

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.20, "EXISTING BUILDING CODE," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, AND REPLACING IT WITH A NEW ARTICLE 3.20, "EXISTING BUILDING CODE"; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; REGULATING THE CONSTRUCTION, INSTALLATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, ALTERATION, USE AND OCCUPANCY, REMOVAL, AND DEMOLITION OF EVERY EXISTING BUILDING OR STRUCTURE OR ANY APPURTENANCES CONNECTED OR ATTACHED TO EXISTING BUILDINGS OR STRUCTURES WITHIN THE TOWN OF PROSPER; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal the existing Article 3.20, "Existing Building Code," of the Code of Ordinances and replace it with a new Article 3.20, "Existing Building Code"; and,

WHEREAS, the Town Council has also investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to adopt the 2021 Edition of the Existing Building Code, save and except the amendments and deletions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Existing Article 3.20, "Existing Building Code," of the Code of Ordinances of the Town of Prosper Texas, is hereby repealed in its entirety and replace with a new Article 3.20, "Existing Building Code," to read as follows:

"ARTICLE 3.20 EXISTING BUILDING CODE

Sec. 3.20.001 Code Adopted; amendments

The International Existing Building Code, 2021 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A," attached hereto and incorporated herein for all purposes, is hereby adopted as the Existing Building Code for the Town, regulating the construction, installation, movement, enlargement, replacement,

repair, alteration, use and occupancy, removal, and demolition of every existing building or structure or any appurtenances connected or attached to existing buildings or structures within the Town (the “2021 International Existing Building Code”). The 2021 International Existing Building Code is made a part of this Article as if fully set forth herein. A copy of the International Existing Building Code, 2021 Edition, copyrighted by the International Code Council, Inc., is on file in the office of the Town Secretary of Prosper being marked and so designated as the 2021 International Existing Building Code.”

SECTION 3

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 4

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

Any person, firm, corporation, or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6

This Ordinance shall become effective on April 1, 2023, after its adoption and publication as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 24TH DAY OF JANUARY, 2023.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

Exhibit A
Town of Prosper Amendments to the
2021 International Existing Building Code
The following additions, deletions, and amendments to the 2021 International Existing
Building Code are hereby approved and adopted.

Section 101.1; change to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the Town of Prosper hereinafter referred to as “this 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. *{No change to rest of section.}*

Section 103.1; change to read as follows:

103.1 Creation of agency. The BUILDING INSPECTION DIVISION OF THE TOWN OF PROSPER is hereby created, and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

Section 202; amend definition of Existing Building as follows:

[A] EXISTING BUILDING. A building erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued and final inspection approved.

Section 202; amend definition of Existing Structure as follows:

EXISTING STRUCTURE. A structure erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued and final inspection approved.

Section 306.1; add exceptions to read as follows:

Exceptions:

1. Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.
2. If the cost of the project is less than \$50K, it must comply with ICC A117.1, or it shall be reviewed and inspected to the Texas Accessibility Standards by a Registered Accessibility Specialist.

Section 306.2; add exception to read as follows:

Exception: Projects subject to the Texas Accessibility Standards as adopted by the Texas Department of Licensing and Regulation are exempt from this section. Projects with a valuation of less than \$50,000.00 (which are subject to the Texas Accessibility Standards) may be accepted as equivalent to this section where reviewed and inspected to the Texas Accessibility Standards by a Texas Department of Licensing and Regulation Registered Accessibility Specialist when a plan review report and a compliant inspection report are provided to the building code official.

Section 401.3 Flood Hazard Areas; delete this section.

Section 405.2.6 Flood Hazard Areas; delete this section.

Section 406.1; change 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.

Section 502.3 Flood Hazard Areas; delete this section.

Section 503.2 Flood hazard areas; delete this section.

Section 504.1.3; delete this section:

Section 507.3 Flood Hazard Areas; delete this section.

Section 701.3 Flood Hazard Areas; delete this section.

Section 702.7; add a code reference to read as follows:

702.7 Materials and methods. All new work shall comply with the materials and methods requirements in the International Building Code, International Energy Conservation Code, International Mechanical Code, National Electrical Code, and International Plumbing Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

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.

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.

Section 804.2; delete Exception #1.

Section 804.4.1.2; change to read as follows:

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

Section 804.4.1.2.1; change to read as follows:

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

1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.
2. Access to a fire escape shall be through a door.
3. Openings within 10 feet (3048 mm) of fire escape stairways shall be protected by fire assemblies having minimum $\frac{3}{4}$ hour fire-resistance ratings.

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

4. In all buildings of Group E occupancy up to and including the 12th grade, buildings of Group I occupancy, ~~rooming~~boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

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 904.1.1; change to read as follows:

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

Section 1011.2.1: change to read as follows:

1011.2.1 Fire sprinkler system. Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code. The installation of the automatic sprinkler system shall be required within the area of the change of occupancy and areas of the building not separated horizontally and vertically from the change of occupancy by one of the following:

1. Fire barrier, as required by Section 707 of the IBC.
2. Fire wall, as required by Section 706 of the IBC.

Exceptions: *{existing text remains}*

Section 1103.3 Flood Hazard Areas; delete this section.

Section 1201.4 Flood Hazard Areas; delete this section.

Section 1301.3.3 Compliance with Flood Hazard Provisions; delete this section.

Section 1402.6 Flood Hazard Areas; delete this section.

Section 1509; delete Section 1509.1 through 1509.5 and add Section 1509.1 to read as follows:

1509.1 When required. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. The water supply design and the timing of the water supply installation relative to building construction shall comply with the adopted Fire Code.

END