

ORDINANCE

NO. OR09-2017-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, AMENDING TITLE XV: LAND USAGE, CHAPTER 150: BUILDING REGULATIONS, BY ADDING SECTION 150.015 (D) "BUILDING CODES ADOPTED" OF THE CODE OF ORDINANCES BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE WITH THE RECOMMENDED AMENDMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Building Existing Code with their recommended amendments; and

WHEREAS, staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018; and

WHEREAS, staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

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

SECTION ONE. Title XV: Land Usage; Chapter 150: Building Regulations, Section 150.015 (D): Building Codes Adopted, of the Code of Ordinances of the City of Cleburne is hereby added and shall hereafter read as follows:

§ 150.015 (D) BUILDING CODE ADOPTED.

(D) The *2015 International Existing Building Code* as well as recommended amendments are fully incorporated by reference as though copied into this section in its entirety. The material contained in the *International Building Existing Building Code* shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record and will be available for public inspection and copying during regular business hours.

SECTION TWO. Cumulative Clause. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that

any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION THREE. Severability Clause. That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION FOUR. Savings Clause. That all provisions of the Code of Ordinances of the City of Cleburne, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION FIVE. Penalty Clause. 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 not more than Two Thousand Dollars (\$2,000.00) for each offense.

SECTION SIX. Publication Clause. The City Secretary of the City of Cleburne, Texas, is directed to publish the caption, including the penalty of this Ordinance at least once within 10 days after its passage in the official newspaper of the City of Cleburne, Texas, as authorized by Section 3.16 of the Cleburne City Charter.

SECTION SEVEN. Effective Clause. This Ordinance shall become effective January 1, 2018 and upon its publication as required by law.

PASSED AND APPROVED this the 26th day of September, 2017 at a Regular Meeting of the City Council of the City of Cleburne, Texas.



CITY OF CLEBURNE

BY:

Scott Cain, Mayor

Shelly Doty, City Secretary

EXHIBIT "A"

**Amendments to the 2015 International Existing Building Code
Adopted by Cleburne City Council Ordinance #OR09-2017-56
Section 150.015 (D): Building Codes Adopted**

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 112 Delete entire section

BOARD OF APPEALS

~~[A] 112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~

~~[A] 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~[A] 112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

*****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.

*****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.

*****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.~~

*****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

******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

******Section 408.3; to closely follow the Ordinance:***

408.3 Flood hazard areas. Shall comply with Chapter 151 of the flood hazard ordinances.

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.

******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.

******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.

******Section 601.3; Shall comply with Chapter 151 of the flood hazard ordinances.***

601.3 Flood hazard areas. Shall comply with Chapter 151 of the flood hazard ordinances.

******Section 601.3;***

601.3 Flood hazard areas. Shall comply with Chapter 151 of the flood hazard ordinances.

******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.

***Section 606.2.4; to closely follow the :

606.2.4: Flood hazard areas. . Shall comply with Chapter 151 of the flood hazard ordinances.

***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.

***Section 701.3; to closely follow:

701.3: Flood Hazard areas. . Shall comply with Chapter 151 of the flood hazard ordinances.

***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.

**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.

***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.

***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.

***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 Fire Code.~~

*****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.~~

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

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

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

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

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

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

*****Section 805.3.1.2; 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.

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
4. 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.

*****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.~~

*****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.~~

*****Section 805.5.2 Transoms** *Add note to read as follows:*
Add B and E occupancies to list of occupancies.

*****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.

*****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.

*****Section 904.1;** *change 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.

*****Section 1103.5 Flood Hazard areas.** (See Chapter 151 of the Code of Ordinances)

*****Section 1201.4 Flood hazard areas.** (See Chapter 151 of the Code of Ordinances)

*****Section 1302.7 Flood hazard areas.** (See Chapter 151 of the Code of Ordinances)

*****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}.

*****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.~~

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

IECC—15 Edition as adopted by the State of Texas International Energy Conservation Code®.
301.2, 702.6, 708.1, 811.1, 908.1

END