

ORDINANCE NUMBER _____

AN ORDINANCE ADOPTING THE FORT WORTH EXISTING BUILDING CODE, BY ADOPTING THE 2021 INTERNATIONAL EXISTING BUILDING CODE, WITH LOCAL AMENDMENTS; AMENDING SECTIONS 7-431, 7-432, 7-433, AND 7-434 OF THE CODE OF THE CITY OF FORT WORTH (2015); 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.

That Article XI, Existing Building Code, Section 7-431 of the Code of the City of Fort Worth (2015) is amended to read as follows:

Sec. 7-431. THE 2021 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 2021 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 Existing Building Code.

(b) One (1) copy of the 2021 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) The provisions of the Building Code, Residential Code, Electrical Code, Mechanical Code, Fire Code, and Plumbing Code, as adopted elsewhere, shall be used as part of this code for any provision, requirement or method that does not exist in this code.

(d) Any Errata corrections published by the International Code Council for the 2021 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 (2015) is added to read as follows:

Sec. 7-432. Amendments

The 2021 edition of the *International Existing Building Code* is hereby amended to read as follows:

(a) Chapter 1 "SCOPE AND ADMINISTRATION" of the 2021 International Existing Building Code is hereby deleted is hereby deleted and the Administrative and Enforcement provision of this Code shall be governed by the Fort Worth Building Administrative Code.

(b) The remaining sections of the 2021 *International Existing Building Code* are hereby amended as follows:

CHAPTER 2 – DEFINITIONS

IEBC SECTION 202 GENERAL DEFINITIONS

*IEBC Section 202; definitions are changed and new definitions are added to read as follows:

BUILDING CODE. Building Code shall mean the *International Building Code* as adopted by this jurisdiction.

CHANGE OF OCCUPANCY. Any of the following shall be considered as a change of occupancy where the current *International Building Code* requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the current building or structure:

1. Any change in the occupancy classification of a building or structure.
2. Any change in the purpose of, or a change in the level of activity within, a building or structure.
3. A change of use.

The definition shall also apply to the usage of the surrounding site and access to and from the building structure or site, as necessary to achieve the purpose of this code, and to obtain compliance with other codes and ordinances of this jurisdiction

~~**CHANGE OF OCCUPANCY.** A change in the purpose or level of activity within a building that involves a change in application of the requirements of this code. The definition shall also apply to the usage of the surrounding site and access to and from the building, structure or site, as necessary to achieve the purpose of this code, and to obtain compliance with other codes and ordinances of this jurisdiction.~~

CHANGE OF USE. A change in the use of a building or a portion of a building, within the same group classification, or from one zoning use category to another, for which there is a change in application of the code requirements.

ELECTRICAL CODE. Electrical Code shall mean the *National Electrical Code* as adopted by this jurisdiction. For the purpose of this code, all references to NFPA 70 shall be assumed to mean the Electrical Code as defined herein.

ENERGY CODE. Energy Code shall mean the *International Energy Conservation Code* as adopted by this jurisdiction.

FIRE PREVENTION CODE (FIRE CODE). Fire Prevention Code, or Fire Code, shall mean the *International Fire Code* as adopted by this jurisdiction.

~~**EXISTING BUILDING.** 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 or space constructed under a code edition which is at least two code adoption cycles preceding the currently adopted Fort Worth Building Code (prior to April 1, 2011), or~~

A building 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 adoption cycles preceding the currently adopted Fort Worth Building Code (prior to April 1, 2011), or

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

EXISTING STRUCTURE. A structure constructed under a code edition which is at least two code adoption cycles preceding the currently adopted Fort Worth Building Code (prior to April 1, 2011), or

A structure 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 adoption cycles preceding the currently adopted Fort Worth Building Code (prior to April 1, 2011), or

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

FORT WORTH BUILDING ADMINISTRATIVE CODE. The Fort Worth Administrative code containing the administrative, organizational, and enforcement rules and regulations for the Fort Worth Building, Residential, Plumbing, Fuel Gas, Mechanical, Electrical, Sign and Existing Building codes.

