

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.05, "RESIDENTIAL CODE," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER AND REPLACING IT WITH A NEW ARTICLE 3.05, "RESIDENTIAL CODE"; ADOPTING THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; REGULATING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, REMOVAL, AND DEMOLITION OF DETACHED ONE- AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE (3) STORIES IN HEIGHT WITH A SEPARATE MANS OF EGRESS AND RELATED ACCESSORY STRUCTURES IN 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 3.05, "Residential Code," of the Code or Ordinances and replace it with a new Article 3.05, "Residential 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 Residential 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Existing Article 3.05, "Residential Code," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety and replaced with a new Article 3.05, "Residential Code," to read as follows:

"ARTICLE 3.05 RESIDENTIAL CODE

Sec. 3.05.001 Code Adopted; amendments

The International Residential Code, 2012 Edition, copyrighted by the International Code Council, Inc., including Appendix G, Appendix J and Appendix K, 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 Residential Code for the Town, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate mans of egress and related accessory structures within the town (the "2012 International Residential Code"). The 2012 International Residential Code is made a part of this article as if fully set forth herein. A copy of the 2012 International Residential 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 Residential Code.

Sec. 3.05.002 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:



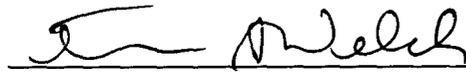
Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

Exhibit A

TOWN OF PROSPER AMENDMENTS

2012 INTERNATIONAL RESIDENTIAL CODE

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

Section R101.1 Title of the 2012 International Residential Code is amended as follows:

R101.1 Title. These regulations shall be known as the *Residential Code for One- and Two-family Dwellings* of The Town of Prosper and shall be cited as such and will be referred to hereinafter as "this code."

Section R102.4 Referenced codes and standards of the 2012 International Residential Code is amended as follows:

R102.4 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 R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced *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 *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 R105.2 Work exempt from permit of the 2012 International Residential Code is amended as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption 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.

Building:

1. 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.
2. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

4. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
5. Swings and other playground equipment.
6. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
7. Decks not exceeding 200 square feet (18.58 mm) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

{The remaining paragraphs in Section R105.2 shall remain unchanged}

Section R105.3.2 Time limitation of application of the 2012 International Residential Code is amended as follows:

R105.3.2 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 R105.5 Expiration of the 2012 International Residential Code is amended as follows:

R105.5 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 R106.1 Submittal Documents of the 2012 International Residential Code is amended as follows:

R106.1 Submittal documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. 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 R108.2 Schedule of permit fees of the 2012 International Residential Code is amended as follows:

R108.2 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 R108.5 Refunds of the 2012 International Residential Code is amended as follows:

R108.5 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 R108.6 Work commencing before permit issuance of the 2012 International Residential Code is amended as follows:

R108.6 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 R109.1.1 Foundation inspection of the 2012 International Residential Code is amended as follows:

R109.1.1 Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations. 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 foundation has been inspected and approved. This inspection must take place prior to requesting a foundation inspection from the Building Official.

Section R109.1.4 Frame and masonry inspection of the 2012 International Residential Code is amended as follows:

R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections 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 R110.1 through R110.5 of the 2012 International Residential Code are deleted as follows:

Sections R110.1 through R110.5; are deleted.

Section R112 Board of Appeals of the 2012 International Residential Code has amended as follows; delete entire section and insert the following:

R112 Board of Appeals. 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.

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA of the 2012 International Residential Code is amended by filling in data as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f
	Speed ^d (mph)	Topographic effects ^k	
5 lb/ft ²	90 (3-sec-gust)/76 fastest mile	No	A

SUBJECT TO DAMAGE FROM		
Weathering ^a	Frost line depth ^b	Termite ^c
moderate	6"	very heavy

WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
22°F	No	local code	150	64.9°F

{No changes to footnotes}

Section R313.2 One-and two-family dwellings automatic fire systems of the 2012 International Residential Code is amended as follows:

Section R313.2 One-and two-family dwellings automatic fire systems. Automatic fire protection required: Automatic fire protection systems in accordance with NFPA 13D or NFPA 13R shall be provided in all one and Two-Family dwellings with a conditioned floor area of 5,500 square feet (1677.5 m²) or greater, dwellings 3 stories or greater, or dwellings with roof heights exceeding 35 feet in height.

In the event that an addition or alteration increases the conditioned floor area from less than 5,500 square feet to equal to or greater than 5,500 square feet, the number of stories from less than 3 stories to equal to or greater than 3 stories, or the roof height from 35 feet or less to greater than 35 feet in height the entire dwelling shall be retrofitted with an automatic fire protection system in accordance with NFPA 13D or NFPA 13R.

Where requirements in this section conflict with requirements found in the Fire Code or Ordinances adopted by the Town of Prosper the most stringent requirements shall apply.

Section R902.3 Roof coverings minimum classification of the 2012 International Residential Code is added as follows:

R902.3 Roof coverings minimum classification. All roof coverings shall be a minimum Class C. All individual replacement shingles or shakes shall be a minimum Class C.

Exception: 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 N1101.9 (R202) Defined terms of the 2012 International Residential Code is amended by adding the following definition to read as follows:

GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

Table N1102.1.1 (R402.1.1) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT of the 2012 International Residential Code is amended as follows:

Table N1102.1.1 (R402.1.1) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; Amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:

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Table N1102.1.3 (R402.1.3) EQUIVALENT U-FACTORS of the 2012 International Residential Code is amended as follows:

Table N1102.1.3 (R402.1.3) EQUIVALENT U-FACTORS; Amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:

0.082

Section M1305.1.3 Appliance in attics of the 2012 International Residential Code is amended as follows:

M1305.1.3 Appliances in attics. Attics containing *appliances* requiring access shall be provided . . . {bulk of paragraph unchanged} . . . sides of the *appliance* where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest *appliance*. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

Exceptions:

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not more than 50 feet (15 250 mm) long.

Section G2415.12 (404.12) Minimum burial depth of the 2012 International Residential Code is amended as follows:

G2415.12 (404.12) Minimum burial depth. Underground *pipng systems* shall be installed a minimum depth of 18 inches (457 mm) below grade, except as provided for in Section G2415.12.1.

Section G2415.12.1 (404.12.1) Individual outside appliances of the 2012 International Residential Code is amended as follows:

G2415.12.1 (404.12.1) Individual outside appliances. Individual lines to outside lights, grills or other *appliances* shall be installed a minimum of 12 inches (305 mm) below finished grade, provided that such installation is *approved* and installed in locations no susceptible to physical damage.

Section P2503.8.2 Testing of the 2012 International Residential Code is amended as follows:

P2503.8.2 Testing. Reduced pressure principle, double check, double check detector and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at regular intervals as required by the Town.

Section P2603.5.1 Sewer depth of the 2012 International Residential Code is amended as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches (305mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches (305 mm) below grade.

Section P2803.6.1 Item (10) Requirements for discharge piping item number 10 of the 2012 International Plumbing Code is amended as follows:

10. Not terminate less than 6 inches (152 mm) or more than 24 inches (610 mm) above grade nor more than 6 inches (152 mm) above the waste receptor.

Section P2902.5.3 Lawn irrigation systems of the 2012 International Residential Code is amended as follows:

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section E3406.3 Minimum size conductors of the 2012 International Residential Code is amended as follows:

E3406.3 Minimum size of conductors. The minimum size of conductors for feeders and branch circuits shall be 12 AWG copper or 6 AWG aluminum or copper clad aluminum. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of class 2 remote control, signaling and power-limited circuits conductors shall be as specified in Chapter 43.

End of Exhibit "A"