

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON, SECTIONS 28-33 AND 28-34, BY REPEALING THE 2012 EDITION OF THE *INTERNATIONAL RESIDENTIAL CODE* AND ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL RESIDENTIAL 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 repeal the 2012 edition of the *International Residential Code* and to adopt the 2021 edition of the *International Residential Code* including Appendices AC and AQ; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That Sections 28-33 and 28-34 of the Denton Code of Ordinances are repealed in their entirety, and replaced with new Article IV, Sections 28-33 and 28-34, to read as follows:

Sec. 28-33. 2021 International Residential Code adopted.

- (a) The *International Residential 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, excluding Part VIII Electrical (See Chapter 28-41 of the Denton Municipal Code for electrical code requirements), including appendices AC and AQ, and subject to the deletions and amendments enumerated in Section 28-34.
- (b) The *International Residential Code*, 2021 edition, is applicable to all structures within the City described herein as one- and two-family dwellings and townhouses not more than three (3) stories above grade plane in height.

Sec. 28-34. Deletions and Amendments to the 2021 International Residential Code

1. Section R101.1 is deleted in its entirety and replaced with the following:

101.1 Title. These provisions shall be known as the *Residential Code* for One- and Two-family Dwellings of the City of Denton, and shall be cited as such and will be referred to herein as “this code.”

2. Section R102.4 is deleted in its entirety and replaced with the following:

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 Chapters 34 through Chapter 43 (Part VIII) or the Electric Code shall mean the Electric 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 manufacturer's instructions shall apply.

R102.4.1 Conflicts.

Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

R102.4.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

3. Section R104.12 is hereby added and shall read as shown:

R104.12 Contractor Registration. The Building Official shall receive applications from and register contractors according to the rules adopted by the City.

4. The first paragraph and the and first two items under the "Building" list of Section R105.2 are deleted in their entirety and replaced with the following; the remainder of the Section is unchanged:

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

Building:

1. Other than storm shelters, one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
 2. Deleted.
5. Section R108.2 is deleted in its entirety and replaced with the following:

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 applicable

governing authority or ordinance of the City.

6. Section R108.6 is deleted in its entirety and replaced with the following:

R108.6 Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to the required permit fees, as set by the current schedule of fees adopted by ordinance of the City.

7. Section R109.1.2 is deleted in its entirety and replaced with the following:

R109.1.2 Plumbing, mechanical, gas, and electrical systems inspection. Rough inspection of plumbing, mechanical, gas, and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection. At time of plumbing rough inspection, the underground plumbing will be tested as well.

R109.1.2.1 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place. This shall include testing of the underground plumbing.

2. Rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping and bracing is in place and all sanitary, storm and water distribution piping is roughed-in, and prior to the installation of wall or ceiling membranes. This shall include testing of the underground plumbing.

3. Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy. This shall include testing of the underground plumbing.

Exception: Backfilling of ground-source heat pump loop systems tested in accordance with Section M2105.28 prior to inspection shall be permitted.

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

R112 HEALTH AND BUILDING STANDARDS COMMISSION

R112.1 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.

R112.2 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.

- Table R301.2 is deleted in its entirety and replaced with the below. Footnotes to Table R301.2 remain unchanged, save for the deletion of footnote e and n.

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed	Topographic effects	Special wind debris zone	Wind-borne debris zone		Weathering	Frost line depth	Termite				
S _{psf}	115 _{mph}	NO	NO	NO	A	Moderate	6"	Very Heavy	NO	Local Ordinance	150	64.9°

- Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS is deleted in its entirety and replaced with the following:

R313.1 Automatic Fire Sprinkler Systems.

- An automatic sprinkler shall be installed in all new buildings of noncombustible construction, (Type I a& II) including group R-3, which exceed three stories in height or which have more than ten thousand (10,000) square feet of floor area regardless of fire area, area separation walls, or fire walls.
- An automatic sprinkler system shall be installed in all new buildings of combustible construction, (Type III, IV & V) including Group R-3, which exceed two stories in height or which have more than seven thousand five hundred (7,500) square feet of floor area regardless of fire area, area separation walls, or fire walls.
- The owner(s) of any building shall be required to install an automatic sprinkler system at such time as the owner(s) constructs an addition or enlargement to the building if the total square footage of such addition, when combined with the total square footage of the existing building, exceeds ten thousand (10,000) square feet of noncombustible construction (Type I & II) total floor area, regardless of fire area, area separation walls, or fire walls.
- The owner(s) of any building shall be required to install an automatic sprinkler system at such time as the owner(s) constructs an addition or enlargement to the building if the total square footage of such addition, when combined with the total square footage of the existing building, exceeds seven thousand five hundred (7,500) square feet of combustible construction (Type III, IV & V) total floor area, regardless of fire area, area separation walls, or fire walls.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

11. Section R315.2.2 is deleted in its entirety and replaced with the following:

R315.2.2 Alterations, repairs and additions. Where alterations, repairs or additions requiring a permit occur, or where one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with carbon monoxide alarms located as required for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the addition of a porch or deck.
2. Installation, alteration or repairs of plumbing systems when all such work occurs on the exterior of dwellings, such as water or sewer lines, or lawn irrigation systems.
3. Installation, alteration or repairs of mechanical systems that are not fuel fired.

12. Section R322.1 is deleted in its entirety and replaced with the following:

R322.1 General. Buildings and Structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2, and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structure located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. The City Engineer is designated as the Floodplain Manager. The Floodplain Manager is responsible for determining base flood elevation and associated permitting requirements. Any references within Section 322 Flood-Resistant Construction to the *building official* will have similar meaning as to the Floodplain Manager.