PLUMBING CODE. Plumbing Code shall mean the *International Plumbing Code* and the *International Fuel Gas Code* as adopted by this jurisdiction. The term “Plumbing Code” applies to both codes as one combined code.

PLUMBING SYSTEM. For the purpose of using this code, as adopted, shall mean: Includes the water supply and distribution pipes, plumbing fixtures and traps, supports and appurtenances; water-treating or water-using equipment; soil, waste and vent pipes; sanitary drains, storm sewers and building sewers to an approved point of disposal, in addition to their respective connections, devices and appurtenances within a structure or premise.

RESIDENTIAL CODE. Residential Code shall mean the *International Residential Code* as adopted by this jurisdiction.

TECHNICAL CODES. The Fort Worth Building, Residential, Plumbing, Fuel Gas, Mechanical, Electrical, Sign, and Existing Building codes which regulate the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

CHAPTER 3 – PROVISIONS FOR ALL COMPLIANCE METHODS

SECTION 306 ACCESSIBILITY FOR EXISTING BUILDINGS

**IEBC Section 306.1; add exception to read as follows:*

306.1 Scope. The provisions of Section 306.1 through 306.7.16 apply to maintenance and repair, change of occupancy, additions and alterations to existing building, including those identified as historic buildings.

Exceptions: 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 section.

CHAPTER 4 – REPAIRS

SECTION 401 REPAIRS

**IEBC Section 401.3; change to read as follows:*

401.3 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII, Floodplain Provisions 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 405 STRUCTURAL

**IEBC Section 405.2.6; change to read as follows:*

405.2.6 Flood hazard areas. Within flood hazard areas as established in Chapter 7, Article VIII, Floodplain Provisions 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 406 ELECTRICAL

**IEBC Section 607.1; 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.

CHAPTER 5 – PRESCRIPTIVE COMPLIANCE METHOD

**IEBC SECTION 502
ADDITIONS**

**IEBC Section 502.3; change to read as follows:*

502.3 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 503
ALTERATIONS**

**IEBC Section 503.2; change to read as follows:*

503.2 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 504
FIRE ESCAPES**

**IEBC Section 504.1.2; change 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.

**IEBC Section 504.1.3; deleted:*

**SECTION 507
HISTORIC BUILDINGS**

*IEBC Section 507.3; change to read as follows:

507.3 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.

CHAPTER 7 – ALTERATIONS – LEVEL 1

SECTION 701 GENERAL

*IEBC Section 701.3; delete and replace with the following:

701.3 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 702 BUILDING ELEMENTS AND MATERIALS

*IEBC Section 702.4; add exception #2 to read as follows:

702.4 Window opening control devices on replacement windows. In Group R-2 or R-3 buildings containing dwelling units and one- and two-family dwellings and townhouses regulated by the *International Residential Code*, window opening control devices complying with ASTM F2090 shall be installed where an existing window is replaced and where all of the following apply to the replacement window:

1. The window is operable.
2. One of the following applies:
 - 2.1. The window replacement includes replacement of the sash and frame.
 - 2.2. The window replacement includes the sash only where the existing frame remains.

3. One of the following applies:
 - 3.1. In Group R-2 or R-3 buildings containing dwelling units, the bottom of the clear opening of the window opening is at a height less than 36 inches (915 mm) above the finished floor.
 - 3.2. In one- and two-family dwellings and townhouses regulated by the *International Residential Code*, the bottom of the clear opening of the window opening is at a height less than 24 inches (610 mm) above the finished floor.
4. The window will permit openings that will allow passage of a 4-inch-diameter (102 mm) sphere when the window is in its largest opened position.
5. The vertical distance from the bottom of the clear opening of the window opening to the finished grade or other surface below, on the exterior of the building, is greater than 72 inches (1829 mm).

Exception:

1. Operable windows where the bottom of the clear opening of the window opening is located more than 75 feet (22 860 mm) above the finished grade or other surface below, on the exterior of the room, space or building, and that are provided with window fall prevention devices that comply with ASTM F2006.
2. Operable windows with openings that are provided with window fall prevention devices that comply with ASTM F2090.

**IEBC Section 702.7; change to read as follows:*

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*, ~~and~~ *International Plumbing Code* and *National Electrical Code*... {remainder of section unchanged}

SECTION 705 REROOFING

**IEBC Sections 705.6 and 705.7; added to read as follows:*

705.6 Maintain existing provisions. When reroofing, or repairing existing roofing, the installer is required to insure the following items are maintained:

1. Existing roof drains and drainage systems are maintained clear an unobstructed. When in the opinion of the Building Official the existing drainage system appears inadequate, the system shall be re-evaluated and when necessary required to comply with the provisions for new construction.
2. Fire-retardant requirements are maintained.

705.7 Attic space. Construction of a sloped or flat roof over an existing roof in a manner that creates an attic or a concealed space shall require the removal of any existing roofing

material, composed of tar, asphalt or roof insulation, from the newly created attic space.

CHAPTER 8 – ALTERATIONS – LEVEL 2

SECTION 802 BUILDING ELEMENTS AND MATERIALS

*IEBC Section 802.5.1; change to read as follows:

802.5.1 Minimum Requirements. Every portion of open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps, and landings a floor such as a balcony or a loading dock, 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.

SECTION 803 FIRE PROTECTION

*IEBC Section 803.1; add a sentence at the end 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.

*IEBC Section 803.2; change to read as follows:

803.2 Automatic sprinkler systems. Automatic sprinkler systems shall be provided in accordance with the requirements of ~~Sections 804.2.1 through 804.2.5.~~ Installation requirements shall be in accordance with the *International Building Code* Chapter 11 of the Fort Worth Fire Code.

*IEBC Section 803.2.1 through 803.2.6; delete

*IEBC Section 803.3; change to read as follows:

803.3 Standpipes. Standpipes shall be required as specified in Chapter 11 of the Fort Worth Fire 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}*

**IEBC Section 803.4; change to read as follows:*

803.4 Fire alarm and detection. ~~Fire alarm systems shall be required as specified in Chapter 11 of the Fort Worth Fire Code. An approved fire alarm system shall be installed in accordance with Sections 803.4.1 through 803.4.2. Where automatic sprinkler protection is provided in accordance with Section 803.2 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.~~

**IEBC Sections 803.4.1 through 803.4.2; delete*

SECTION 804 MEANS OF EGRESS

**IEBC Section 804.2; delete Exception # 1 and change to read as follows:*

804.2 General. The means of egress shall comply with the requirements of this section.

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.

**IEBC Section 804.4.1.2; changed to read as follows:*

804.4.1.2 Fire escapes required. For other than Group I-2, where more than one exit is required an existing or newly constructed fire escape complying with section 804.4.1.2.1 shall be accepted as providing one of the required means of egress.

**IEBC Section 804.4.1.2.1; delete exception #3 and change to read as follows:*

804.4.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:

1. *{unchanged}*
2. Access to new fire escapes shall be through a door . . . *{remainder unchanged}*
3. *Delete*
4. 3. . . . *{ remainder unchanged}*
5. 4. In all building of Group E occupancy up to and including the 12th grade, buildings of Group I occupancy, ~~rooming~~ boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

**IEBC Section 804.4.1.2.2 and 804.4.1.2.3; delete*

**IEBC Section 804.6.2; changed to read as follows:*

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

CHAPTER 9 – ALTERATIONS – LEVEL 3

SECTION 904 FIRE PROTECTION

**IEBC Section 904.1; changed to read as follows:*

904.1 Automatic sprinkler systems. Automatic sprinkler systems shall be provided in ~~all work areas when required by Section 804.2 or this section~~ as required in Chapter 11 of the Fort Worth Fire Code.

