

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 19-11-105; AMENDING DIVISION 15 (EXISTING BUILDING CODE), ARTICLE IV (TECHNICAL CODES), CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), PART II OF THE FRISCO CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, SAVE AND EXCEPT THE DELETIONS AND ADDITIONS SET FORTH HEREIN; REGULATING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS WITHIN THE CITY OF FRISCO, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas ("Frisco") to amend the Frisco Code of Ordinances, Ordinance No. 06-03-31, as amended ("Code of Ordinances"), Part II, Chapter 18 (Buildings and Building Regulations), Article IV (Technical Codes), Division 15 (Existing Building Code), by adopting the 2021 Edition of the International Existing Building Code, save and except the deletions and additions set forth below; and

WHEREAS, the City Council has investigated and determined that in order to most effectively make the deletions and additions necessary to the Frisco Code of Ordinances, Part II, Chapter 18 (Buildings and Building Regulations), Article IV (Technical Codes), Division 15 (Existing Building Code), it is in the best interest of the citizens of Frisco to repeal, in their entirety, Ordinance No. 19-11-105, and replace with this Ordinance, adopting the 2021 Edition of the International Existing Building Code, save and except the deletions and additions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, 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: Repeal of Ordinance Nos. 19-11-105. Ordinance No. 19-11-105 is hereby repealed, in its entirety, and replaced by this Ordinance.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this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 19-11-105 shall be repealed.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. 19-11-105 occurring before the effective date of this Ordinance.

SECTION 3: Amendment to the Frisco Code of Ordinances, Part II, Chapter 18 (Buildings and Building Regulations), Article IV (Technical Codes), Division 15 (Existing Building Code). the Frisco Code of Ordinances, Part II, Chapter 18 (Buildings and Building Regulations), Article IV (Technical Codes), Division 15 (Existing Building Code) is hereby amended for the sole purpose of adopting new building code regulations as set forth in the 2021 Edition of the International Existing Building Code, copyrighted by the International Code Council, Inc., save and except the deletions and additions set forth in Exhibit A, attached hereto and incorporated herein for all purposes, regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings within Frisco ("2021 International Existing Building Code"). The 2021 International Existing Building Code is made a part of this Ordinance as if fully set forth herein. Three (3) copies of the 2021 International Existing Building Code are on file in the office of the City Secretary of Frisco, being marked and designated as the 2021 International Existing Building Code. The deletions and additions set forth in Exhibit A also are located on Frisco's website under Development Services.

SECTION 4: Savings/Repealing. 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 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding TWO THOUSAND AND NO/100 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. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional and/or invalid.

SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

[The remainder of this page intentionally left blank.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS, on this on this 15th day of November, 2022.





Jon Cheney, Mayor

ATTESTED AND CORRECTLY
RECORDED:


Kristi Morrow, City Secretary

APPROVED AS TO FORM:


Abernathy, Roeder, Boyd & Hullett, P.C.
Aliceson Cotton, City Attorneys

Dates of Publication: November 20, 2022 and November 27, 2022 *Frisco Enterprise*

Exhibit A
CITY OF FRISCO DELETIONS/ADDITIONS
2021 INTERNATIONAL EXISTING BUILDING CODE¹

The following deletions and additions to the 2021 International Existing Building Code are hereby approved and adopted (deletions are evidenced by ~~striketrough~~ and additions are evidenced by underline)²:

Chapter 1. Scope and Administration of the 2021 International Existing Building Code is amended as follows:

Section 102 Applicability of the 2021 International Building Code is amended as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code, when specifically adopted, 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 referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

Section 108 Fees of the 2021 International Building Code is amended as follows:

108.2 Schedule of permit fees. ~~Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fees for work shall be as established in Frisco's Comprehensive Master Fees Ordinance, as amended:~~

108.6 Refunds. ~~The code building official is authorized to establish a refund policy. may authorize a refund of any fee paid hereunder which was erroneously paid or collected.~~

The building official may authorize a refund not to exceed eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize a refund not to exceed eighty percent (80%) of the plan review fee paid when an application for a permit for which plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

¹ Unless otherwise expressly provided herein, all phrases, words and terms used herein shall have the same meaning ascribed to the same in the 2021 International Building Code (regardless of whether such phrases, words and terms are italicized herein).

² Other italicized and bold notations are provided throughout for informational purposes only. By way of example only, "[*Paragraph remains unchanged.*]"

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

Section 112 Means of appeal of the 2021 International Existing Building Code is deleted in its entirety and replaced with the following:

112 Means of appeal. The Board of Construction Appeals, created by the City of Frisco, as it currently exists or may be amended, will serve as the means of appeal.

Chapter 2. Definitions of the 2021 International Existing Building Code is amended as follows:

Section 202 Definitions of the 2021 International Existing Building Code is amended as follows:

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; a building, structure or space that is undergoing a change of occupancy or use, erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.

Existing Structure. 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; a building, structure or space that is undergoing a change of occupancy or use, erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.

Chapter 3. Provisions for all compliance methods of the 2021 International Existing Building Code is amended as follows:

Section 306 Accessibility for existing buildings of the 2021 International Existing Building Code is amended as follows:

Section 306.1 Scope. The provisions of Sections 306.1 through 306.7.16 apply to maintenance and repair, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. 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.

2. If the cost of the project is less than \$50,000, it must comply with ICC A117.1, or it shall be reviewed and inspected to the Texas Accessibility Standards by a Registered Accessibility Specialist.

Section 306.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the alteration and existing building provisions in ICC A117.1, as applicable.

Exception: Projects subject to the Texas Accessibility Standards as adopted by the Texas Department of Licensing and Regulation are exempt from this section. Projects with a valuation of less than \$50,000.00 (which are subject to the Texas Accessibility Standards) may be accepted as equivalent to this section where reviewed and inspected to the Texas Accessibility Standards by a Texas Department of Licensing and Regulation Registered Accessibility Specialist when a plan review report and a compliant inspection report are provided to the building code official.

Section 306.5.1 Complete change of occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 305.4.1 and shall have all of the following accessible features:

1. Not fewer than one accessible building entrance.
2. Not fewer than one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1111 of the International Building Code.
4. Accessible parking, where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are provided.
6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading
7. zones to an accessible entrance.
8. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.
9. Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.
10. Exception: The accessible features listed in Items 1 through 6 are not required for an accessible route to Type B units.

Chapter 4 Repairs of the 2021 International Existing Building Code is amended as follows:

Section 401 General of the 2021 International Existing Building Code is amended as follows:

~~401.3 Flood hazard areas~~ is deleted in its entirety:

Section 405 Structural of the 2021 International Existing Building Code is amended as follows:

~~405.2.6 Flood hazard areas~~: is deleted in its entirety:

Section 406 Electrical of the 2021 International Existing Building Code is amended 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.

Chapter 5 Prescriptive compliance method of the 2021 International Existing Building Code is amended as follows:

Section 502 Additions of the 2021 International Existing Building Code is amended as follows:

~~502.3 Flood Hazard Areas~~; is deleted in its entirety:

Section 503 Alterations of the 2021 international Existing Building Code is amended as follows:

~~503.2 Flood Hazard Areas~~; is deleted in its entirety:

503.16 Enhanced classroom acoustics In Group E occupancies, where the work area exceeds 50 percent of the building area, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.

Exception: Compliance with the Texas Accessibility Standards is not considered equivalent compliance for the purpose of enforcement of this code section.

Section 504 Fire escapes of the 2021 International Existing Building Code is amended as follows:

504.1.2 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.

~~504.1.3 New fire escapes~~ is deleted in its entirety.

Section 507 Historic buildings of the 2021 International Existing Building Code is amended as follows:

~~**507.3 Flood Hazard Areas**~~; delete this section:

Chapter 7 Alterations Level 1 of the 2021 International Existing Building Code is amended as follows:

Section 701 General of the 2021 International Existing Building Code is amended as follows:

~~**701.3 Flood Hazard Areas**~~; delete this section:

Section 702 Building elements and materials of the 2021 International Existing Building Code is amended as follows:

702.7 Materials and methods 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.

Chapter 8 Alterations Level 2 of the 2021 International Existing Building Code is amended as follows:

Section 802 Building elements and materials of the 2021 International Existing Building Code is amended 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 Fire protection of the 2021 International Existing Building Code is amended as follows:

803.1 Scope. *[Paragraph remains unchanged.]*

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.

