

2009



**PLANNING AND DEVELOPMENT
DEPARTMENT**

**EXISTING BUILDING
CODE AMENDMENTS**

Ordinance number
20532-12-2012

Effective date
12-22-12

2009

2009

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ORDINANCE NO. 20532-12-2012

AN ORDINANCE ADOPTING THE FORT WORTH EXISTING BUILDING CODE, BY ADOPTING THE 2009 INTERNATIONAL EXISTING BUILDING CODE, WITH LOCAL AMENDMENTS; ADDING ARTICLE XI – EXISTING BUILDING CODE; ADDING SECTIONS 7-431, 7-432, 7-433, AND 7-434 OF THE CODE OF THE CITY OF FORT WORTH (1986); REGULATING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY ADDITION AND RELOCATION OF EXISTING BUILDINGS AND STRUCTURES IN THE CITY OF FORT WORTH; DEFINING CERTAIN TERMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREOF; PROVIDING FOR THE INSPECTION OF BUILDINGS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Section 7-431 of the Code of the City of Fort Worth (1986) is added to read as follows:

Sec. 7-431. THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE ADOPTED.

(a) The Existing Building Code of the City of Fort Worth is hereby revised and amended to conform, with certain exceptions as specified below, to the 2009 edition of the International Existing Building Code of the International Code Council (ICC), and the same as amended is hereby adopted as the City's Building Code.

(b) One (1) copy of the 2009 edition of the International Existing Building Code, marked Exhibit "A", is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.

(c) Any Errata corrections published by the International Code Council for the 2009 International Existing Building Code, as they are discovered, are considered as part of this code.

SECTION 2.

That Section 7-432 of the Code of the City of Fort Worth (1986) is added to read as follows:

Sec. 7-432. Amendments

The 2009 edition of the International Existing Building Code is hereby amended to read as follows:

CHAPTER 1 - SCOPE AND ADMINISTRATION

PART I – SCOPE AND APPLICATION

SECTION 101 - GENERAL

Section 101.1 modified as follows:

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

Section 101.4 modified as follows:

101.4 Applicability. This code shall apply to the repair, alteration, change of occupancy, addition and relocation of all *existing buildings*, regardless of occupancy, ~~subject to the criteria of Sections 101.4.1 and 101.4.2.~~

Delete Sections 101.4.1 and 101.4.2

PART 2 – ADMINISTRATION AND ENFORCEMENT

IEBC Chapter 1; “Part 2 – Administration and Enforcement” is deleted and replaced with the following:

The Administrative and Enforcements of this Code are referenced within the applicable Sections of the Fort Worth Building Code.

CHAPTER 2 – DEFINITIONS

SECTION 202 – GENERAL DEFINITIONS

Definition of Existing Building modified as follows:

EXISTING BULIDING: ~~A building erected prior to the date of adoption of the appropriate code. Or one for which a legal building permit has been issued. A building, structure or space constructed under a code edition which is at least two code cycles preceding the currently adopted Fort Worth Building Code, or~~

A building, structure or space that had its’ most recent permit application submitted to and

approved by the authority having jurisdiction under a code edition which is at least two code cycles preceding the currently adopted Fort Worth Building Code, or

A building, structure or space that is undergoing a change of occupancy or purpose.

CHAPTER 3 – PRESCRIPTIVE COMPLIANCE METHODS

SECTION 302 – ADDITIONS

Replace section 302.2 with the following:

302.2 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII of the City of Fort Worth Code of Ordinances, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements, and restorations of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works.

SECTION 303 – ALTERATIONS

Replace section 303.2 with the following:

303.2 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII of the City of Fort Worth Code of Ordinances, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements, and restorations of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works..

SECTION 304 – REPAIRS

Replace section 304.5 with the following:

304.5 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII of the City of Fort Worth Code of Ordinances, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements, and restorations of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works.

