

ORDINANCE NO. 1149

AN ORDINANCE OF THE CITY OF LAKE WORTH, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS" OF THE LAKE WORTH CODE OF ORDINANCES, REPEALING ARTICLE 3.1700 "TECHNICAL AND CONSTRUCTION CODES ADOPTED", DIVISION 8 "PERMITS AND FEES" BY REPEALING AND REPLACING IT WITH A NEW SECTION 8 ENTITLED "INTERNATIONAL EXISTING BUILDINGS CODE ADOPTED," AND BY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDINGS CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, Texas (the "City") is a Home Rule City acting under its charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, a new edition of the *International Existing Buildings Code* ("IEBC") is produced every three (3) years, and the 2018 Edition of the IEBC has recently been issued by the International Code Council ("ICC"); and

WHEREAS, the International Conference of Building Officials ("ICBO") in conjunction with the ICC have developed the IEBC, and in addition it is reviewed by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG"); and

WHEREAS, the adoption of the 2018 Edition of the IEBC, including local amendments, will provide the most current life safety applications with respect to construction, occupancy, use and maintenance of buildings and structures in the City; and

WHEREAS, the City has not currently adopted the existing international buildings code and desires to do so, and the City's existing buildings code should be the most current published code available; and

WHEREAS, the City Council of the City of Lake Worth, Texas, has determined that it is in the best interest of the citizens of the City of Lake Worth to update and adopt the 2018 edition of the IEBC the minimum standard for the continued construction, occupancy, use and maintenance of buildings and structures in the City, as set forth herein and as the code specifically modified by the ordinance.

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

SECTION 1.

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes:

SECTION 2.

All ordinances and provisions of the City of Lake Worth, Texas that are in conflict with this ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

SECTION 3.

From and after the effective date of this ordinance, Section 3.1700, Technical and Construction Codes, Division 8, of the Code of Ordinances of the City of Lake Worth, entitled "Permits and Fees," is hereby repealed and replaced with a new Section 8 entitled "International Existing Buildings Code Adopted," to read as follows":

Sec.3.1708

International Existing Buildings Code Adopted

The IEBC, 2018 edition, a copy of which is on file with the City Secretary, is hereby adopted and designated as the existing buildings code of the city the same as though the provisions, of the IEBC, 2018 edition, were copied at length in this section, subject to and modified by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the IEBC, 2018 edition, shall be met.

- (1) Section 102.4 of the IEBC, 2018 edition is hereby 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.

- (2) Section 202 Definitions of the IEBC, 2018 edition is hereby amended to change the definition of Existing Building and Existing Structure to read 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.

- (3) Section 305.1 of the IEBC, 2018 edition is hereby amended to add an Exception to read as follows:

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.

- (4) Section 305.4.2 of the IEBC, 2018 edition is hereby amended to add number 7 to read as follows:

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

- (5) Section 401.3 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.

- (6) Section 405.2.5 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.

- (7) Section 406.1 of the IEBC, 2018 edition is hereby amended to add a code reference to read 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.

- (8) Section 502.3 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.

- (9) Section 504.1.2 of the IEBC, 2018 edition is hereby amended to read 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.

- (10) Section 504.1.3 New fire escapes of the IEBC, 2018 edition is hereby deleted in its entirety.
- (11) Section 507.3 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.
- (12) Section 701.3 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.
- (13) Section 702.6 of the IEBC, 2018 edition is hereby amended to add a code reference to read as follows:

702.6 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*, 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.

- (14) Section 802.5.1 of the IEBC, 2018 edition is hereby amended to read as follows:

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.

- (15) Section 803.1 of the IEBC, 2018 edition is hereby amended to 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 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.

- (16) Section 803.2.4 of the IEBC, 2018 edition is hereby amended to change Exception to read as follows:

Exception:

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

- (17) Section 803.3 of the IEBC, 2018 edition is hereby amended to read as follows:

803.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements. {Delete rest of Section 804.3.}

- (18) Section 805.2 of the IEBC, 2018 edition is hereby amended to removed Exception 1.

- (19) Section 805.3.1.2 of the IEBC, 2018 edition is hereby amended to read as follows:

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

- (20) Section 805.3.1.2.1 of the IEBC, 2018 edition is hereby amended to read as follows:

805.3.1.2.1 Fire Escape access and details - ...

1. [Remains unchanged]
2. Access to a fire escape shall be through a door...
3. **Item Deleted**
4. [Remains unchanged]
5. In all buildings of Group E occupancy up to and including the 12th 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.

- (21) Section 805.5.2 Transoms of the IEBC, 2018 edition is hereby amended to add language to read as follows:

805.5.2 Transoms. In all buildings of Group B, E, [Remainder unchanged]

- (22) Section 904.1 of the IEBC, 2018 edition is hereby amended to 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*, 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.

- (23) Section 904.1.1 of the IEBC, 2018 edition is hereby amended to read as follows:

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

- (24) Section 1103.3 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.

- (25) Section 1201.4 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.

- (26) Section 1301.3.2 of the IEBC, 2018 edition is hereby amended to read 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.

- (27) Section 1301.3.3 Compliance with Flood Hazard Provisions of the IEBC, 2018 edition is hereby deleted in its entirety.

- (28) Section 1402.6 Flood Hazard Areas of the IEBC, 2018 edition is hereby deleted in its entirety.

**SECTION 4.
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of all other ordinances of the City of Lake Worth, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5.
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Lake Worth that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity 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 unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.
SAVINGS CLAUSE**

All rights or remedies of the City of Lake Worth, Texas are expressly saved as to any and all violations of the provisions of any ordinance affecting zoning or land use, 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 8.
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Lake Worth is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the Ordinance in the Ordinance Records of the City.

**SECTION 9.
PUBLICATION**

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, the penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

**SECTION 10.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on 13th day of August, 2019.



CITY OF LAKE WORTH

By: Walter Bowen
Walter Bowen, Mayor

ATTEST:

Monica Solko
Monica Solko, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin
Drew Larkin, City Attorney