

CITY OF ROANOKE, TEXAS

ORDINANCE NO. 2023-126

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROANOKE, TEXAS, AMENDING CHAPTER 3, ARTICLE 3.100 OF THE CODE OF ORDINANCES OF THE CITY OF ROANOKE, TEXAS, ENTITLED "INTERNATIONAL CODES ADOPTED" BY ADDING A NEW SECTION 3.110 ENTITLED "INTERNATIONAL EXISTING BUILDING CODE ADOPTED," BY ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE*, AND LOCAL AMENDMENTS TO THE *INTERNATIONAL EXISTING BUILDING CODE*; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Roanoke, Texas, is of the opinion that the 2021 Edition of the *International Existing Building Code*, along with local amendments hereto, should be adopted as the Existing Building Code for the City of Roanoke.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, 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. AMENDMENT

That Chapter 3, Article 3.100, of the Code of Ordinances of the City of Roanoke, Texas, entitled "International Codes Adopted," is hereby amended by adding a new Section 3.110 entitled "International Existing Building Code Adopted," which shall read as follows:

"Sec. 3.110. International Existing Building Code Adopted.

- (a) *Adoption.* The *International Existing Building Code*, 2021 edition, is hereby adopted and designated as the Existing Building Code for the City of Roanoke, Texas. A copy of the 2021 Edition of the *International Existing Building Code* is on file in the office of the city secretary.
- (b) *Local Amendments.* The following provisions, attached hereto as **Exhibit A** of this Ordinance, are local amendments to the 2021 Edition of the *International Existing Building Code*. Each provision in this subsection is a substitute for the identically numbered provision contained in the 2021 Edition of the *International Existing Building Code* or is an additional provision added to the 2021 Edition of the *International Existing Building Code*.

Section 3. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Roanoke, Texas, on this the 10th day of October, 2023.



Carl E. Gierisch, Jr., Mayor

ATTEST:



April S. Hill, City Secretary

APPROVED AS TO FORM:



Jeff Moore, City Attorney



Exhibit A

Local Amendments
to the
International Existing Building Code

**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.

****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:**

~~11. Where an automatic sprinkler system is provided, and whether an automatic sprinkler system is required.~~

(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. ~~erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.~~

*****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, erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.~~

(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:**

~~**504.1.3 New fire escapes.** New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized due to lot lines limiting stairway size or due to the sidewalks, alleys, or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.~~

(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 a floor, such as a balcony or a loading dock, 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, for the following:

1. ~~Underground gate valve with roadway boxes.~~
2. ~~Halogenated extinguishing systems.~~
3. ~~Carbon dioxide extinguishing systems.~~
4. ~~Dry and wet chemical extinguishing systems.~~
5. ~~Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.~~

(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:**

Exceptions: 1. Where the work area and the means of egress serving it complies with NFPA101.
2. [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 or newly constructed 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 new fire escape shall be through a door...
3. ~~Newly constructed fire escapes shall be permitted only where exterior stairways cannot be utilized because of lot lines limiting the stairway size or because of the sidewalks, alleys, or roads at grade level.~~
4. [Remain unchanged]
5. 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.

(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 where the high-rise buildings has a sufficient municipal water supply for the design and installation of an automatic sprinkler system at the site.

(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. ~~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 IBC.
6. 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. ~~and International Property Maintenance 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