agency, provided that this occupancy is separated from all other areas of the building by 1-hour fire barriers constructed in accordance with Section 707 or 1- hour horizontal assemblies constructed in accordance with Section 711, or both. See also IFC Chapter 21, Dry Cleaning Plant provisions.

- n) Chapter 4 (Special Detailed Requirements Based on Occupancy and Use), Section 403 (High-Rise Buildings), Subsection 403.1 is amended to read as follows:

403.1 Applicability. High-rise buildings shall comply with Sections 403.2 through 403.6.

Exceptions: The provisions of Sections 403.2 through 403.6 shall not apply to the following buildings and structures:

1. Airport traffic control towers in accordance with Section 412.2.
 2. Open parking garages in accordance with Section 406.5.
 3. The open-air portion of a building containing a Group A-5 occupancy in accordance with Section 303.6.
 4. Special industrial occupancies in accordance with Section 503.1.1.
 5. Buildings containing any one of the following:
 - a) A Group H-1 occupancy.
 - b) Group H-2 occupancy in accordance with Section 415.8, 415.9.2, 415.9.3 or 426.1.
 - c) A Group H-3 occupancy in accordance with Section 415.8.
- o) Chapter 4 (Special Detailed Requirements Based on Occupancy and Use), Section 403 (High-Rise Buildings), Subsection 403.3 (Automatic Sprinkler System) is amended to delete the exception in its entirety.
- p) Chapter 4 (Special Detailed Requirements Based on Occupancy and Use), Section 403 (High-Rise Buildings), Subsection 403.3.2 is amended to read as follows:
- 403.3.2 Water supply to required fire pumps.** In buildings that are more than 120 feet (36.5 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.
- Exception:** Two connections to the same main shall be permitted provided that the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through not fewer than one of the connections.
- q) Chapter 4 (Special Detailed Requirements Based on Occupancy and Use), Section 404 (Atriums), Subsection 404.10 is amended to read as follows:
- 404.10 Exit Stairways in an atrium.** Where an atrium contains an exit access stairway all the following shall be met:
1. The entry to the exit stairway is the edge of the closest riser of the exit stairway.
 2. The entry of the exit stairway shall have access from a minimum of two directions.
 3. The distance between the entry to an exit stairway in an atrium and the entrance to a minimum of one exit stairway enclosed in accordance with Section 1023.2 shall comply with the separation required by Section 1007.1.1.
 4. Exit access travel distance shall be measured to the closest riser of the exit stairway.
 5. Not more than 50 percent of the exit stairways shall be located in the same atrium.
- r) Chapter 4 (Special Detailed Requirements Based on Occupancy and Use), Section 406 (Motor Vehicle Related Occupancies), Subsection 406.3.3.1 is amended to read as follows:
- 406.3.3.1 Carport separation.** A separation is not required between a Group R-3 and U carport, provided that the carport is entirely open on two or more sides and there are not enclosed areas above. A fire separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).

- s) Chapter 4 (Special Detailed Requirements Based on Occupancy and Use), Section 423 (Storm Shelters), 423.5.1 is amended to read as follows:
- 423.5.1 Required occupant capacity.** The required occupant capacity of the storm shelter shall include all of the buildings on the site and shall be the Total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
- Exceptions:**
1. Where a new building is being added on an existing Group E site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on the site, the storm shelter shall at a minimum accommodate the required occupant capacity for the new building.
 2. Where approved by the building official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the site.
 3. Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by occupant load calculation, shall be permitted to be used in the determination of the required design occupant capacity for the storm shelter.
- t) Chapter 5 (General Building Heights and Areas), Section 503 (General Building Height and Area Limitations), Subsection 503.1 is amended to read as follows:
- 503.1 General.** Unless otherwise specifically modified in Chapter 4 and this chapter, building height, number of stories and building area shall not exceed the limits specified in Sections 504 and 506 based on the type of construction as determined by Section 602 and the occupancies as determined by Section 302 except as modified hereafter. Building height, number of stories and building area provisions shall be applied independently. For the purposes of determining area limitations, height limitations and type of construction, each portion of a building separated by one or more fire walls complying with Section 706 shall be considered to be a separate building. Where a building contains more than one distinct type of construction, the building shall comply with the most restrictive area, height, and stories, for the lesser type of construction or be separated by fire walls, except as allowed in Section 510.
- u) Chapter 5 (General Building Heights and Areas), Table 506.2 is amended to delete footnote “i” from the table.
- v) Chapter 5 (General Building Heights and Areas), Section 506 (Building Area), Subsection 506.3.1 is amended to read as follows:
- 506.3.1 Minimum percentage of perimeter.** To qualify for an area factor increase based on frontage, a building shall have not less than 25 percent of its perimeter on a public way or open space. Such open space shall be either on the same lot or dedicated for public use and shall be accessed from a street or approved fire lane. In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot-wide pathway meeting fire department access from the street or approved fire lane shall be provided.
- w) Chapter 7 (Fire and Smoke Protection Features), Section 708 (Fire Partitions), Subsection 708.4.2 (Fireblocks and draftstops in combustible construction), Exception number 1 is amended to read as follows, with the remainder of the section unchanged:

