

**An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2018-11-17, codified as Article XXII, Existing Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2021 Edition of the International Existing Building Code, with certain additions, deletions and amendments, as the Existing Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.**

**WHEREAS**, on November 26, 2018, by Ordinance No. 2018-11-17, the City Council of the City of Plano amended Ordinance No. 2016-3-6 to reflect changes to the Existing Building Code, and such were codified as Article XXII, Existing Building Code, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

**WHEREAS**, on November 16, 2021, the Building Standards Commission held a public hearing to discuss the adoption of the 2021 Edition of the International Existing Building Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

**WHEREAS**, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and relate thereto, the City Council is of the opinion that the 2021 Edition of the International Existing Building Code and the additions, deletions, and amendments thereto, should be approved and adopted as the Existing Building Code of the City of Plano.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS THAT:**

**Section I.** Ordinance No. 2018-11-17, duly passed and approved by the City Council of the City of Plano on November 26, 2018, is hereby repealed in its entirety.

**Section II.** A new Article XXII, Existing Building Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

## **“ARTICLE XXII. EXISTING BUILDING CODE**

### **DIVISION 1. GENERALLY**

#### **Sec. 6-716. Penalty.**

(a) **Criminal.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

(b) **Civil.** The city may file a civil action for enforcement of this Division with civil penalties up to \$1,000.00 per day for each offense as authorized by Subchapter B of Chapter 54 of the Texas Local Government Code, as amended.

#### **Sec. 6-717. Adopted.**

The 2021 Edition of the International Existing Building Code, a publication of the International Code Council (I.C.C.) is hereby adopted and designated as the Existing Building Code of the City, to the same extent as if such code were copied verbatim in this section, subject to the deletions, additions and amendments prescribed in this Division. A copy of the 2021 Edition of the International Existing Building Code is on file in the office of the City Secretary.

#### **Sec. 6-718. Administrative authority.**

For purposes of this Division and interpreting the Code adopted in this Division, the term “Administrative Authority” shall mean the Building Official of the City, and his agents and employees who are hereby empowered with the authority to administer and enforce the provisions of this Division and the Existing Building Code.

#### **Sec. 6-719. Deletions, Additions, Amendments.**

The following deletions, additions, and amendments to the International Existing Building Code adopted in this Division are hereby approved and adopted:

**Section 102.4;** *change 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.

*[Remainder of section unchanged.]*

**Section 202;** *change definition of “Existing Structure” to read 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.

**Section 306.1;** *change to read as follows:*

**306.1 Scope.** The provisions of Section 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:** 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 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 503.16;** *change 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 m<sup>3</sup>) 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.

**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.

**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;** *change 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 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 are more than 30 inches (762 mm) above the floor or grade below and are 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 803.1;** *change 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 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 803.2.6;** *change 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.

**Section 803.3;** *change section to read as follows (Exceptions deleted):*

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

**Section 804.2;** *change 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.

**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, except that windows shall be permitted to provide access from single dwelling units 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 m<sup>2</sup>) or 5 square feet (0.46 m<sup>2</sup>) 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. *[Item deleted.]*
4. Openings within 10 feet (3048 mm) of fire escape stairways shall be protected by fire assemblies having minimum ¾-hour fire-resistance ratings.

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

5. In all buildings of Group E occupancy up to and including the 12<sup>th</sup> 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.

**Section 904.1;** *change 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 of this section. 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. Nonrated permanent partition and horizontal assemblies.
2. Fire partition.
3. Smoke partition.
4. Smoke barrier.
5. Fire barrier, as required by Section 707 of the *International Building Code*.
6. 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*.

**Section 1103.3 Flood hazard areas;** *delete the section in its entirety.*

**Section 1201.4 Flood hazard areas;** *delete the section in its entirety.*

**Section 1301.3.3 Compliance with flood hazard provisions;** *delete the section in its entirety.*

**Section 1402.6 Flood hazard areas;** *delete the section in its entirety.*”

**Section III.** All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section IV.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** This Ordinance shall become effective February 1, 2022 and after its passage and publication as required by law.

**DULY PASSED AND APPROVED** this, the 24<sup>th</sup> day of January, 2022.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY