

ORDINANCE NO. \_\_\_\_\_

**An Ordinance of the City of Plano, Texas, repealing in its entirety, City of Plano Ordinance No. 2008-4-35 codified as Article II, Building Code, of Chapter 6 of the code of Ordinances; and adopting the 2009 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of The City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.**

WHEREAS, on April 28, 2008, by Ordinance No. 2008-4-35 the City Council of the City of Plano established a Building Code and provided regulations thereunder, and such Ordinances were codified as Article II, Building Code, of Chapter 6 of the Code or Ordinances of the City of Plano (“City”); and

WHEREAS, on September 21, 2010, and November 16, 2010 the Building Standards Commission held public hearings to discuss the adoption of the 2009 Edition of the International Building Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2009 Edition of the International Building Code, and the local amendments thereto, should be approved and adopted as the Building Code of the City.

**Now, therefore, be it ordained by the City Council of the City of Plano, Texas that:**

**Section I.** The following ordinances or sections thereof, all of which are codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances of the City of Plano, are hereby repealed in their entirety:

Ordinance No. 2008-4-35, duly passed and approved by the City Council of the City of Plano on April 28, 2008.

**Section II.** A new Article II, Building Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

## ARTICLE II. BUILDING CODE

### DIVISION 1. GENERALLY

Sec. 6-16. Penalty.

Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense..

Sec. 6-17. Adopted.

The 2009 Edition of the International Building Code, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the Building Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2009 Edition of the International Building Code is on file in the office of the City Secretary.

Secs. 6-20 through 6-35. Reserved.

## DIVISION 2. AMENDMENTS

.Sec. 6-37. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Building Code adopted herein are hereby approved and adopted:

101.4; change to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. 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 to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

Section 101.4.7; add the following:

101.4.7 Electrical. The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

103 and 103.1 amend to insert the Department Name

Building Inspections Department, Plano, Texas

### SECTION 103

Building Inspections Department, Plano, Texas

103.1 Creation of a code enforcement agency. The Building Inspections Department, Plano, Texas, is hereby created and the official in charge thereof shall be known as the building official.

Section 105.1.1. Annual permit and 105.1.2. Annual permit records; are deleted in their entirety.

Section 105.1.1. is changed to read as follows:

Section 105.1.1 Toilet Facilities. Every construction project requiring a building permit within the City limits of the City of Plano shall have adequate toilet facilities for workers associated with the project.

At least one permanent or temporary toilet facility shall be maintained at every site where a building permit has been issued, as long as a building permit is active for the project.

Permanent toilet facility is defined as a room in an existing building or in the building being constructed with a water closet installed in such a room that conforms to the Plumbing Code and is continuously available to all workers involved in a construction project.

Temporary toilet facility is defined as a portable, fully enclosed, chemically sanitized toilet, which is serviced and cleaned at least once each week.

In addition to the justifications in the Building Code and in addition to other remedies, the building official may issue a Stop Work Order as described in the Building Code for any work done on a project not in compliance with this section.

Section 105.2. Work exempt from permit

Building:

Item Number 2 deleted.

Item Number 6 changed to read: Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route and not in the city right-of-way.

Section 105.3. Application for permit. is amended by the addition of the following paragraphs:

8. Be issued to a registered contractor.

General: To obtain a permit, the applicant shall be registered as a contractor. Contractor may register by making application on forms provided by the Building Official

Exception:

1. Homeowners may obtain permits for their private residence without being registered, however a contractor working under the homeowners permit must meet state requirements for license registration.
2. State exempt contractors, must show proof of state license.

Revocation/Suspension: A contractor's registration may be suspended for the following causes:

1. The contractor fails to finalize permits by obtaining the required approved inspections.
2. The contractor allows use or occupancy of a structure for which a permit was obtained without first obtaining the required authorization.
3. The contractor has been found by the Building Standards Commission to have been grossly negligent in the performance of his/her work. For purposes of this Section, a contractor may be found to have acted in a grossly negligent manner if such contractor has received six (6) municipal court convictions for city code violations and if such violations occurred in the twelve (12) month period preceding the revocation/suspension action before the Commission
4. Expiration, suspension or revocation of required license, bond or insurance.

Section 105.3.1 Action on application. is amended by the addition of the following paragraph:

A demolition permit may be withheld for any building or structure within the Plano Historic Building and Site Survey as designated in the Preservation Plan for a period not exceeding thirty (30) days pending review by the Heritage Commission.

Section 105.8 added:

105.8. Withdrawn Permits. Permits may be withdrawn by the applicant if no work has commenced on the project. Permit fees exceeding \$50.00 may be partially refunded. Where applicable, fees will be refunded at 80 percent of their original value, excluding the plan review and fire protection plan review deposits.

1. Permits for which work has commenced may not be withdrawn unless a subsequent permittee has obtained a permit to complete the work, or when work has started unless an inspection has been made and the Building Official has determined that the existing work has created no violation of any code or ordinance.
2. Expired permits may be withdrawn if determined by the Building Official that no work has commenced.
3. Withdrawn permits with fees of less than fifty (\$50) dollars are nonrefundable.

Section 107.3.1. Approval of construction documents. amended to read as follows:

When the building official issues a permit, the construction documents shall be approved, in writing, or by a stamp which states, "APPROVED AND APPROVED AS NOTED BY THE BUILDING OFFICIAL" { The remainder of the section is unchanged }

Section 109.7; add Section 109.7 to read as follows:

109.7 Re-inspection Fee. A fee as established by city council resolution may be charged when:

- The inspection called for is not ready when the inspector arrives;
- No building address or permit card is clearly posted;
- City approved plans are not on the job site available to the inspector;
- The building is locked or work otherwise not available for inspection when called;
- The job site is red-tagged twice for the same item;
- The original red tag has been removed from the job site.
- Failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

Sections 109.8 and 109.9; add Section 109.8, 109.8.1, 109.8.2 and 109.9 to read as follows:

109.8 Investigation Fee. Work without a permit.

109.8.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

109.9 Unauthorized cover up fee.

109.9.1 Any work concealed without first obtaining the required inspection in violation of section 110 shall be assessed a fee as established by the city fee schedule.

Section 110.3.5. Lath and gypsum board inspection. Delete Exception.

Section 113. Board of Appeal., changed Section title to "Building Standards Commission."

Added Section 115.4. Construction debris.

a. Whenever work is being done that is authorized by a permit, and construction debris from that work is not confined to a container or to a site on the property approved by the Building Official or his designee, and such construction debris poses a threat to public health, safety and comfort so that it constitutes a nuisance, the Building Official or his designee may order the work stopped and the Contractor shall clean up the construction debris within thirty-six (36) hours of receiving written notice of the violation. After the expiration of the thirty-six (36) hour period, Contractor shall pay City a reinspection fee to offset costs incurred by City due to the necessary reinspection before the stop work order is lifted.

b. As used herein, the term "Construction Debris" shall include all materials utilized in the construction process, including all litter and debris deposited and left remaining upon the premises of a job site by a Contractor, Subcontractor, and their employees, agents, and assigns.

c. As used herein "Costs" shall mean all expense incurred by City for the cleaning of the job site and the amount of any unpaid municipal court fine.

Section 202; amend definition of Ambulatory Health Care Facility and Fire Watch as follows:

Ambulatory Health Care Facility {add to existing definition – matches Fire Advisory Board definition }

This group may include but not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

Section 202; amend definition to read as follows:

Option B

**HIGH-RISE BUILDING.** A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Section 304.1; add the following to the list of occupancies:

Fire stations

Police stations with detention facilities for 5 or less

Section 307.1; add the following to Exception 4:

4. Cleaning establishments... {language unchanged}. See also IFC chapter 12, Dry Cleaning Plant provisions.

Section 310.1; amend second paragraph under R-3 as follows:

Adult care and child care facilities with 5 or fewer unrelated persons that are within a single-family home are permitted to comply with the International Residential Code.

(Reason: To clarify this provision which could allow unsprinklered care facilities only applies to listed under R-3)

Section 403.1, exception #3; change to read as follows:

3. Open air portions of building with a Group A-5 occupancy in accordance with Section 303.1.

Section 403.3, exception #2; delete the exception.

Section 404.1.1; change definition of "Atrium" as follows:

ATRIUM. An opening connecting three or more stories . . . {Balance remains unchanged}

Section 404.5; delete exception.

Section 406.1.2; add item #3 to read as follows:

3. A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm)

Section 406.1.4; add item #4, #5, and #6 to read as follows:

4. A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides, non-combustible construction, and that the distance between the two is at least 10 feet (3048 mm) eave to eave horizontally.

5. A separation is not required between any occupancy and an accessory U carport provided the carport is entirely open on all sides, the eave to eave or eave to property line (assumed or real) horizontal separation is at least 5 feet, non-combustible construction, non-sprinklered and for the storage of automobiles.

6. Shade structures used for commercial playgrounds do not require fire separations provided shading materials have flame-retardant certificates and framing members are of non-combustible construction.

Section 406.6.1; add a second paragraph to read as follows:

This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

Section 501.2, Premises identification; is changed to read as follows:

Approved numerals of minimum six (6) inches height and of a color contrasting with the background designating address shall be placed on all new and existing buildings or structures in such a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways where said alleyways exist. Where buildings do not immediately front a street, approved six (6) inch height building numerals or address and three (3) inch height suite/apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum twenty (20) inch by thirty (30) inch background or border.

Section 506.2.2; add a sentence to read as follows:

In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.)

Section 507.3, Sprinklered, one-story, amended by the addition of exception number 3 as follows:

3. Single story Type II buildings containing only Group M and Group B occupancies, and provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1, may be of unlimited area without sixty foot clearance required above.

Section 508.2.5, add a sentence at the end of paragraph:

508.2.5 Separation of Incidental accessory occupancies. (Sentence remains unchanged.) An incidental accessory occupancy shall be classified in accordance with the occupancy of that portion of the building in which it is located.

Section 706.3, Materials. Add:

**FIRE WALL: DO NOT PENETRATE OR DAMAGE.**

No penetrar o dañar esta pared resistente al fuego.

Such labels shall be placed not more than ten (10) lineal feet along the wall and shall be placed in such a manner as to be obvious to workers in the attic or concealed space.

Section 708.2, Exception 7; amend subsection 7.3 and delete subsections 7.4 and 7.5 and renumber as follows:

7.1. Does not connect more than two stories.

7.2. Is not part of the required means of egress system except as permitted in Section 1022.1.

7.3. Is not concealed within the building construction of a wall or a floor/ceiling assemble.

7.4 Is separated from floor openings and air transfer openings serving other floors by construction conforming to required shaft enclosures.

7.5 Is limited to the same smoke compartment.

Section 1004.1.1; delete exception:

1004.1.1 Areas without fixed seating. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant per unit of area factor assigned to the occupancy as set forth in Table 1004.1.1. Where an intended use is not listed in Table 1004.1.1, the building official shall establish a use based on a listed use that most nearly resembles the intended use.

Section 1007.1; add the following exception #4:

**Exceptions:**

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1007.

Section 1008.1.9.3; Locks and Latches; add section as follows:

**1008.1.9.3, Locks and latches.**

(3.1) Where egress doors are used in pairs and positive latching is required, approved automatic flush bolts shall be permitted to be used, provided that both leaves achieve positive latching regardless of the closing sequence and the door leaf having the automatic flush bolts has no doorknobs or surface mounted hardware.

Section 1008.1.9.4; amend exceptions #3 and #4 as follows:

**Exceptions:** *{Text of Exceptions 1 and 2 unchanged}*

1. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy, *[remaining text unchanged]*
2. Where a pair of doors serves a Group B, F, M or S occupancy, *[remaining text unchanged]*

Section 1008.1.9.8; change to read as follows:

1008.1.9.8. Electromagnetically locked egress doors. Doors in the means of egress that are not otherwise required to have panic hardware in buildings with an occupancy in Group A, B, E, I-1, I-2, M, R-1 or R-2 and doors to tenant spaces in Group A, B, E, I-1, I-2, M, R-1 or R-2 shall be permitted to be electromagnetically locked if equipped with listed hardware that incorporates a built-in switch and meet the requirements below:  
[remaining text unchanged]

Section 1015.7; add new section 1015.7 to read as follows:

1015.7 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

Section 1016.3; add new section 1016.3 to read as follows:

1016.3. Roof Vent Increase. In buildings that are one story in height, equipped with automatic heat and smoke roof vents complying with Section 910 and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, the maximum exit access travel distance shall be 400 feet for occupancies in Group F-1 or S-1.

Section 1018.1; add exception #5 to read as follows:

(5.) In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic fire alarm system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor.

Section 1018.6; amend to read as follows:

1018.6, Corridor Continuity. All corridors shall be continuous from the point of entry to an exit, and shall not be interrupted by intervening rooms.  
{Exception unchanged}

Section 1022.1; add exceptions #8 and #9 to read as follows:

8. In other than occupancy Groups H and I, a maximum of 50 percent of egress stairways serving one adjacent floor are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Any two such interconnected floors shall not be open to other floors.

9. In other than occupancy Groups H and I, interior egress stairways serving only the first and second stories of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Such interconnected stories shall not be open to other stories.

Section 1022.9; amend section to read as follows:

1022.9. Smokeproof enclosures and pressurized stairways. In buildings required to comply with Section 403 or 405, each of the exit enclosures serving a story with a floor service not more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9 144 mm) below... {remaining language unchanged}

Section 1024.1; change to read as follows:

1024.1; General. Approved luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access in accordance with... {Remaining language unchanged}

Section 1026.6; amend exception #4 to read as follows:

Exceptions: {Exceptions 1 – 3 unchanged}

3. Separation from the open-ended corridors of the building... {remaining language unchanged}

Exception:

1. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this Chapter.

2. [P] A space used primarily for religious rituals, as determined by the owner or occupant. To facilitate plan review, the owner, or occupant shall include a clear designation of such areas with submitted plans. This exemption does not apply to common areas. Common areas include but are not limited to: parking facilities, accessible routes, walkways, hallways, toilet facilities, entrances, public telephones, drinking fountains, and exits.

Section 1106, Parking and Passenger Loading Facilities, is deleted in its entirety.

Section 1109.2.1; added at end of paragraph to read as follows: or as approved by the Building Official.

Chapter 14, Exterior Walls - Subsection 1404.1 General; is amended by the addition of a second paragraph to read as follows:

Materials used for the construction of exterior walls shall comply with the provisions of this section. Metal exterior walls are prohibited in any district but may be permitted in

(1) Light Industrial –1 and Light Industrial –2 districts with prior approval of a site plan in accordance with the provisions of the comprehensive zoning ordinance; and

(2) Accessory buildings not exceeding 120 square feet floor area in SF, PH, and 2F residential districts.

All other exterior wall materials and construction shall comply with the International Building Code unless an alternative has been approved by the Building Official.

Table 1505.1; replace footnotes b and c with the following:

b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq.ft. of projected roof area. When exceeding 120 sq.ft of projected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

Section 1505.7; delete the section.

Section 2308.4.3; add Section 2308.4.3 to read as follows:

2308.4.3 Application to engineered design. When accepted by the Building Official, any portion of this section is permitted to apply to buildings that are otherwise outside the limitations of this section provided that:

1. The resulting design will comply with the requirements specified in Chapter 16;
2. The load limitations of various elements of this section are not exceeded; and
3. The portions of this section which will apply are identified by an engineer in the construction documents.

Section 2901.1; add a sentence to read as follows:

The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

Section 2902.1; Add:

Where circumstances dictate that a different ratio is needed, the adjustment shall be approved by the Building Official.

1. B, M, and Assembly Occupancies: At least one drinking fountain shall be provided at each floor level in an approved location.

Exception: A drinking fountain need not be provided in a drinking or dining establishment

and B occupancies less than 2500 sq.ft. or M occupancies less than 3000 sq.ft.

Section 2902.2; change Exception 2 &3 as follows:

2. Remainder unchanged.....of 25 or less. Unless otherwise required by City of Plano Health Department.

3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or less.

Section 3006.1; add Section 3006.1 to read as follows and renumber remaining sections:

3006.1, General. Elevator machine rooms shall be provided.”  
{Renumber remaining sections.}

Section [F] 3006.4 {[F] 3006.5 if previous amendment adopted}; add a sentence to read as follows and delete exceptions #1 and #2.:

[F] 3006.4. Machine Rooms: {language unchanged}... Storage shall not be allowed within the elevator machine room. Provide approved signage at each entry door to the elevator machine room stating “Elevator Machinery – No Storage Allowed.”

Section 3109.1; change to read as follows:

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code as well as also complying with applicable state laws.

**Section 3109.5 Entrapment avoidance; is changed to read in its entirety as follows:**

Entrapment avoidance see Texas Department of Health Section 265.190.

**Section III.** All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section IV.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

**Section VI.** Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** This Ordinance shall become effective from and after its passage and publication as required by law.

**DULY PASSED AND APPROVED** this, the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Phil Dyer, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

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