Exception 1. Buildings equipped with an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, or in accordance with Section 903.3.1.2 provided that sprinkler protection is provided in the space between the top of the fire partition and the underside of the floor or roof sheathing, deck or slab above as required for systems complying with Section 903.3.1.1. Portions of buildings containing concealed spaces filled with noncombustible insulation as permitted for sprinkler omission shall not apply to this exception for draftstopping.

- x) Chapter 7 (Fire and Smoke Protection Features), Section 716 (Opening Protectives), Subsection 716.2.6.7 is amended to read as follows;

716.2.6.7 Doors in pedestrian ways. Vertical sliding or vertical rolling steel fire doors in openings through which pedestrians, fire fighters, or emergency responders travel shall be heat activated or activated by smoke detectors with alarm verification.

- y) Chapter 7 (Fire and Smoke Protection Features), Section 718 (Concealed Spaces), Subsection 718.3 is amended to read as follows:

718.3 Draftstopping in floors. Draftstopping shall be installed to subdivide floor/ceiling assemblies where required by Section 708.4.2. In other than Group R occupancies, draftstopping shall be installed to subdivide combustible floor/ceiling assemblies so that horizontal floor areas do not exceed 1,000 square feet (93 m²).

Exception: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and provided that in combustible construction, sprinkler protection is provided in the floor space.

- z) Chapter 7 (Fire and Smoke Protection Features), Section 718 (Concealed Spaces), Subsection 718.4 is amended to read as follows:

718.4 Draftstopping in attics. Draftstopping shall be installed to subdivide attic spaces where required by Section 708.4.2. In other than Group R, draftstopping shall be installed to subdivide combustible attic spaces and combustible concealed roof spaces such that any horizontal area does not exceed 3,000 square feet (279 m²). Ventilation of concealed roof spaces shall be maintained in accordance with Section 1202.2.1.

Exception: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and provided that in combustible construction, sprinkler protection is provided in the attic space.

- aa) Chapter 10 (Means of Egress), Section 1006 (Number of Exits and Exit Access), Subsection 1006.2.1 (Egress based on occupant load and common path of egress travel distance) is amended such that Exception number 3 reads as follows, with the remainder of the section unchanged:

Exception 3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.

- bb) Chapter 10 (Means of Egress), Section 1009 (Accessible Means of Egress), Subsection 1009.8 (Two Way Communication) is amended to add Exception number 7 to read as follows, with the remainder of the section unchanged:

Exception 7. Buildings regulated under State Law and built in accordance with State registered plans, including variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009 and Chapter 11.

- cc) Chapter 10 (Means of Egress), Section 1010 (Doors, Gates, and Turnstiles), Subsection 1010.2.5 is amended to read as follows:

1010.2.5 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

Exceptions:

1. On doors not required for egress in individual dwelling units or sleeping units.
2. Where a pair of doors serves a storage or equipment room, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf.
3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided that such inactive leaf is not needed to meet egress capacity requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.
5. Where a pair of doors serves patient care rooms in Group I-2 occupancies, self-latching edge or surface-mounted bolts are permitted on the inactive leaf provided that the inactive leaf is not needed to meet egress capacity requirements and the inactive leaf shall not contain

dd) Chapter 10 (Means of Egress), Section 1017 (Exit Access Travel Distance), Subsection 1017.2.2 is amended to read as follows:

1017.2.2 Groups F-1 and S-1 increase. The maximum exit access travel distance shall be 400 feet (122 m) in Group F-1 or S-1 occupancies where all of the following conditions are met:

1. The portion of the building classified as Group F- 1 or S-1 is limited to one story in height.
2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm).
3. The building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.
4. The building is equipped with manual heat and smoke roof vents in accordance with the code.

ee) Chapter 10 (Means of Egress), Section 1020 (Corridors), Subsection 1020.2 is amended to add Exception number 6 as follows, with the remainder of the section unchanged:

Exception 6. In unsprinklered group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

ff) Chapter 11 (Accessibility), Section 1101 (General) is amended to read as follows:

1101.1 Scope. The provisions of this chapter shall control the design and construction of facilities for accessibility for individuals with disabilities.