13. Section R401.2 is deleted in its entirety and replaced with the following:

R401.2 Requirements. Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Concrete foundations in excess of 400 square feet shall be designed by a registered design professional licensed in the State of Texas.

14. A new Section N1101.4.1 (R102.1.2) is added, to read as follows:

Section N1101.4.1 (R102.1.2) Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4.1.2 (N1102.4.1.2) and R403.3.3 (N1103.3.3) respectively.

15. Section N1101.6 (R202) Definitions; add the following definitions:

DYNAMIC GLAZING. Any fenestration product that has the fully reversible ability to change its performance properties, including U-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

PROJECTION FACTOR. The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

16. Section N1101.13.5 (R401.2.5) Additional Energy efficiency; deleted in its entirety.

17. Table N1102.1.2 (R402.1.2) Maximum Assembly U-Factors^a and Fenestration Requirements, is deleted in its entirety (Footnotes to remain) and replaced by the following:

Table N1102.1.2 (R402.1.2) MAXIMUM ASSEMBLY U-FACTORS^a AND FENESTRATION REQUIREMENTS

Climate Zone	Fenestration U-Factor ^f	Skylight U-Factor	Glazed Fenestration SHGC ^{d,e}	Ceiling U-Factor	Wood Frame Wall U-Factor	Mass Wall U-Factor ^b	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
3	0.32	.55	0.25	0.029	0.060	0.098	0.047	0.091 ^c	0.136

For SI: 1 foot = 304.8 mm.
(Footnotes to remain)

18. Table N1102.1.3 (R402.1.3) Insulation Minimum R-Values and Fenestration Requirements by Component^a, is deleted in its entirety and replaced by the following:

TABLE N1102.1.3 (R402.1.3) INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT^a

Climate Zone	Fenestration U-Factor ^f	Skylight U-Factor	Glazed Fenestration SHGC ^{d,e}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall U-Value ^{b,g}	Floor R-Value	Basement Wall R-Value	Slab R-Value ^d & Depth	Crawl Space Wall R-Value
3	0.32	.55	0.25	42	19 or 13+3ci or 0+15	8/13	19	5 ci or 13 ^f	0	5 ci or 13 ^f

For SI: 1 foot = 304.8 mm.
(Footnotes to remain)

19. A new Section N1102.4.1.4 (R402.4.1.4) is added, to read as follows:

N1102.4.1.4 (R402.4.1.4) Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by N1102.4.1.2 or N1102.4.1.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

20. Section N1102.4.6 (R402.4.6) Electrical and communication outlet boxes (air-sealed boxes). is deleted in its entirety and replaced by the following:

N1102.4.6 (R402.4.6) Electrical and communication outlet boxes (air-sealed boxes). Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces.

21. A new Section N1103.3.8 (R403.3.8) is added, to read as follows:

N1103.3.8 (R403.3.8) Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by N1103.3.5, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that exceeds the maximum duct leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

22. A new Section N1103.6.4 (R403.6.4) is added, to read as follows:

N1103.6.4 (R403.6.4) Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by N1103.6.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that does not meet the minimum ventilation rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

23. Section N1104.2 (R404.2) Interior Lighting Controls; deleted in its entirety.

24. N1105.2 (R405.2) Performance-based compliance., is deleted in its entirety and replaced by the following:

N1105.2 (R405.2) Performance-based compliance. Compliance based on total building performance requires that a proposed design meets all of the following:

1. The requirements of the sections indicated within Table N1105.2 (R405.2).
2. The building thermal envelope greater than or equal to levels of efficiency and solar heat gain coefficients in Table R402.1.1 or R402.1.3 of the 2009 International Energy Conservation Code.
3. An annual energy cost that is less than or equal to the annual energy cost of the 2021 standard reference design or 8% less than the annual energy cost of the 2018 standard reference design. Energy prices shall be taken from a source approved by the code official, such as the Department of Energy, Energy Information Administration's State Energy Data North Central Texas Council of 5 Governments Amendments Approved October 2021. System Prices and Expenditures reports. Code officials shall be permitted to require time-of-use pricing in energy cost calculations.

Exception: The energy use based on source energy expressed in Btu or Btu per square foot of conditioned floor area shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 3.16. The source energy multiplier for fuels other than electricity shall be 1.1.

25. Table N1106.5 R406.5 MAXIMUM ENERGY RATING INDEX; is deleted in its entirety and replaced by the following:

TABLE N1106.5 (R406.5)¹ MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	EFFECTIVE DATES	ENERGY RATING INDEX
3	Until August 31, 2022	63
3	September 1, 2022 to August 31, 2025	59
3	September 1, 2025 to August 31, 2028	57
3	September 1, 2028	55

26. Section N1108 (R408) ADDITIONAL EFFICIENCY PACKAGE OPTIONS; deleted in its entirety.

27. The following language is hereby added to Section M1305.1.2 as a second paragraph:

As a minimum, for access to the attic space, one of the following shall be provided:

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.

28. Section M1411.5 is deleted in its entirety and replaced with the following:

M1411.5 Auxiliary drain pan. Category IV condensing appliances shall have an auxiliary drain pan where damage to any building component will occur as a result of stoppage in the condensate drainage system or failure of a condensate pump. These pans shall be installed in accordance with the applicable provisions of Section M1411.3.1 item (1.) and shall also be provided under condensate pumps.

29. Section P2603.5.1 is deleted in its entirety and replaced with the following:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall not be less than 12 inches (305 mm) below grade.

30. Part VIII – ELECTRICAL is deleted in its entirety.

31. Appendix Section AQ 102.1-- TINY HOUSE. The definition of “Tiny House” is deleted and replaced with the following:

TINY HOUSE. A dwelling that is 500 square feet or less in floor area excluding lofts.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstance 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



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