SECTION 305 – FIRE ESCAPES

Section 305.1.3 modified as follows:

305.1.3 New Replacement fire escapes. ~~New~~ Replacement fire escapes for existing buildings shall be permitted only where exterior stairs cannot be utilized due to lot lines limiting stair size of due to the sidewalks, alleys or roads at grade level. ~~New~~ Replacement fire escapes shall not incorporate ladders ~~or access by windows~~.

SECTION 307 – CHANGE OF OCCUPANCY

Section 307.5 is deleted in its entirety:

~~[EC] 307.5 Energy.~~

Section 307.8.1 modified as follows:

[M] 307.8.1 Mechanical Ventilation. Where the occupancy of an existing building or part of an existing building is changed to a use which includes areas for Food or Beverage Services, Beauty or Nail Salons, Commercial Laundry or Dry-cleaning, Animal Care or Sales, Assembly Occupancies, or where there occupancy classification is changed from an F or S occupancy to any other occupancy category, the new occupancy shall comply with the ventilation requirements of the International Mechanical Code

SECTION 308 – HISTORIC BUILDINGS

Section 308.2 modified as follows:

308.2 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII of the City of Fort Worth Code of Ordinances, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements, and restorations of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works..

SECTION 310 – ACCESSIBILITY FOR EXISTING BUILDINGS

310.1 Scope:

Add Exception # 2 to section 310.1

2. Buildings regulated under State Law and built in accordance with State certified

plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this section.

310.4.2 Complete change of Occupancy

Add item # 7 to the list of features under section 310.4.2:

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the *International Building Code*.

CHAPTER 5 - REPAIRS

SECTION 506 – STRUCTURAL

Section 506.2.4 is modified as follows:

506.2.4 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII of the City of Fort Worth Code of Ordinances, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements, and restorations of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works..

CHAPTER 6 – ALTERATIONS – LEVEL 1

SECTION 601 – GENERAL

Section 601.3 is modified as follows:

601.3 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII of the City of Fort Worth Code of Ordinances, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements, and restorations of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works..

SECTION 602 - BUILDING ELEMENTS AND MATERIALS

Section 602.4 is modified as follows:

602.4 Materials and methods. All new work shall comply with the materials and

methods requirements in the *International Building Code*, *International energy Conservation Code*, *International Mechanical Code*, ~~and~~ *International Plumbing Code* and *National Electrical Code*. {remainder of section unchanged}

SECTION 605 – ACCESSIBILITY

Exception # 5 is added to section 605.1.:

1. Buildings regulated under State Law and built in accordance with State certified plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this section. When associated with a Change of Use, accessible features shall be provided in accordance with this Code or as approved by the State.

CHAPTER 7 – ALTERATIONS – LEVEL 2

SECTION 704 – FIRE PROTECTION

Section 704.2 modified as follows:

704.2 Automatic sprinkler systems. Automatic sprinkler systems shall be provided in accordance with the requirements of ~~Sections 704.2.1 through 704.2.5. Installation requirements shall be in accordance with the *International Building Code*~~ Chapter 46 of the Fort Worth Building Code.

Delete Section 704.2.1 through 704.2.5

Section 704.3 modified as follows:

704.3 Standpipes. Standpipes shall be required as specified in Chapter 46 of the Fort Worth Building Code. ~~Where the work area includes exits or corridors shared by more than one tenant and is located more than 50 feet above or below the lowest level of fire department access, a standpipe system shall be provided. Standpipes shall have an approved fire department connection with hose connections at each floor above or below the lowest level of fire department access. Standpipe systems shall be installed in accordance with the *International Building Code*.~~

Exceptions: *{deleted}*

Section 704.4 modified as follows:

704.4 Fire alarm and detection. Fire alarm systems shall be required as specified in Chapter 46 of the Fort Worth Building Code. ~~An approved fire alarm system shall be installed in~~

~~accordance with Sections 704.4.1 through 704.4.3. Where automatic sprinkler protection is provided in accordance with Section 704.2 and is connected to the building fire alarm system, automatic heat detection shall not be required.~~

~~An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances, and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms, where products of combustion are present during normal operation in sufficient quantity to actuate a smoke detector.~~

~~Delete Sections 704.4.1 through 704.4.3~~

SECTION 705 – MEANS OF EGRESS

~~Delete Exception # 1 to Section 705.2.:~~

705.2 General. {remainder of section unchanged}

Exceptions:

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

~~Section 705.3.1.2 modified as follows:~~

705.3.1.2 Fire escapes required. When more than one exit is required, an existing ~~or newly constructed~~ fire escape complying with Section 705.3.1.2.1 shall be accepted as providing one of the required means of egress.

~~Section 705.5.2 modified as follows:~~

705.5.2 Transoms. In all building of Group I-1, R-1, and R-2-E, {Remainder of section to remain unchanged}

CHAPTER 8 – ALTERATIONS – LEVEL 3

SECTION 804 – FIRE PROTECTION

Section 804.1 modified as follows:

804.1 Automatic sprinkler systems. Automatic sprinkler systems shall be provided ~~in all work areas when required by Section 704.2 or this section~~ as required in Chapter 46 of the Fort Worth Building Code.

Delete Sections 804.1.1 and 804.1.2

Section 804.2 modified as follows:

804.2 Fire alarm and detection systems. Fire alarm and detections ~~complying with Sections 704.4.1 and 704.4.3~~ shall be provided ~~throughout the building in accordance with the International Building Code~~ as specified in Chapter 46 of the Fort Worth Building Code.

Delete Sections 804.2.1 and 804.2.2

CHAPTER 9 – CHANGE OF USE

SECTION 901 – GENERAL

Section 901.2 modified as follows:

901.2 ~~Change in occupancy with no change of occupancy classification.~~ Change in occupancy purpose. {remainder of section unchanged}

Section 901.2 modified as follows:

901.3.1 Partial change of occupancy classification. Where a portion of an existing building is changed to a new occupancy classification, sections 908, 909, 910 and 912 shall apply.

Section 904.1 modified as follows:

904.1 General. Fire protection requirements of Section 912 shall apply where a building or portions thereof undergo a change of occupancy classification purpose.

SECTION 909 – MECHANICAL

Section 909.1 modified as follows:

909.1 Mechanical Requirements. Where the occupancy of an existing building or part of an existing building is changed to a use which includes areas for Food or Beverage Services, Beauty or Nail Salons, Commercial Laundry or Dry-cleaning, Animal Care or Sales, Assembly Occupancies, or where there occupancy classification is changed from an F or S occupancy to any other occupancy category, the new occupancy shall comply with the ventilation requirements of the International Mechanical Code.

SECTION 912 – CHANGE OF OCCUPANCY CLASSIFICATION

Section 912.1 exception added as follows

912.1 General. {remainder of section to remain unchanged}

Exception: Changes from a B to an M occupancy classification shall not be considered a change in occupancy where both of the following exist:

1. Two remote exits are provided, and
2. The total gross square footage of the space is less than 5,000 feet.

Section 912.2.1 modified as follows:

912.2.1 Fire sprinkler system. Where a change in occupancy ~~classification~~ purpose occurs that requires an automatic fire sprinkler system to be provided based on the new occupancy's increased hazard to life safety or fire risk and in accordance with Chapter 9 of the *International Building Code*, such system shall be provided ~~throughout the area where the change of occupancy occurs~~ in accordance with the requirements of Section 903 of the International Building Code.

Section 912.2.2 modified as follows:

912.2.2 Fire alarm and detection system. Where a change in occupancy ~~classification~~ purpose occurs that requires a fire alarm and detection system to be provided based on the new occupancy's increased hazard to life safety or fire risk and in accordance with Chapter 9 of the *International Building Code*, such system shall be provided throughout the area where the change of occupancy occurs in accordance with the requirements of Section 907 of the International Building Code. ~~Existing alarm notification appliances shall be automatically activated throughout the building. Where the building is not equipped with a fire alarm system, alarm notification appliances shall be provided throughout the area where the change of occupancy occurs and shall be automatically activated.~~

Add item # 7 to the list of features under section 912.8.2:

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the *International Building Code*.

CHAPTER 10 - ADDITIONS

SECTION 1003 – STRUCTURAL

Section 1003.5 is modified as follows:

1003.5 Flood Hazard Areas. Within flood hazard areas as established in Chapter 7, Article VIII of the City of Fort Worth Code of Ordinances, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements, and restorations of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works..

CHAPTER 12 – RELOCATED OR MOVED BUILDINGS

SECTION 1201 – GENERAL

Section 1201.1 is modified as follows:

1201.1 Scope. Movement and demolition of buildings and structures shall comply with Chapter 7, Article VII of the City Code and with the provisions of this code. Before a moving permit is issued, the following steps must be completed:

1. Obtain an Ordinance Inspection on the structure to be moved. (See City Code Section 7-244)

Exception: Independent School Districts do not need the Ordinance Inspection for portable classroom buildings within their existing stock when being moved from one ISD property to another ISD property for ISD use.

2. Obtain a Building Permit for installation of the structure at its' proposed final site location.

SECTION 1202 – REQUIREMENTS

Section 1202 is deleted in its entirety.

CHAPTER 13 - PERFORMANCE COMPLIANCE METHODS

SECTION 1301 – GENERAL

Delete Section [B] 1301.2

Section 1301.2.5 is modified as follows:

[B] 1301.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Section 308 310.

Section 1301.3.2 is modified as follows:

[B] 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~~, *International Plumbing Code*, *International Mechanical Code* and the *National Electrical Code*.

Exception: Fresh air ventilation requirements listed within the *International Mechanical Code* shall apply only where the occupancy of an existing building or part of an existing building is changed to a use which includes areas for Food or Beverage Services, Beauty or Nail Salons, Commercial Laundry or Dry-cleaning, Animal Care or Sales, Assembly Occupancies, or where there occupancy classification is changed from an F or S occupancy to any other occupancy category.

Section 1301.3.3 is added as follows:

[B] 1301.3.3 Compliance with flood hazard provisions. In flood hazard areas, buildings that are evaluated in accordance with this section shall ~~comply with Section 1612 of the *International Building Code* if the work covered by this section constitutes substantial improvement.~~ be designed and constructed to resist the effects of flood hazards and flood loads in accordance with the provisions specified by the Department of Transportation and Public Works.

CHAPTER 14 – CONSTRUCTION SAFEGUARDS

Section [B] 1401.1 is modified as follows.

SECTION [B] 1401.1 Scope. The provisions of ~~this chapter~~ Chapter 33 of the *International Building Code* shall govern safety during construction that is under the jurisdiction of this code and the protection of adjacent public and private properties.

The remainder of chapter 14 is hereby deleted in entirety.

SECTION 3.

Section 7-433 of the Code of the City of Fort Worth (1986) is added to read as follows:

Sec. 7-433. Effect of conflict with other ordinances.

This article shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas (1986), affecting Building Code provisions, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

Section 7-434 of the Code of the City of Fort Worth (1986) is added to read as follows:

Sec. 7-434. Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) for all violations involving fire safety, or public health and sanitation and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the previous Building Code, or any other ordinances affecting construction and fire safety, which have accrued at the time of the effective date of this ordinance: and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or

not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

A copy of the 2009 International Existing Building Code, together with the local amendments contained in this ordinance, shall be filed in the office of the City Secretary for permanent record and inspection.

SECTION 8.

The Department of Planning and Development of the City of Fort Worth, Texas, is hereby authorized to publish this ordinance in pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Chapter XXV, Section 3, of the Charter of the City of Fort Worth, Texas.

SECTION 9.

The City Secretary of the City of Fort Worth, is hereby directed to publish the caption and Sections 1, 4, 7, 9 and 10 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas as authorized by Section 2, Chapter XXV of the Charter of the City of Fort Worth, Texas and by Section 52.013 (a) of the Texas Local Government Code.

SECTION 10.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: Melinda Rums
Assistant City Attorney

Adopted: December 11, 2012

Effective: December 22, 2012