

ORDINANCE NO. 1406-2023

AN ORDINANCE AMENDING CHAPTER 3 "BUILDING REGULATIONS" BY AMENDING ARTICLE 3.03 "RESIDENTIAL AND ENERGY CODES" ADDING DIVISION 4 "EXISTING BUILDING CODE" ADOPTING THE 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC) AND LOCAL AMENDMENTS ATTACHED HERETO AS EXHIBIT "A" SPECIFICALLY INCORPORATING SECTION 3.03.091 "ADOPTED; AMENDMENTS" TO THE RIVER OAKS CODE OF ORDINANCES (2020) AND INCORPORATING SECTION 3.03.092 "AVAILABILITY" TO THE RIVER OAKS CODE OF ORDINANCES (2020) PROVIDING THAT THE MATERIAL CONTAINED IN EXHIBIT A OF THIS ORDINANCE ALTHOUGH FULLY ADOPTED AND INCORPORATED BY REFERENCE, SHALL NOT BE INCLUDED IN THE FORMAL MUNICIPAL CODIFICATION OF ORDINANCES; INCORPORATING SECTION 3.03.093 "MODIFICATIONS"; INCORPORATING SECTION 3.03.094 "PENALTY FOR VIOLATION"; PROVIDING FOR RECORDING OF THE INTERNATIONAL 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 River Oaks 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 International Building Code was created to serve as a complete, comprehensive code that encourages the use and reuse of existing buildings. This code covers repair, alteration, addition and change of occupancy for existing buildings and historic buildings, while achieving appropriate levels of safety without requiring full compliance with the new construction requirements contained in the other International Codes; and

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has reviewed the 2018 International Existing Building Code and made recommendations to amend the 2018 International Codes as written that are more comparable to construction standards within this region; and

WHEREAS, the NCTCOG has actively promoted the standardization of model codes since 1967 to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors and reduce training and construction costs; and

WHEREAS, NCTCOG's Regional Codes Coordinating Committee (RCCC) did recommend that local jurisdictions throughout the North Texas Region adopt the 2018 International Building Code (IBC) along with its respective amendments as their model building code; and

WHEREAS, the City Staff has also reviewed the available codes and has recommended that the 2018 Edition of the International Existing Building Code inclusive with the City's local amendments reflecting the unique needs of the City of River Oaks be incorporated together with the RCCC's respective amendments deleting those RCCC respective amendments that are in direct conflict with city code; and

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

WHEREAS, the City Council of the City of River Oaks, Texas, has determined that these local amendments are in the public interest and therefore deems it advisable to amend the 2018 Edition of the International Existing Building Code to incorporate both the respective amendments from the RCCC and local amendments from City Staff in a single document titled "Recommended Amendments to the 2018 International Existing Building Code" collectively being the model code for existing buildings within the City; and

WHEREAS, the City Council of the City of River Oaks, Texas, has concluded that the 2018 IEBC along with its local amendments attached herein to this Ordinance as Exhibit "A" most fully meets the needs of the City of River Oaks, Texas.

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

SECTION 1.

With the adoption of this Ordinance, Chapter 3 "Building Regulations" of the River Oaks Code of Ordinances (2020) specifically in Article 3.03 "Residential and Energy Codes" is amended by adding Division 4 "Existing Building Code" and incorporating Section 3.03.091 "Adopted" into Division 4 to read as follows:

Section 3.03.091 Adopted. "The International Existing Building Code, 2018 edition, as revised, (including all appendix chapters of said code), published by the International Code Council is hereby adopted as the municipal existing building code of the city as a complete, comprehensive code that encourages the use and reuse of existing buildings. This existing building code is fully incorporated by reference as though copied into this article in its entirety. The material contained in the International Existing Building Code, although fully adopted and incorporated by reference in this article, 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. (Ordinance 1406-2023, sec. 1, adopted 12/12/2023)"

SECTION 2.

With the adoption of this Ordinance, Chapter 3 "Building Regulations" of the River Oaks Code of Ordinances (2020) specifically in Article 3.03 "Residential and Energy Codes" is amended by adding Division 4 "Existing Building Code" and incorporating Section 3.03.092 "Availability" into Division 4 to read as follows:

Section 3.03.092 "Availability". "The material contained in Exhibit "A" to Ordinance 1406-2023, 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. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code." (Ordinance 1406-2023, sec. 2, "Availability" 12/12/2023)"

SECTION 3.