**IEBC Sections 904.1.1, through 904.1.7; Delete*

*IEBC Section 904.2; changed to read as follows:

904.2 Fire alarm and detection systems. Fire alarm and detections shall be provided as specified in Chapter 11 of the Fort Worth Fire Code. ~~in accordance with Section 907 of the International Building Code as required for new construction.~~

*IEBC Sections 904.2.1 and 904.2.2; Delete

CHAPTER 10 – CHANGE OF USE

SECTION 1001 GENERAL

*IEBC Section 1001.2.2.1; changed to read as follows:

1001.2.2.1 Partial change of occupancy classification. Where the occupancy classification or group of a portion of an *existing building* is changed, sections 1007, 1008, 1009 and 1011 shall apply.

*IEBC Section 1004.1; changed to read as follows:

1004.1 General. Fire protection requirements of Section 1011 shall apply where a building or portions thereof undergo a change of occupancy classification, a change to another group within an occupancy classification group, or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *International Building Code*.

SECTION 1008 MECHANICAL

*IEBC Section 1009.1; changed to read as follows:

1009.1 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 Preparations and/or Services, Beauty or Nail Salons, Commercial Laundry or Dry-cleaning,

Animal Care or Sales, Assembly Occupancies, where there occupancy classification is changed from an F or S occupancy to any other occupancy category, or where a shell building is changed to any occupancy the new occupancy shall comply with the ventilation requirements of the International Mechanical Code.

SECTION 1011 CHANGE OF OCCUPANCY CLASSIFICATION

*IEBC Section 1011.1; add exception to read as follows:

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

1. Two remote exits are provided;
2. Food preparation does not take place; and
3. The total gross square footage of the space is less than 5,000 feet.

*IEBC Section 1011.2.1; changed to read as follows:

1011.2.1 Fire sprinkler system. Where a change in occupancy classification occurs or where there is a *change of occupancy* within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *International Building Code* that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the *International Building Code*. The installation of the automatic sprinkler system shall be required within the area of the *change of occupancy* and areas of the building not separated horizontally and vertically from the change of occupancy by one or more of the following:

1. Nonrated permanent partition and rated horizontal assemblies.
2. Fire partition.
3. Smoke partition.
4. Smoke barrier.
5. Fire barrier.
6. Fire wall.

Exceptions:

1. An automatic sprinkler system shall not be required in a one- or two-family dwelling constructed in accordance with the *International Residential Code*.
2. Automatic sprinkler system shall not be required in a townhouse constructed in accordance with the *International Residential Code*.
3. The townhouse shall be separated from adjoining units in accordance with Section R302.2 of the *International Residential Code*.

*IEBC Section 1012.2.1; changed to read as follows:

1012.2.1 Fire sprinkler system. Where a change in occupancy classification or group 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 Fire 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 Fire Code*.

*IEBC Section 1012.2.2; changed to read as follows:

1012.2.2 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 Fire 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 Fire 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.~~

*IEBC Section 1012.8.2; Add item # 7 to the list of features 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*.

CHAPTER 11 - ADDITIONS

SECTION 1103 STRUCTURAL

*IEBC Section 1003.5; changed to read as follows:

1103.5 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 – HISTORIC BUILDINGS

**IEBC Section 1201.4; changed to read as follows:*

1201.4 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 13 – RELOCATED OR MOVED BUILDINGS

SECTION 1301 GENERAL

**IEBC Section 1301.1; changed to read as follows:*

1301.1 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 (ISD) 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 1302 REQUIREMENTS

**IEBC Section 1302; delete*

CHAPTER 14 - PERFORMANCE COMPLIANCE METHODS

SECTION 1401 GENERAL

*IEBC Section [B] 1401.2; Delete

*IEBC Section 1401.3.2; add Exception and changed to read as follows:

[B] 1401.3.2 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.

*IEBC Section 1301.3.3; changed to read as follows:

[B] 1401.3.3 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*~~ 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 if the work covered by this section constitutes substantial improvement.

CHAPTER 15 – CONSTRUCTION SAFEGUARDS

*IEBC Section [B] 1401.1; changed to read as follows.

[BG] 1501.1 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.

*IEBC Section 1501.2 through 1509; delete

SECTION 3.

Section 7-433 of the Code of the City of Fort Worth (2015) 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 (2015), 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 (2015) 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 2021 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 April 1, 2021.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

Adopted: _____

Effective: _____

DRAFT