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.

gg) Chapter 11 (Accessibility), Section 1106 (Parking and Passenger Loading Facilities), Subsection 1106.3 is amended to read as follows:

1106.6 Van spaces. For every four or fraction of four accessible parking spaces, at least one shall be a van-accessible parking space. If two or more accessible parking spaces are provided, the first two accessible parking spaces shall be van-accessible.

Exception: In Group U private garages that serve Group R-2 and R-3 occupancies, van-accessible spaces shall be permitted to have vehicular routes, entrances, parking spaces and access aisles with a minimum vertical clearance of 7 feet (2134 mm).

hh) Chapter 12 (Interior Environment), Section 1206 (Sound Transmission) is amended to add Subsection 1206.4 to read as follows:

1206.4 Zones.

1. **Two zones.** For the purposes of this code, certain sections of the city are zones subject to significant noise from aircraft. These zones are the "65-70 DNL noise zone" and the "over 70 DNL noise zone."
2. **Map.** These noise zones shall include such territory or portions of the city as are designated and shown on the aircraft noise impact map (a copy of which is on file with the building official) and incorporated into this code and made a part of it for all intents and purposes.
3. **Certified plans.** The building official shall not issue a building permit for any building or structure within the noise zones shown on the aircraft noise impact map unless the plans and specifications accompanying the application for the permit are certified by a bona fide acoustical consultant as meeting the required noise level reduction standards of this section.
4. **Noise consultants.** Bona fide acoustical noise consultants include members of the National Council of Acoustical Consultants and others who are approved by the building official, such approval being based on the demonstration of competence and credentials in the area of architectural acoustics.
5. **Building intrusion in a noise zone.** A building or structure which is located partly within a noise zone and partly without or located partly within one noise zone and partly within another noise zone shall be considered within the most restrictive of the noise zones within which it is located for purposes of this section.
6. **Noise reductions standards.** Plans for the construction of buildings or structures within noise zones shall be certified as achieving at least the outdoor to indoor noise level reductions as measured in decibels within the building as follows:

<i>Building Use</i>	<i>65-70 DNL Noise Zone</i>	<i>Over 70 DNL Noise Zone</i>
<i>Residential: Residential within each unit including transient lodgings.</i>	25	30
<i>Public Use: Schools, hospitals, and nursing homes</i>	25	30

- ii) Chapter 16 (Structural Design), Section 1612 (Flood Loads) is deleted in its entirety.
- jj) Chapter 18 (Soils and Foundations), Section 1809 (Shallow Foundation) is amended to delete 1809.5.1 (Frost Protection at required exits) in its entirety.
- kk) Chapter 27 (Electrical), Section 2702 (Emergency and Standby Power Systems), Subsection 2702.5 is added to read as follows:

Section 2702.5 Designated Critical Operations Areas (DCOA): In areas within a facility or site requiring continuous operation for the purpose of public safety, emergency management, national security or business continuity, the power systems shall comply with NFPA 70 Article 708.

- ll) Chapter 29 (Plumbing Systems), Section 2901 (General), Subsection 2901.1 is amended to read as follows:

2901.1 Scope. The provisions of this chapter and the International Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Private sewage disposal systems shall conform to the International Private Sewage Disposal Code. The International Fire Code, the International Property Maintenance Code and the International Plumbing Code shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The International Existing Building Code and the International Plumbing Code shall govern the alteration, repair, relocation, replacement and addition of plumbing components, appliances, equipment and systems. The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

- mm) Chapter 29 (Plumbing Systems), Section 2902 (Minimum Plumbing Facilities), Subsection 2902.1 is amended to read as follows:

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants shall be determined by this code. In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

- nn) Chapter 29 (Plumbing Systems), Table 2902.1 is amended to add footnote “g” to read as follows:

g. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

- oo) Chapter 29 (Plumbing Systems), Section 2902 (Minimum Plumbing Facilities) is amended to add Subsection 2902.1.4 to read as follows:

2902.1.4 Additional fixtures for food preparation facilities. In addition to the fixtures required in this Chapter, all food service facilities shall be provided with additional fixtures set out in this section.

