

ORDINANCE NO. 2024-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, AMENDING CHAPTER 3, ARTICLE XV – EXISTING BUILDING CODE OF THE CODE OF ORDINANCES BY ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, THAT:

Part 1. Enacted

THAT, Chapter 3, Article XV EXISTING BUILDING CODE of the Code of Ordinances is hereby amended by amending Sec. 3.15.001, which shall read as follows:

Sec. 3.15.001 Adopted

The International Existing Building Code, 2021 edition, as published by the International Code Council, is hereby adopted by reference as the city existing building code as if fully set out in this article with the additions, deletions, insertions and changes as follows.

Amendments-

(a) Referenced codes and standards. Section I 02.4 is hereby amended to read as follows:

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.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

(b) Certificate issued. Section 110.2 is hereby amended to read as follows:

110.2 Certificate issued. After the code official inspects the structure and does not find violations of the provisions of this code or other laws that are enforced by the department, the code official shall issue a certificate of occupancy that contains the following:

1. The permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

(unapproved draft)

6. The name of the *code official*.

7. The edition of the code under which the permit was issued.

(c) Scope. Section 306.1 is hereby amended to read as follows:

306.1 Scope. The provisions of Sections 306.1 through 306.7.16 apply to maintenance and repair, change of occupancy, additions and alterations to existing buildings, including those identified as *historic buildings*.

Exception:

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 shall be reviewed and inspected to the Texas accessibility Standards by a Registered Accessibility Specialist.

(d) Design. Section 306.2 is hereby amended to read as follows:

306.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the alteration and existing building provisions in ICC A117.1, as applicable.

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.

(e) Flood hazard areas. Section 401.3 is hereby deleted in its entirety.

(f) Flood hazard areas. Section 405.2.6 is hereby deleted in its entirety.

(g) Material. Section 406.1 is hereby amended 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.

(h) Flood hazard areas. Section 502.3 is hereby deleted in its entirety.

(i) Flood hazard areas. Section 503.2 is hereby deleted in its entirety.

(j) Enhanced classroom acoustics. Section 503.16 is hereby amended to read as follows:

503.16 Enhanced classroom acoustics. In Group E occupancies, where the work area exceeds 50 percent of the building area, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.

Exception: Compliance with the Texas Accessibility Standards is not considered equivalent compliance for the purpose of enforcement of this code section.

(k) Existing fire escapes. Section 504.1.2 is hereby amended to read as follows:

(unapproved draft)

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, where approved by the Building Code Official and Fire Official. Existing fire escapes shall be permitted to be repaired or replaced. Ladders of any type are prohibited on fire escapes used as a required means of egress.

(l) New fire escapes. Section 504.1.3 is hereby deleted in its entirety.

(m) Flood hazard areas. Section 507.3 is hereby deleted in its entirety.

(n) Flood hazard areas. Section 701.3 is hereby deleted in its entirety.

(o) Materials and methods. Section 702.7 is hereby amended 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, details of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(p) Minimum requirement. Section 802.5.1 is hereby amended to read as follows:

802.5.1 Minimum requirement. Every portion of 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.

(q) Scope of Fire Protection. Section 803.1 is hereby amended to read as follows:

803.1 Scope. The requirements of this section shall be limited to *work areas* in which Level 2 *alterations* are being performed, and where specified they shall apply throughout the floor on which the *work areas* are located or otherwise beyond the *work area*.

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 fire walls or fire barriers 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.

(r) Supervision. Section 803.2.6 is hereby amended to read as follows:

803.2.6 Supervision. Fire sprinkler systems required by this section shall be supervised by one of the following methods:

1. *Approved* central station system in accordance with NFPA 72.
2. *Approved* proprietary system in accordance with NFPA 72.
3. *Approved* remote station system of the jurisdiction in accordance with NFPA 72.
4. Where *approved* by the *code official*, *approved* local alarm service that will cause the sounding of an alarm in accordance with NFPA 72.

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

(s) Standpipes. Section 803.3 is hereby amended to read as follows:

803.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.

(unapproved draft)

(t) General. Section 804.2 is hereby amended to read as follows:

804.2 General. The means of egress shall comply with the requirements of this section.

Exception: Means of egress complying with the requirements of the building code under which the building was constructed shall be considered to be compliant means of egress if, in the opinion of the code official, they do not constitute a distinct hazard to life.

(u) Fire escapes required. Section 804.4.1.2 is hereby amended to read as follows:

804.4.1.2 Fire escapes required. Where more than one exit is required, an existing fire escape complying with Section 804.4.1.2.1 shall be accepted as providing one of the required means of egress, where approved by the Building Code Official and Fire Official.

(v) Fire escape access and details. Section 804.4.1.2.1 is hereby amended 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, except that windows shall be permitted to provide access from a single dwelling unit or sleeping units in Group R-1, R-2 and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications.
 - 2.1. The window shall have a minimum net clear opening of 5.7 square feet (0.53 m²) or 5 square feet (0.46 m²) where located at grade.
 - 2.2. The minimum net clear opening height shall be 24 inches (610 mm) and net clear opening width shall be 20 inches (508 mm).
 - 2.3. The bottom of the clear opening shall not be greater than 44 inches (1118 mm) above the floor.
 - 2.4. The operation of the window shall comply with the operational constraints of the *International Building Code*.
3. Openings within 10 feet (3048 mm) of fire escapes stairways shall be protected by fire assemblies having a 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. Ladders of any type are prohibited on fire escapes used as a required means of egress.

(w) Transoms. Section 804.6.2 is hereby amended to read as follows:

804.6.2 Transoms. In all buildings of Group B, E, I-1, I-2, R-1, and R-2 occupancies, all transoms in corridor walls in work areas shall be either glazed with 1/4 - inch (6.4 mm) wired glass set in metal frames or other glazing assemblies having a fire protection rating as required for the door and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

(x) Automatic sprinkler systems. Section 904.1 is hereby amended to read as follows:

904.1 Automatic sprinkler systems. An automatic sprinkler system shall be provided in a work area where required by Section 803.2 or this section.

(unapproved draft)

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 fire walls or fire barriers 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.

(y) High-rise buildings. Section 904.1.1 is hereby amended to read as follows:

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

(z) Fire sprinkler system. Section 1011.2.1 is hereby amended to read as follows:

1011.2.1 Fire sprinkler system. Where a change in occupancy classification occurs or where there is a change 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 *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 *International Building Code*.
2. Fire wall, as required by Section 706 of the *International Building Code*.

Exceptions.

1. An automatic sprinkler system shall not be required in a one- or two- family dwelling constructed in accordance with the *International Residential Code*.
2. Automatic sprinkler system shall not be required in a townhouse constructed in accordance with the *International Residential Code*.
3. The townhouse shall be separated from adjoining units in accordance with Section R302.2 of the *International Residential Code*.

(aa) Fire separations. Section 1102.2.1 is hereby added to read as follows:

1102.2.1 Fire Separations. Where fire separations are utilized to allow additions without exceeding the allowable area provisions of Chapter 5 of the IBC for either the existing building or the new addition, the decreased clear space where the two buildings adjoin shall be accounted for in such calculation relative to the allowable frontage increase.

(bb) Flood hazard areas. Section 1103.3 is hereby deleted in its entirety.

(cc) Flood hazard areas. Section 1201.4 is hereby deleted in its entirety.

(dd) Compliance with other codes. Section 1301.3.2 is hereby amended 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*.

(ee) Compliance with flood hazard provisions. Section 1301.3.3 is hereby deleted in its entirety.

(ff) Flood hazard areas. Section 1402.6 is hereby deleted in its entirety.

(gg) When required. Section 1509.1 is hereby amended to read as follows:

(unapproved draft)

1509.1 When required. An *approved* water supply for fire protection, either temporary or permanent, shall be made before combustible vertical construction begins. The water supply design and timing of the water supply installation relative to building construction shall comply with the adopted *Fire Code*.

(hh) Water supply for fire protection. Sections 1509.2 through 1509.5 is hereby deleted

Part 2. Open Meetings Act

This meeting was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

Part 3. Severability Clause

If any section, sub-section, clause, phrase, or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase, or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 4. Repeal

All ordinances or parts of ordinances and sections of any of the City Code of Ordinances in conflict with this Ordinance are hereby repealed.

Part 5. Effect on Pending Proceedings

That nothing in this legislation or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Part 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Part 6. Publication

The City Secretary is authorized and directed to publish the caption and penalty prescribed by this ordinance in accordance with State Law.

Part 7. Enforcement

Any person, firm or individual who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar (\$1.00) or more than two thousand dollars (\$2,000.00) in accordance with Code of Ordinance Sec. 1.01.009 . Each day the violation continues shall constitute a separate and distinct offense.

Part 8. Effective Date

(unapproved draft)

This Ordinance shall be in force and effect from and after October 1, 2024.

CITY OF WOLFFORTH

CHARLES ADDINGTON II, MAYOR

ATTEST:

Terri Robinette, City Secretary

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