

**AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, ESTABLISHING A NEW ARTICLE 3.20, "EXISTING BUILDING CODE," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL EXISTING 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 EXISTING BUILDING OR STRUCTURE OR ANY APPURTENANCES CONNECTED OR ATTACHED TO EXISTING 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 adopt a new Article 3.20, "Existing 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 2015 Edition of the International Existing 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**

The Code of Ordinances of the Town of Prosper is hereby amended by adding a new Article 3.20, "Existing Building Code," to read as follows:

**"ARTICLE 3.20 EXISTING BUILDING CODE**

**Sec. 3.20.001 Code Adopted; amendments**

The International Existing Building Code, 2015 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 Existing Building Code for the Town, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and

demolition of every existing building or structure or any appurtenances connected or attached to existing buildings or structures within the Town (the "2015 International Existing Building Code"). The 2015 International Existing Building Code is made a part of this Article as if fully set forth herein. A copy of the International Existing Building Code, 2015 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 2015 International Existing Building Code.

**Sec. 3.20.002            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 January 1, 2019, 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 11<sup>TH</sup> DAY OF DECEMBER, 2018.**

**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

#### 2015 INTERNATIONAL EXISTING BUILDING CODE

The following additions, deletions, and amendments to the 2015 International Existing Building Code adopted herein are hereby approved and adopted.

**Section [A] 102.4 Referenced codes and standards** of the 2015 International Existing Building Code is amended 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.

**Section 202 GENERAL DEFINITIONS** of the 2015 International Existing Building Code, definition of “**EXISTING BUILDING**” is amended to read as follows:

**[A] EXISTING BUILDING** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least two (2) published code editions preceding the currently adopted building code; or a change of occupancy.

**Sections 405.1.2 Existing fire escapes** of the 2015 International Existing Building Code is amended 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.

**Section 405.1.3 New fire escapes** of the 2015 International Existing Building Code is amended to delete this Section in its entirety.

**Section 406.2 Replacement window opening control devices** of the 2015 International Existing Building Code is amended 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. *{no change to remaining text.}*

**Section 406.3 Replacement window emergency escape and rescue openings** of the 2015 International Existing Building Code is amended 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 provided the replacement window meets the following conditions: *{no change to remaining text}*

**Section 409.1 Conformance** of the 2015 International Existing Building Code is amended by adding 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.

**Section 410.1 Scope** of the 2015 International Existing Building Code is amended by adding an **Exception** to read as follows:

**Exception:** Components of projects regulated by and registered with the Architectural Barriers Division of the Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this Chapter.

**Section 410.4.2 Complete change of occupancy** of the 2015 International Existing Building Code is amended by adding 7. to the list of requirements to read as follows:

7. At least one (1) accessible family or assisted use toilet room shall be provided in accordance with Chapter 11.

**Section 602.3 Glazing in hazardous locations** of the 2015 International Existing Building Code is amended by adding a 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 2015 International Existing Building Code, the currently adopted International Energy Conservation Code, or the currently adopted International Residential Code, as applicable.

**Section 607.1 Material** of the 2015 International Existing Building Code is amended 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.

**Section 702.6 Materials and methods** of the 2015 International Existing Building Code

is amended to read as follows:

**702.6 Materials and methods.** All new work shall comply with the materials and methods requirements in the 2015 International Existing Building Code, the currently adopted International Energy Conservation Code, the currently adopted International Mechanical Code, the currently adopted National Electrical Code, and the currently adopted 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 802.1 General** of the 2015 International Existing Building Code is amended to read as follows:

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

**Section 803.5.1 Minimum requirement** of the 2015 International Existing Building Code is amended 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.

**Section 804.1 Scope** of the 2015 International Existing Building Code is amended by adding a 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 bound 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 804.2.2 Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2** of the 2015 International Existing Building Code **2. Exception** is amended 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.

**Section 804.2.5 Supervision** of the 2015 International Existing Building Code **Exception** is amended to read as follows:

**Exception:** Supervision is not required where the Fire Code does not require such for new construction.

**Section 804.3 Standpipes** of the 2015 International Existing Building Code is amended to read as follows:

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

**Section 805.2 General** of the 2015 International Existing Building Code is amended to remove **Exception 1.** in its entirety.

**Section 805.3.1.1 Single-exit buildings** of the 2015 International Existing Building Code is amended to remove **4.** in its entirety.

**Section 805.3.1.2 Fire escapes required** of the 2015 International Existing Building Code is amended to read as follows:

**805.3.1.2 Fire escapes required.** For other than Group I-2, where more than one (1) exit is required, an existing fire escape complying with Section 805.3.1.2.1 shall be accepted as providing one (1) of the required means of egress.

**Section 805.3.1.2.1 Fire escape access and details** of the 2015 International Existing Building Code is amended to read as follows:

**805.3.1.2.1 Fire Escape access and details.**

1. *{no change to text.}*
2. Access to a fire escape shall be through a door.
3. *{delete in its entirety.}*
4. *{no change to text.}*
5. In all buildings of Group E occupancy up to and including the 12<sup>th</sup> grade, buildings 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.

**Section 805.3.1.2.2 Construction** of the 2015 International Existing Building Code is amended to delete this Section in its entirety.

**Section 805.3.1.2.3 Dimensions** of the 2015 International Existing Building Code is amended to delete this Section in its entirety.

**Section 805.5.2 Transoms** of the 2015 International Existing Building Code is amended by adding a sentence 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.

**Section 806.2 Stairways and escalators in existing buildings** of the 2015 International Existing Building Code is amended by adding an **Exception** to read as follows:

**Exception:** Components of projects regulated by and registered with the Architectural Barriers Division of the Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this Chapter.

**Section 904.1 Automatic sprinkler systems** of the 2015 International Existing Building Code is amended by adding add a 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. 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 High-rise buildings** of the 2015 International Existing Building Code is amended by adding a sentence to read as follows:

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

**Section 1401.2 Applicability** of the 2015 International Existing Building Code is amended 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 (2) published code editions preceding the currently adopted building code; or a change of occupancy, *{no change to remaining text.}*

**Section 1401.3.2 Compliance with other codes** of the 2015 International Existing Building Code is amended to read as follows:

**1401.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this Section shall comply with the currently adopted International Fire Code.

**Chapter 16 – Referenced Standards** of the 2015 International Existing Building Code is amended 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

End of Exhibit "A"