

An Ordinance of the City of Plano, Texas, amending City of Plano Ordinance No. 2022-1-17, codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances, to add a new Section R115, Third Party Organization, to Section 6-710, Deletions, additions, amendments, of Division 2, Amendments; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on January 24, 2022, by Ordinance No. 2022-1-17, the City Council of the City of Plano (the “City”) repealed Ordinance No. 2018-11-16 and adopted the 2021 Edition of the International Residential Code, with certain additions, deletions, and amendments, as the Residential Code of the City; and

WHEREAS, on October 19, 2022, the Building Standards Commission held a public hearing to discuss the proposed amendment to the Residential Code to authorize the establishment of a Third Party Organization program, and to receive input from the general public and all persons who may be affected by the proposed amendment; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the amendment to the Residential Code should be approved and adopted.

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

Section I. Amend Section 6-710, Deletions, additions, amendments, of Division 2, Amendments, of Article XX, Residential Code, of Chapter 6 of the Code of Ordinances to add Section R115 entitled “Third Party Organization” to read in its entirety as follows:

**“SECTION R115
THIRD PARTY ORGANIZATION**

R115.1 Authorization. When approved by the Building Official, Third Party Organizations may be permitted to perform the plan review provisions of this Code. When authorized to perform services, the Third Party Organization shall comply with the provisions of this section.

R115.2 Plan review.

R115.2.1 Permit application. Performance of plan review by a Third Party Organization shall not exempt or otherwise relieve the owner and/or other parties from the submittal for a permit with the appropriate plans as prescribed in this Code.

R115.2.2 Submittal requirements. Along with the submittal of plans, documents as required by the Building Official shall also be submitted with the following information:

1. Name of the Third Party Organization and all individuals involved in the plan review.

2. Listing of the plan review results, including but not limited to the construction type, occupancy group, occupant load, area calculations, story calculations, height measurements, and exiting calculations.
3. Other information as required by the Building Official.

R115.3 Insurance. The Third Party Organization shall obtain and maintain insurance coverage as prescribed by the Building Official.

R115.4 Indemnification. The Third Party Organization, the builder, and the owner shall execute an indemnification agreement, when required, in a form approved by the City Attorney.

R115.5 Conflict of interest. The licensed architect, registered engineer, or other authorized person, entity or corporation who prepared or supervised preparation of the project plans and/or specifications, along with the owner, builder, subcontractor, their agents, officers and employees shall not be associated in any way with the Third Party Organization.

R115.6 Qualifications. The Third Party Organization shall submit documents, as required by the Building Official, to show adequate training, knowledge and/or certification in the fields upon which service is to be rendered. The Building Official shall review the documents along with proof of required insurance and all required executed agreements. If in compliance, the building official shall approve the Third Party Organization. If not approved, or if approval is revoked for just cause by the Building Official, the Third Party Organization may appeal to the Building Standards Commission. Just cause may include, but not be limited to, violation of any provision of this Code, loss or expiration of required insurance, violation of the conflict of interest provision or any action that may result in the questioning of qualifications.

R115.7 Violations. A Third Party Organization or individual who violates, or assists in the violation, of this Code or the Technical Codes shall be subject to the penalties as prescribed in Section 113.”

Section II. Amend Section 6-710, Deletions, additions, amendments, of Division 2, Amendments, of Article XX, Residential Code, of Chapter 6 of the Code of Ordinances, to add a definition of Third Party Organization in Section R202 to read as follows:

“THIRD PARTY ORGANIZATION. A private organization hired by an applicant to perform plan reviews.”

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 upon its passage and publication as required by law.

DULY PASSED AND APPROVED this, the 14th day of November, 2022.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY