

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS**

**ORDINANCE NO. 06-2019**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS BY AMENDING CHAPTER 21, ARTICLE 21.02, "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS", BY ADOPTING DIVISION 11, "EXISTING BUILDING CODE", SECTIONS 21.02.551 AND SECTION 21.02.552, TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, AND TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the International Code Council (ICC) has developed a set of comprehensive and coordinated international model construction codes (known generally as the "International Codes") which includes the International Existing Building Code; and

**WHEREAS**, the City of Seagoville has been involved in the development process of the International Codes, through participation with the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

**WHEREAS**, the creation of the 2018 editions of the International Codes by the ICC was in conjunction with the International Conference of Building Officials (ICBO); and

**WHEREAS**, the 2018 editions of the International Codes, including the International Existing Building Code, have been reviewed by the NCTCOG and City staff; and

**WHEREAS**, the City's building and construction codes are intended to be updated periodically, with the 2018 editions of the International Codes, including the Existing Building Code, being the most current published building and construction codes for which local amendments have been developed; and

**WHEREAS**, the City Council of the City of Seagoville has determined that it is in the best interest of the citizens of the City of Seagoville to adopt the 2018 edition of the International Existing Building Code and to adopt local amendments to said code in order to account for unique local practices and/or conditions relating to the design and construction of structures within the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS;**

**SECTION 1.** That Chapter 21 of the Seagoville Code of Ordinances be, and the same is, hereby amended by adopting Article 21.02, Division 11, Existing Building Code, Sections 21.02.551 and 21.02.552 to provide for the adoption of the International Existing Building Code, 2018 Edition, which shall read as follows:

## “ARTICLE 21.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

### Division 11. Existing Building Code

#### Sec. 21.02.551 Adopted

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Existing Building Code, 2018 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the existing building code of the city. Each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertion, deletions and changes, if any, prescribed in Section 21.02.552 of this Article.

#### Sec. 21.02.552 Amendments

The existing building code adopted in this article shall be subject to the exceptions and amendments to the International Existing Building Code, 2018 edition, as follows:

Section 101.1; amend to read as follows:

**101.1 Title.** These regulations shall be known as the *Existing Building Code of the City of Seagoville*, hereinafter ... *{Remainder unchanged}*

Section 102.4; amend 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.

**Section 112**, add new subsection to read as follows:

**112.4 Means of appeals.** Any reason directly affected by a decision of the code official or a notice issued under this code shall have the right to appeal to the board of adjustment, hereinafter referred to as the “board,” provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code adequately satisfied by other means.

- (a) **Notice of meeting.** The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open

Meetings Act.

- (b) **Open hearing.** All hearings before the board shall be open to the public. The appellant is to be given an opportunity to be heard.
- (c) **Board decision.** The board shall, only by a concurring vote of a majority of those present, either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendations of the official, or reverse the decision of the code official.
- (d) **Court review.** Any person, whether or not a party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the board.
- (e) **Stays of enforcement.** Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

Section 202; amend the definitions of Existing Building and Existing Structure as follows:

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

**EXISTING STRUCTURE** - ~~A building erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued,~~ 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 305.1; 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.

Section 305.4.2; add item 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*.

Section 401.3 Flood Hazard Areas; delete this section.

Section 405.2.5 Flood Hazard Areas; delete this section.

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.

Section 502.3 Flood Hazard Areas; delete this section.

Section 504.1.2; add sentence to end as follows:

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 702.6; 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.

Section 802.5.1; amend 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.~~

Section 803.1; add sentence to end 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.

Section 803.2.4; amend Exceptions to read as follows:

**Exceptions:** 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.~~

Section 803.3; delete and replace as follows:

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

Section 805.2; delete Exception #1

Section 805.3.1.2; amend as follows:

**805.3.1.2 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.

Section 805.3.1.2.1; amend items as follows:

1. *{Unchanged}*
2. Access to a ~~new~~ fire escape shall ... *{Remainder unchanged}*
3. ~~Newly constructed ... at grade level.~~
4. *{Unchanged}*
5. In all buildings of Group E occupancy up to and including the 12th grade, buildings of Group I occupancy, ~~rooming~~ boarding houses, ... *{Remainder unchanged}*

Section 805.5.2 Transoms; amend to read as follows:

**805.5.2 Transoms.** In all buildings of Group ~~I-1, I-2, R-1, R-2,~~ B, E, occupancy... *{Remainder unchanged}*

**Section 904.1**; add sentence to end 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.

Section 904.1.1; amend 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.~~

Section 1103.3 Flood Hazard Areas; delete this section.

Section 1201.4 Flood Hazard Areas; delete this section.

Section 1301.3.2; amend 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.~~

Section 1301.3.3 Compliance with Flood Hazard Provisions; delete this section.

Section 1402.6 Flood Hazard Areas; delete this section.”

**SECTION 2.** All ordinances of the City of Seagoville in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed, and all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinance of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Seagoville, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

**PASSED AND ADOPTED** by the City Council for the City of Seagoville at a meeting on the 28<sup>th</sup> day of January, 2019, at which a quorum was present, and for which due notice was given.

**APPROVED:**



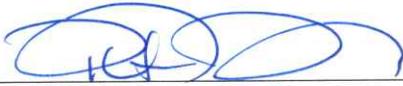
\_\_\_\_\_  
DENNIS K. CHILDRESS, MAYOR

**ATTEST:**



\_\_\_\_\_  
KANDI JACKSON, CITY SECRETARY

**APPROVED AS TO FORM:**



\_\_\_\_\_  
VICTORIA W. THOMAS, CITY ATTORNEY  
(/cdb 1.11.2019 TM105569)