2902.1.4.1 Hand washing lavatory. At least one hand washing lavatory shall be provided for use by employees that is accessible from food preparation,

food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

2902.1.4.2 Service sink. In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the City of Irving's health department.

pp) Chapter 30 (Elevators and Conveying Systems), Section 3002 (Hoistway Enclosures), Subsection 3002.1 is amended to read as follows:

3002.1 Hoistway Enclosure Protection required. Elevator, dumbwaiter and other hoistway enclosures shall be shaft enclosures complying with Sections 712 and 713.

Exceptions:

1. Elevators completely located within atriums shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, shall not require hoistway enclosure protection.

qq) Chapter 30 (Elevators and Conveying Systems), Section 3005 (Machine Rooms), Subsection 3005.4 is amended to read as follows:

3005.4 Machine rooms, control rooms, machinery spaces and control spaces. The following rooms and spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both:

1. Machine rooms
2. Control rooms
3. Control spaces
4. Machinery spaces outside of the hoistway enclosure

The fire-resistance rating shall be not less than the required rating of the hoistway enclosure served by the machinery. Openings in the fire barriers shall be protected with assemblies having a fire protection rating not less than that required for the hoistway enclosure doors.

Exceptions:

1. Elevator machine rooms, control rooms, machinery spaces and control spaces completely located within atriums shall not require enclosure protection.
2. Elevator machine rooms, control rooms, machinery spaces and control spaces in open or enclosed parking garages that serve only the parking garage, shall not require enclosure protection.

rr) Chapter 30 (Elevators and Conveying Systems), Section 3005 (Machine Rooms) is amended to add Subsection 3005.7 to read as follows:

3005.7 Storage. Storage shall not be allowed within the elevator machine room, control room, machinery spaces and or control spaces. Provide approved signage at each entry to the above listed locations stating: "No Storage Allowed."

ss) Chapter 30 (Elevators and Conveying Systems), Section 3007 (Fire Service Access Elevator), Subsection 3007.3 is amended to read as follows:

3007.3 Water Protection. Water from the operation of an automatic sprinkler system outside the lobby shall be prevented from infiltrating into the hoistway enclosure in accordance with an approved method.

- tt) Chapter 30 (Elevators and Conveying Systems), Section 3008 (Occupant Evacuation Elevators), Subsection 3008.3 is amended to read as follows:

3008.3 Water Protection. Water from the operation of an automatic sprinkler system outside the lobby shall be prevented from infiltrating into the hoistway enclosure in accordance with an approved method.

- uu) Chapter 33 (Safeguards During Construction), Section 3301 (General), Subsection 3301.2 (Storage and Placement) is amended to add Subsection 3301.2.2 to read as follows:

3301.2.2 Equipment and material storage. Construction equipment and materials may be stored on-site if:

1. They are being used in a construction project for which a valid permit is in effect and for which reasonable progress is being made; or
2. They are associated with work of a nature for which no permit is required, and they are stored on-site for only one period of time no longer than ten consecutive days within any six month period; or
3. A construction scope and schedule is approved by the department of inspections to allow storage of materials associated with:
 - a) Work for which a permit is required, but reasonable progress is not being made; or
 - b) Work for which a permit is not required and a time period of more than ten days is needed to complete the work.

- vv) Chapter 33 (Safeguards During Construction), Section 3302 (Construction Safeguards), Subsection 3302.2 is amended to read as follows:

3302.2 Manner of removal. Waste materials shall be removed in a manner that prevents injury or damage to persons, adjoining properties and public rights-of-way.

1. **Waste materials.** Litter and light-weight construction waste materials such as food wrappers and construction material packaging shall be placed in a container that prohibits the waste materials from blowing onto adjacent properties. Waste material containers shall be maintained in an approved location and shall be removed in a manner which prevents injury or damage to persons, adjoining properties, and public rights-of-way.
2. **Mowing.** Job-site properties shall be kept mowed and trimmed in accordance with Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas.

Sec. 8B-5. Penalty.

- a) A person commits an offense if the person violates a provision of the 2021 International Building Code, as adopted and amended by the City of Irving, allows another person to violate a provision of the 2021 International 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 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-5(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 3. 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 4. 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 January 12, 2023.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney