

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.04, "BUILDING CODE," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER AND REPLACING IT WITH A NEW ARTICLE 3.04, "BUILDING CODE"; ADOPTING THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; REGULATING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL, AND DEMOLITION OF EVERY BUILDING OR STRUCTURE OR ANY APPURTENANCES CONNECTED OR ATTACHED TO BUILDINGS OR STRUCTURES WITHIN THE TOWN OF PROSPER, TEXAS; 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 Town Council of the Town of Prosper, Texas ("Prosper"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal existing Article 3.04, "Building Code," of the Code or Ordinances and replace it with a new Article 3.04, "Building Code"; and

WHEREAS, the Town Council also has investigated and determined that it would be advantageous and beneficial to the citizens of the Prosper to adopt the 2012 Edition of the International Building Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Existing Article 3.04, "Building Code," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety and replaced with a new Article 3.04, "Building Code," to read as follows:

"ARTICLE 3.04 BUILDING CODE

Sec. 3.04.001 Code Adopted; amendments

The International Building Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A," attached hereto and incorporated herein for all purposes, is hereby adopted as the Building Code for the Town, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment,

use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to buildings or structures within the town (the "2012 International Building Code"). The 2012 International Building Code is made a part of this article as if fully set forth herein. A copy of the 2012 International Building Code, 2012 Edition, copyrighted by the International Code Council, Inc., is on file in the office of the Town Secretary of Prosper being marked and so designated as the 2012 International Building Code.

Sec. 3.04.002 Penalty for violation

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. The town retains all legal rights and remedies available to it pursuant to local, state and federal law."

SECTION 3

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.

SECTION 4

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. The Town of Prosper 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 5

This Ordinance shall become effective October 1, 2014, after its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 22ND DAY OF JULY, 2014.

APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

Exhibit A

TOWN OF PROSPER AMENDMENTS

2012 INTERNATIONAL BUILDING CODE

The following additions, deletions and amendments to the 2012 International Building Code adopted herein are hereby approved and adopted.

Section [A] 101.1 Title of the 2012 International Building Code is amended as follows:

[A] 101.1 Title. These regulations shall be known as the *Building Code* of The Town of Prosper hereinafter referred to as "this code."

Section [A] 102.4 Referenced codes and standards of the 2012 International Building Code is amended 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. Whenever amendments have been adopted to the reference codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

Section [A] 105.2 Work exempt from permit of the 2012 International Building Code is amended as follows:

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Oil derricks.
2. Retaining walls that are not over 2 feet (610 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.

4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Swings and other playground equipment accessory to detached one- and two-family dwellings.
9. Window awnings in Group R-3 and U occupancies, supported by and exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

{The remaining paragraphs in Section [A] 105.2 shall remain unchanged}

Section [A] 105.3.2 Time limitation of application of the 2012 International Building Code is amended as follows:

[A] 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable caused demonstrated.

Section [A] 105.5 Expiration of the 2012 International Building Code is amended as follows:

[A] 105.5 Expiration. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after the issuance, or if the work authorized by such *permit* is suspended, abandoned or lacks any required inspection for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section [A] 107.1 General of the 2012 International Building Code is amended as follows:

[A] 107.1 General. Submittal documents consisting of *construction documents*, *statement of special inspections*, *geotechnical report* and other data shall be

submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered design professional. Foundation plans shall be submitted with each application. Foundation plans shall be designed by an engineer licensed by the State of Texas and shall bear that engineers seal. Structural framing plans shall be submitted with each new construction or addition application. Structural Framing plans shall be designed by a registered design professional licensed by the State of Texas and shall bear that design professionals seal.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

Section [A] 109.2 Schedule of permit fees of the 2012 International Building Code is amended as follows:

[A] 109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the Town of Prosper Fee Schedule as adopted by the City Council.

Section [A] 109.4 Work commencing before permit issuance of the 2012 International Building Code is amended as follows:

[A] 109.4 Work commencing before permit issuance. Any person who commences any work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a Penalty of 100% of the usual permit fee in addition to the required permit fees.

Section [A] 109.6 Refunds of the 2012 International Building Code is amended as follows:

[A] 109.6 Refunds. The building official is authorized to establish a refund policy.

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section [A] 110.3.1 Footing and foundation inspection of the 2012 International Building Code is amended as follows:

[A] 110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. A registered design professional, or their designated representative, must perform a pre-pour inspection and provide the Building Official with a signed and sealed document stating that the footing and foundation has been inspected and approved. This inspection must take place prior to requesting a footing and foundation inspection from the Building Official.

Section [A] 110.3.2 Concrete slab and under-floor inspection of the 2012 International Building Code is amended as follows:

[A] 110.3.2 Concrete slab and under-floor inspections. Concrete slab and under-floor inspections shall be made after in-slab and under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor. A registered design professional, or their designated representative, must perform a pre-pour inspection and provide the Building Official with a signed and sealed document stating that the slab and under-floor foundation has been inspected and approved. This inspection must take place prior to requesting a concrete slab and under-floor foundation inspection from the Building Official.

Section [A] 110.3.4 Frame inspection of the 2012 International Building Code is amended as follows:

[A] 110.3.4 Frame inspection. Framing Inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved. A registered design professional, or their designated representative, must perform a structural framing inspection and provide the Building Official with a signed and sealed document stating that the structure's framing has been inspected and approved. This inspection must take place prior to requesting a framing inspection from the Building Official.

Section [A] 113 Board of Appeals of the 2012 International Building Code has amended as follows; delete entire section and insert the following:

[A] 113.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the Town of Prosper's enabling ordinance.

Section 202 Definitions of the 2012 International Building Code is amended by amending the definition of a High-Rise Building to read as follows:

High-Rise Building. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Section 403.5.4 Smokeproof enclosure of the 2012 International Building Code is amended as follows:

403.5.4 Smokeproof enclosures. Every required exit stairway serving floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be a smokeproof enclosure in accordance with Sections 909.20 and 1022.10.

Section [F] 501.2 Address identification of the 2012 International Building Code is amended as follows:

[F] 501.2 Address identification. New and existing buildings shall be provided with approved address numbers or letters. Each character shall not be less than 6 inches (152 mm) in height and not less than of 0.5 inch (12.7 mm) in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property and from all alleyways, fire lanes, or other vehicle access to the rear or side of the buildings. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

Section 713.14.1 Elevator lobby; exception 4.3 of the 2012 International Building Code is amended as follows:

Section 713.14.1; exception 4.3. Elevators serving floor levels over 55 feet (16 764 mm) above the lowest level of fire department vehicle access in high rise buildings.

Section [F] 903.2.8 Group R of the 2012 International Building Code is amended as follows:

[F] 903.2.8 Group R. An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

Exception: R-3 occupancies with a gross square foot area of less than 5,500 HVAC space.

Section [F] 903.2.9.3 Self-service storage facility of the 2012 International Building Code is amended by adding section [F] 903.2.9.3 Self-service storage facility to read as follows:

[F] 903.2.9.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment, and under 5,000 square foot (gross area) in size.

Section [F] 903.2.11.3 Buildings 35 feet or more in height of the 2012 International Building Code is amended as follows:

[F] 903.2.11.3 Buildings 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 35 feet (10 668 mm) or more above the lowest level of fire department vehicle access.

Exception: Open parking structures in compliance with Section 406.5 if the International Building Code.

Section [F] 903.2.11.7 High-piled combustible storage of the 2012 International Building Code is amended by adding section [F] 903.2.11.7 High-piled combustible storage to read as follows:

[F] 903.2.11.7 High-piled combustible storage. For any building with clear height exceeding 12 feet (4572 mm), see Chapter 32 of the Fire Code to determine if those provisions apply.

Section [F] 903.2.11.8 Spray booths and rooms of the 2012 International Building Code is amended by adding section [F] 903.2.11.8 Spray booths and rooms to read as follows:

[F] 903.2.11.8 Spray booths and rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Section [F] 903.2.11.9 Buildings over 5,000 square feet of the 2012 International Building Code is amended by adding section [F] 903.2.11.9 Buildings over 5,000 square feet to read as follows:

[F] 903.2.11.9 Buildings over 5,000 square feet. An automatic sprinkler system shall be installed throughout all commercial building with a building area (floor area, gross) over 5,000 square feet. For the purpose of this provision, firewalls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building code.

Section [F] 903.3.1.1.1 Exempt locations of the 2012 International Building Code is amended as follows:

[F] 903.3.1.1.1 Exempt locations. When approved by *the code official*, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

{The exceptions in Section [F] 903.3.1.1.1 shall remain unchanged}

Section 1503.7 Protection from snow and ice of the 2012 International Building Code is added to read as follows:

1503.7 Protection from snow or ice. Where roofs have been constructed over or adjacent to entryways, exits, or paved walkways so that snow or ice can accumulate in such a manner as to become a safety hazard to people as it melts and slides off the roof surface, an effective means of snow and ice diversion shall be provided for their protection.

Section 1505.1 General of the 2012 International Building Code is amended as follows:

1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A, B and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. All roof coverings shall be a minimum Class C. All individual replacement shingles or shakes shall be a minimum Class C. Minimum Class A, B and C roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

Exception:

1. Skylights and sloped glazing that comply with Chapter 24 or Section 2610.
2. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 square feet (37.5 m²) of projected roof area. When exceeding 120 square feet (37.5 m²) of projected roof area, buildings of U occupancies may use non-rated non-combustible coverings.

Section 1612.3 Establishment of flood hazard areas of the 2012 International Building Code is amended as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for The Town of Prosper"

as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 1807.2.2 Design lateral soil loads of the 2012 International Building Code is amended as follows:

1807.2.2 Design lateral soil loads. Retaining walls shall be designed for the lateral soil loads set forth in Section 1610. Retaining walls that are not laterally supported at the top and that retain in excess of 24 inches (610 mm) of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls that retain in excess of 36 inches (914 mm) of unbalanced fill shall have professionally engineered designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. For stone mass gravity retaining walls in excess of 24 inches (610 mm), minimum foundation embedment shall be no less than 12 inches (305 mm) into undisturbed or well compacted soil.

End of Exhibit "A"