

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON TO CREATE NEW SECTIONS 28-30 AND 28-31, BY ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE*, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Health & Building Standards Commission at its March 24, 2022 meeting, the City Council now finds it is in the best interests of public health, safety, and welfare to adopt the 2021 edition of the *International Existing Building Code*; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Article III, Chapter 28, Buildings and Building Regulations, Sections 28-30 through 28-31, of the Denton Code of Ordinances are enacted to read as follows:

Sec. 28-30. 2021 International Existing Building Code adopted.

The International Existing Building Code, 2021 edition, published by the International Code Council, a copy of which shall be filed in the office of the city secretary and available for public inspection, is hereby adopted, the same as if copied at length herein, subject to the deletions and amendments enumerated in Section 28-31.

Section 28-31. Deletions and Amendments to the 2021 International Existing Building Code.

1. Section 101.1. is deleted in its entirety and replaced with the following:

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Denton, hereinafter referred to as “this code.”

2. Section 103.1 is deleted in its entirety and replaced with the following:

103.1 Creation of agency. The Building Safety Department is hereby created and the executive official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

3. Section 112 Means of Appeal, is deleted in its entirety and replaced with the following:

112 HEALTH AND BUILDING STANDARDS COMMISSION

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official, or fire marshal relative to

the application and interpretation of the requirements of this Code and all other applicable codes of the City of Denton, there shall be a health and building standards commission.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The health and building standards commission shall not have authority to waive requirements of this code.

4. Section 202 Definitions, is amended to incorporate the amended definitions as follows:

EXISTING BUILDING. A building, 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, 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.

5. Section 306.1. Scope, is deleted in its entirety and replaced with the following:

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.

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.

6. Section 406.1 is deleted in its entirety and replaced with the following:

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.

7. Section 702.7 is deleted in its entirety and replaced with the following:

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.

8. Section 802.5.1 is deleted in its entirety and replaced with the following:

802.5.1 Minimum requirement. Every portion of 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.

8. Section 803.2.6 is deleted in its entirety and replaced with the following:

803.2.6 Supervision. Fire sprinkler systems required by this section shall be supervised by one of the following methods:

1. Approved central station system in accordance with NFPA 72.
2. Approved proprietary system in accordance with NFPA 72.
3. Approved remote station system of the jurisdiction in accordance with NFPA 72.
4. Where approved by the code official, approved local alarm service that will cause the sounding of an alarm in accordance with NFPA 72.

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

9. Section 1301.3.2 is deleted in its entirety and replaced with the following:

1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the International Fire Code.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid by any court, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are severable.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum not to exceed two thousand dollars (\$2,000.00) for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. Pursuant to Section 2.09(c) of the Charter for the City of Denton and Section 214.218 of the Texas Local Government Code, this ordinance shall become effective on June 1, 2022, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage and approval.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

The motion to approve this ordinance was made by Jesse Davis and seconded by Alison Maguire, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vicki Byrd, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Beck, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jesse Davis, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alison Maguire, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deb Armintor, At Large Place 5:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Meltzer, At Large Place 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

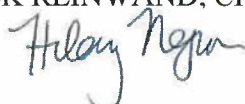
PASSED AND APPROVED this, the 5th day of April, 2022.



 GERARD HUDSPETH, MAYOR

ATTEST:
 ROSA RIOS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
 MACK REINWAND, CITY ATTORNEY
 Hilary Negron
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BY: _____