With the adoption of this Ordinance, Chapter 3 "Building Regulations" of the River Oaks Code of Ordinances (2020) specifically in Article 3.03 "Residential and Energy Codes" is amended by adding Division 4 "Existing Building Code" by incorporating Section 3.03.093 "Modifications" into Division 4 to read as follows:

Sec. 3.03.093 "Modifications". "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 division fully setting forth the change to be made in the specific code. Such subsequent amendments shall be consolidated as an exhibit to Ordinance 1405-2023 and shall be maintained as a public record in the office of the city secretary. (Ordinance 1406-2023, sec. 3, adopted 12/12/2023)"

SECTION 4.

With the adoption of this Ordinance, Chapter 3 "Building Regulations" of the River Oaks Code of Ordinances (2020) specifically in Article 3.03 "Residential and Energy Codes" is amended by adding Division 4 "Existing Building Code" by incorporating Section 3.03.094 "Penalty for Violation" into Division 4 to read as follows:

"Sec. 3.02.094 Penalty for violation. 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 division shall be fined as provided in section 1.01.009 of this code. Each day that a violation is permitted to exist shall constitute a separate offense. (Ordinance 1406-2023, sec. 4, adopted 12/12/2023)."

SECTION 5.

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 6.

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 7.

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the ordinances of the City of River Oaks 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.

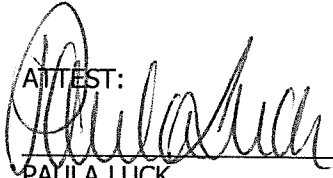
SECTION 9.

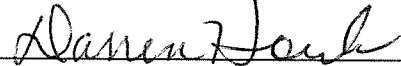
The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 10.


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 THIS THE 12th DAY OF DECEMBER 2023.

ATTEST:

PAULA LUCK
CITY SECRETARY

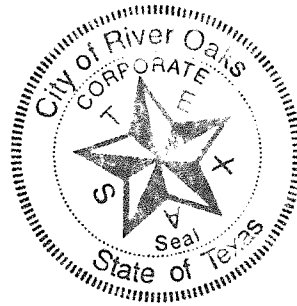

DARREN HOUK
MAYOR

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

ADOPTED: DECEMBER 12, 2023

EFFECTIVE: DECEMBER 18, 2023





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**Recommended Amendments to the 2018
International Existing Building Code**
North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the 2018 *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 2015 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2018 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.

****Section 202; amend definition of Existing Structure as follows:**

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

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

****Section 305.1; 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 IEBC and State Law.)

****Section 305.4.2; 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 401.3 Flood Hazard Areas; delete this section:**

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

*****Section 405.2.5 Flood Hazard Areas; delete this section:**

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



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****Section 406.1; add a code reference to read as follows:**

406.1 Material. Existing electrical wiring and equipment undergoing *repair* shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.

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

*****Section 502.3 Flood Hazard Areas; delete this section:**

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

****Section 504.1.2; change 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.

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

****Section 504.1.3; delete entire section:**

~~**504.1.3 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.)

*****Section 507.3 Flood Hazard Areas; delete this section:**

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

*****Section 701.3 Flood Hazard Areas; delete this section:**

(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 802.5.1; change to read as follows:**

802.5.1 Minimum requirement. Every portion of a floor, ~~such as a balcony or a loading dock, 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.

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



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****Section 803.1; 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 803.2.4; 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 803.3; change section to read as follows:**

803.3 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 NFPA 101.~~

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

****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.

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

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

805.3.1.2.1 Fire Escape access and details - ...

1. [Remain unchanged]



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2. Access to a new fire escape shall be through a door...
3. **Item Deleted**
4. [Remain unchanged]
5. In all buildings of Group E occupancy up to and including the 12th grade, buildings 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 805.5.2 Transoms; add language to read as follows:**

805.5.2 Transoms. In all buildings of Group B, E, [Remainder unchanged]

(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 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 904.1.1; change 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 1103.3 Flood Hazard Areas; delete this section:**

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

*****Section 1201.4 Flood Hazard Areas; delete this section:**

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

*****Section 1301.3.2; change to read as follows:**

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

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

*****Section 1301.3.3 Compliance with Flood Hazard Provisions; delete this section:**

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



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*****Section 1402.6 Flood Hazard Areas; delete this section:**

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

END