

**ORDINANCE NO. 2017-33**

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, REPEALING ORDINANCE NO. 2012-31, SAVE AND EXCEPT THE AMENDMENT TO ORDINANCE 84-11, AND ADOPTING THE 2015 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. 2012-31; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to adopt the 2015 Edition of the International Existing Building Code for residential and commercial buildings, 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SECTION 2: Ordinance No. 2012-31 Repealed. Wylie Ordinance No. 2012-31 is repealed in its entirety and replaced by this Ordinance.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in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 2012-31 shall be repealed.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. 2012-31 occurring before the effective date of this Ordinance.

SECTION 3: Adoption of the 2015 International Existing Building Code. The International 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 existing building code for Wylie, prescribing regulations applicable to all residential and commercial buildings, existing premises and structures and constitutes minimum requirements and standards for existing premises construction applications (the “2015 International Existing Building Code”). The 2015 International Existing Building Code is made a part of this Ordinance as if fully set forth herein. One (1) copy of the 2015 International Existing Building Code is on file in the office of the City Secretary of Wylie being marked and designated as the 2015 International Existing Building Code.

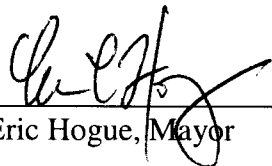
SECTION 4: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from 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 an existing building code is hereby amended to refer to the 2015 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.

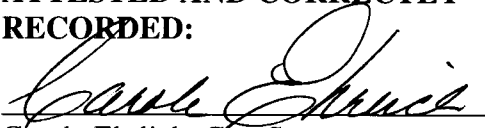
SECTION 6: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Wylie hereby declares 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.

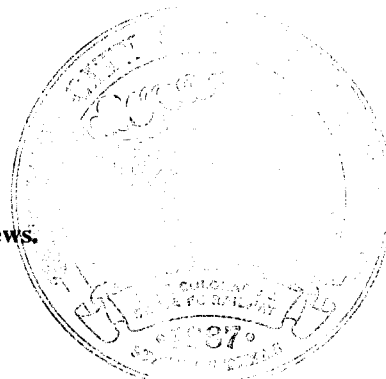
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 12<sup>th</sup> day of December, 2017.**

  
Eric Hogue, Mayor

**ATTESTED AND CORRECTLY  
RECORDED:**

  
Carole Ehrlich, City Secretary

**Date(s) of Publication: December 20, 2017, in the Wylie News.**



## Exhibit A

### Recommended Amendments to the 2015 International Existing Building Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2015 International Existing Building Code* are hereby amended as follows: Standard type is text from the IEBC. A double asterisk (\*\*) at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk (\*\*\*) identifies a new or revised amendment with the 2015 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.

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

\*\*\*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; or a change of occupancy.

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

\*\*\*Section 405.1.2, 405.1.3, 405.1.4; change to read as follows:

**405.1.2 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 406.2; change to read as follows:**

**406.2 Replacement window opening control devices.** In Group R-2 or R-3 buildings containing dwelling units, window opening control devices complying with ASTM F 2090 shall be installed where an existing window is replaced and where all of the following apply to the replacement window. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by Section 1030.2 of the International Building Code.

Remainder unchanged

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*(Reason: Referenced Section was incorrect)*

[REDACTED]

\*\*\*Section 406.3; change to read as follows:

**406.3 Replacement window emergency escape and rescue openings.** Where windows are required to provide emergency escape and rescue openings in Group R-2 and R-3 occupancies, replacement windows shall be exempt from the requirements of Sections 1030.2, 1030.3 and 1030.5 of the International Building Code provided the replacement window meets the following conditions:

Remainder unchanged

*(Reason: To clarify which code this section was referencing)*

[REDACTED]

\*\*\*Section 408.3; to closely follow the amendments for the IBC:

**408.3 Flood hazard areas.** *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

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

[REDACTED]

\*\*\*Section 409.1 add an exception to read as follows:

**Exception:** Moved historic buildings need not be brought into compliance with the exception of new construction features required as the result of such movement, including but not limited to foundations and/or other structural elements.

*(Reason: To maintain the integrity of historic buildings that would otherwise be required to comply with the provisions for new construction.)*

[REDACTED]

\*\*\*Section 410.1 adds an exception to read as follows:

**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.

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

[REDACTED]

\*\*\*Section 410.4.2; Add Number 7 to the list of requirements as follows:

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

*(Reason: Accessible toilet rooms should be available for disabled occupants.)*

[REDACTED]

\*\*\*Section 601.3; to closely follow the amendments for the IBC:

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**601.3 Flood hazard areas.** (*Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.*)

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

\*\*\*Section 601.3; to closely follow the amendments for the IBC:

**601.3 Flood hazard areas.** (*Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.*)

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

\*\*\*Section 602.3; add code reference to read as follows:

**602.3 Glazing in hazardous locations.** Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the *International Building Code, International Energy Conservation Code, or International Residential Code* as applicable.

(Reason: The Reduces potential confusion/conflicts for glazing replacement regarding applicable codes.)

\*\*\*Section 606.2.4; to closely follow the amendments for the IBC:

**606.2.4: Flood hazard areas.** (*Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.*)

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

\*\*\*Section 607.1; add a code reference to read as follows:

**607.1 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 701.3; to closely follow the amendments for the IBC:

**701.3: Flood Hazard areas.** (*Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.*)

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

\*\*\*Section 702.6; add a code reference to read as follows:

**702.6 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 802.1;** add a code reference to read as follows:

**802.1 General.** Alteration of buildings classified as special use and occupancy as described in Chapter 4 of the *International Building Code* shall comply with the requirements of Section 801.1 and the scoping provisions of Chapter 1 where applicable.

*(Reason: To clearly identify the location of special use and occupancy requirements in the Building Code)*

**\*\***

**\*Section 803.5.1; Exception;** change to read as follows:

**803.5.1 Minimum requirement.** Every portion of open-sided walking surfaces, including *mezzanines*, *equipment platforms*, *aisles*, *stairs*, *ramps* and landings that 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.

*(Reason: To be consistent with Building Code requirements for guards and unsafe conditions.)*

**\*\*\*Section 804.1;** 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 804.2.2, Number 2;** change Exception to read as follows:

**Exception:** Where the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump, fire sprinkler protection shall not be required.

*(Reason: Smoke detection is not an equivalency to sprinkler protection and in general, could result in increased false alarm issues.)*

**\*\*\*Section 804.2.5;** 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 804.3; change section to read as follows:

**804.3 Standpipes.** Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.  
{ Delete rest of Section 804.3. }

*(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 805.3.1.2; add change to read as follows:

**805.3.1.2 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.)*

\*\*\*Section 805.3.1.2.1; add change to read as follows:

**805.3.1.2.1 Fire Escape access and details - ...**

2. Access to a fire escape shall be through a door...
3. Strike whole section
5. In all building of Group E occupancy up to and including the 12<sup>th</sup> grade, building 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 805.5.2 Transoms **Add note to read as follows:**

*B and E occupancies are not included in the list and consideration should be given to adding them depending on existing buildings stock.*

*(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 section)*

\*\*\*Section 806.2; add an exception to read as follows:

**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.

*(Reason: with COG amendments to Section 1101.2 of IBC*

\*\*\*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*

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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; add sentence to read as follows:

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

*(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 1103.5 Flood Hazard areas. (Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)

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

\*\*\*Section 1201.4 Flood hazard areas. (Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)

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

\*\*\*Section 1302.7 Flood hazard areas. (Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)

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

\*\*\*Section 1401.2; change to read as follows:

**1401.2 Applicability.** Structures existing prior to the date of an approved final inspection issued under a code edition which is at least two published code editions preceding the currently adopted building code; or a change of occupancy, {rest of section un-changed}.

*(Reason: For consistency with amendment in Chapter 2 relative to allowable use of this code for existing building.)*

\*\*\*Section 1401.3.2; change to read as follows:

**1401.3.2 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 review the IPMC for recommended amendments at this time.)*

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\*\*\* Chapter 16 – Referenced Standards; change to read as follows:

IECC Edition as adopted by the State of Texas

International Energy Conservation Code® . .  
301.2, 702.6, 708.1, 811.1, 908.1

*(Reason: For compliance with State Law requirements for Energy Cod*