803.2.6 Supervision; *[Paragraph remains unchanged.]*

Exception: 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.~~

803.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements. **[Delete Remainder of section]**

Section 804 Means of egress of the 2021 International Existing Building Code is amended as follows:

Section 804.2 General *[Paragraph remains unchanged.]*

Exception:

- ~~1. Where the work area and the means of egress serving it complies with NFPA 101.~~
2. Means of egress complying with the requirements of the building code under which the building was constructed shall be considered to be compliant means of egress if, in the opinion of the code official, they do not constitute a distinct hazard to life.

804.4.1.2 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 804.4.1.2.1 shall be accepted as providing one of the required means of egress.

804.4.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:

1. *[Remain unchanged].*

2. Access to a ~~new~~ fire escape shall be through a door, except that window shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2 and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications. *[Remainder unchanged]*

3. ~~Newly constructed fire escapes shall be permitted only where exterior stairways cannot be utilized because of lot lines limiting the stairway size or because of the sidewalks, alleys, or roads at grade level.~~

4. *[Remain unchanged]*

5. In all buildings of Group E occupancy, up to and including the 12th grade, buildings of Group I occupancy, ~~rooming~~ boarding houses and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

804.6.2 Transoms. In all buildings of Group B, E, I-1, I-2, R-1 and R-2 occupancies, *[Remainder unchanged]*

Chapter 9 Alterations Level 3 of the 2021 International Existing Building Code is amended as follows:

Section 904 Fire protection of the 2021 International Existing Building Code is amended as follows:

904.1 Automatic sprinkler systems. An automatic sprinkler system shall be provided in a work area where required by Section 803.2 or this section.

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.

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.~~

Chapter 10 Change of Occupancy of the 2021 International Existing Building Code is amended as follows:

Section 1011 Change of Occupancy Classification of the 2021 International Existing Building Code is amended as follows:

1011.2.1 Fire sprinkler system. Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code. The installation of the automatic sprinkler system shall be required within the area of the change of occupancy and areas of the building not separated horizontally and vertically from the change of occupancy by one of the following:

- ~~1. Nonrated permanent partition and horizontal assemblies.~~
- ~~2. Fire partition.~~
- ~~3. Smoke partition.~~
- ~~4. Smoke barrier.~~
5. Fire barrier, as required by Section 707 of the IBC
6. Fire wall, as required by Section 707 of the IBC

Exceptions: *[Remain unchanged.]*

Chapter 11 Additions of the 2021 International Existing Building Code is amended as follows:

Section 1102 Heights and Areas of the 2021 International Existing Building Code is amended as follows:

1102.2.1 Fire Separations. Where fire separations are utilized to allow additions without exceeding the allowable area provisions of Chapter 5 of the IBC for either the existing building or the new addition, the decreased clear space where the two buildings adjoin shall be accounted for in such calculation relative to the allowable frontage increase.

Section 1103 Structural of the 2021 International Existing Building Code is amended as follows:

~~**1103.3 Flood Hazard Areas;**~~ delete this section:

Chapter 12 Historic buildings of the 2021 International Existing Building Code is amended as follows:

Section 1201 General of the 2021 International Existing Building Code is amended as follows:

~~1201.4 Flood Hazard Areas~~; delete this section:

Chapter 13 Performance compliance methods of the 2021 International Existing Building Code is amended as follows:

Section 1301 General of the 2021 International Existing Building Code is amended 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.~~

~~1301.3.3 Compliance with Flood Hazard Provisions~~ delete this section:

Chapter 14 Relocated or moved buildings of the 2021 International Existing Building Code is amended as follows:

Section 1402 Requirements of the 2021 International Existing Building Code is amended as follows:

~~1402.6 Flood areas~~ delete this section:

Chapter 15 Construction Safeguards of the 2021 International Existing Building Code is amended as follows:

Section 1501 Water Supply for Fire Protection of the 2021 International Existing Building Code is amended as follows:

1509.1 When required. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible building material arrives on the site. The water supply design and the timing of the water supply installation relative to building construction shall comply with the adopted Fire Code. ~~on commencement of vertical combustible construction, and on installation of a standpipe system in buildings under construction, in accordance with Sections 1509.1 through 1509.5. *[Delete Remainder of section]*~~