

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, REPEALING ORDINANCE NO. 2018-13; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; 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 City Council of the City of Wylie, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas (“Wylie”) to repeal Wylie Ordinance No. 2018-13; and

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

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Ordinance No. 2018-13 Repealed. Wylie Ordinance No. 2018-13 is repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 2018-13 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 2018-13 occurring before the effective date of this Ordinance.

SECTION 3: Adoption of the 2021 International Existing Building Code. The 2021 Edition of the Existing Building Code, copyrighted by the International Code Council, Inc., save and except the amendments set forth in Exhibit “A”, attached hereto and incorporated herein for all purposes, is hereby adopted as the residential and commercial code for Wylie, prescribing regulations applicable to all commercial and residential and existing premises structures and constituting the minimum requirements and standards for commercial or nonresidential residential and existing premises construction applications (the “2021 International Existing Building Code”), except in the Downtown Historical District where the currently adopted Zoning Ordinance and amendments may take precedence over the 2021 International Existing Building Code. The 2021 International Existing Building Code is made a part of this Ordinance as if fully set forth herein. One (1) copy of the 2021 International Existing Building Code is on file in the office of the City Secretary of Wylie being marked and designated as the 2021 International Existing Building Code.

SECTION 4: Savings/Repealing Clause. 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 for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect. A reference in any ordinance to an earlier or

different version of a building code is hereby amended to refer to the 2021 International Existing Building Code as it is adopted herein or may be subsequently amended.

SECTION 5: Penalty Provision. Any person, firm, corporation or 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 AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 8th day of February, 2022.

Matthew Porter, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Stephanie Storm, City Secretary

Dates of Publication: February 16, 2022, in *The Wylie News*.

Exhibit A
Recommended Amendments to the 2021
International Existing Building Code
North Central Texas Council of Governments
Region

The following sections, paragraphs, and sentences of the *2021 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 2018 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2021 code.

The City of an "Option B" jurisdiction; Option B shall govern where applicable.

****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.}

(Reason: To not inadvertently adopt other codes (i.e., Wildland Urban Interface Code etc....) by reference.)

*****Section 110.2; delete number 11 as follows:**

(Reason: This has not been historically required on C.O.'s creating inconsistency and is not easily implemented to modify C.O.'s, and is short sided in only identifying one fire protection system. Further, the system must be maintained whether voluntarily installed or not.)

*****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; a building, structure or space that is undergoing a change of occupancy or use.

*****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; a building, structure or space that is undergoing a change of occupancy or use.

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

*****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.

(Reason: To coordinate with the IBC and State Law for accessibility.)

*****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.

(Reason: To coordinate with the IBC and State Law for accessibility.)

*****Section 306.5.1; add to read as follows:**

306.5.1 Complete change of occupancy. Where an entire building undergoes a *change of occupancy*, it shall comply with Section 305.4.1 and shall have all of the following accessible features:

1. Not fewer than one accessible building entrance.
2. Not fewer than one accessible route from an accessible building entrance to *primary function* areas.
3. Signage complying with Section 1111 of the *International Building Code*.
4. Accessible parking, where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are provided.
6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.
7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the *International Building Code*.

Where it is *technically infeasible* to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.

Exception: The accessible features listed in Items 1 through 6 are not required for an accessible route to Type B units.

(Reason: Maintains legacy language from the 2018 IEBC to identify accessibility criteria for changes of occupancy, and adds the required accessible toilet for disabled occupants, as per previous 2018 IEBC amendments.)

****Section 401.3 Flood Hazard Areas; delete this section.**

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

****Section 405.2.6 Flood Hazard Areas; delete this section.**

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

****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 503.2 Flood hazard areas; delete this section.**

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

*****Section 503.16; add exception to read as follows:**

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

(Reason: TAS does not address this criteria in their evaluation, and it is justifiably required for alterations in existing buildings.)

****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 this section:**

(Reason: To generally require a higher level of egress protection and consistent with regional practice.)

****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 702.4; add exception 2 to read as follows:**

2. Operable windows with openings that are provided with window fall prevention devices that comply with ASTM F2090.

(Reason: Maintains legacy language of the 2018 IFC to identify fall prevention devices as acceptable alternate/exception.)

****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.

(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 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.)

****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 803.2.6; change exception to read as follows:**

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

(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 803.3.}

(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 804.2; delete Exception #1 as follows:**

Exception:

[Remain unchanged]

(Reason: NFPA 101 is not a commonly adopted code in the region and enforcement would be problematic, especially due to contradictions with the requirements of the IBC.)

****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.

(Reason: Higher level of safety by not allowing new fire escapes and consistent with regional practice.)

****Section 804.4.1.2.1; change to read as follows:**

804.4.1.2.1 Fire Escape access and details - ...

1. [Remain unchanged]
2. Access to a fire escape shall be through a door...
3. [Remain unchanged]

5. In all buildings of Group E occupancy up to and including the 12th grade, buildings of Group I occupancy, 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 804.6.2 Transoms; add language 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,[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 this 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 to read as follows:**

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

(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 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: [Remain unchanged.]

(Reason: Maintains legacy language requiring at least fire barrier separation between a newly sprinklered more hazardous 'change of occupancy' from non-sprinklered existing occupancies, as is required for fire area separation by the IBC.)

*****Section 1102.2.1; add 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.

(Reason: This issue of evaluating allowable area for additions is commonly miscalculated due to the above issue. This amendment provides clarification but is not more stringent than what is currently required by the Building Code as to allowable area calculations.)

****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. *(Reason: NCTCOG does not currently recommend, nor 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.)

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

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

*****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.

(Reason: Maintains legacy language for the water supply and ensures adequate water supply as required by the Fire Code for construction that is already well-established. The changes in the published 2021 IEBC drastically reduce the required water supply of the Fire Code without adequate or reasonable justification.)

END