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3/6/15  
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Effective  
4/1/15

ORDINANCE NO. 7513

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE VI, SECTION 4-3-60 BY REPEALING THE 2012 EDITION AND ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE*, WITH AMENDMENTS AS SHOWN, REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds it is in the best interest of the public health, safety, and welfare to repeal the 2012 edition of the *International Existing Building Code* and to adopt the 2015 edition of the *International Existing Building Code* (published by the International Code Council), regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; providing for the issuance of permits and collection of fees.

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

SECTION 1. That Chapter 4-3, Article VI, Section 4-3-60 be and hereby is repealed in its entirety.

SECTION 2. That Chapter 4-3, Article VI, Section 4-3-60 be and hereby is re-adopted, as amended, to now read as follows:

**Sec. 4-3-60. Adoption of code.**

(a) *Code adopted.* There is hereby adopted the 2015 edition of the *International Existing Building Code*, (published by the International Code Council,) including Appendix B, with the following amendments, copies of which shall be kept in the Building Official's office:

- (1) Section 101.1. Insert: City of Amarillo.
- (2) Section 101.4.2.1. Add Section to read as follows:

**101.4.2.1 Abandoned buildings.** Certificate of Occupancy required prior to re-occupancy is hereby added to read as follows:

**101.4.2.1.1 Intent.** The purpose of this Section is to insure that minimum levels of structural integrity, fire protection, life safety features, ventilation, light, sanitation, accessibility, and public improvements shall be provided in and around abandoned buildings or structures prior to re-occupancy. It is not the intent of this Section to require compliance with the latest Codes adopted by the City as if abandoned buildings or

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(a) *Code adopted.* There is hereby adopted the 2015 edition of the *International Existing Building Code*, (published by the International Code Council,) including Appendix B, with the following amendments, copies of which shall be kept in the Building Official's office:

- (1) Section 101.1. Insert: City of Amarillo.
- (2) Section 101.4.2.1. Add Section to read as follows:

**101.4.2.1 Abandoned buildings. Certificate of Occupancy required prior to re-occupancy is hereby added to read as follows:**

**101.4.2.1.1 Intent.** The purpose of this Section is to insure that minimum levels of structural integrity, fire protection, life safety features, ventilation, light, sanitation, accessibility, and public improvements shall be provided in and around abandoned buildings or structures prior to re-occupancy. It is not the intent of this Section to require compliance with the latest Codes adopted by the City as if abandoned buildings or

structures subject to this Section were being newly constructed. Nor is it the intent of this Section to require a new Certificate of Occupancy for a vacant building or structure, which is secured against unauthorized entry by the public and of which the essential components, as defined in 101.4.2.1.2.2 below, have been maintained in serviceable condition.

**101.4.2.1.2 Certificate of Occupancy required prior to re-occupancy.** When a building or structure has become abandoned, a Certificate of Occupancy shall be obtained prior to re-occupancy of the building or structure. For the purpose of this Section a building or structure shall be considered to have been abandoned when either of the following conditions exists:

**101.4.2.1.2.1** The previous use of the building has been discontinued and the building has been left unsecured or open to unauthorized entry by the general public;

**101.4.2.1.2.2** The previous use of the building has been discontinued and maintenance of the building has been neglected to the extent that one or more essential components of the building or structure have failed or no longer serve their intended purpose. Essential components include: Roof coverings; structural components; exterior envelopes including walls, doors and windows; electrical systems; plumbing systems; HVAC systems; fire extinguishing systems; fire resistive construction; fire resistive separations; exit ways; or other life/safety systems.

**101.4.2.1.3 Conditions for issuance of a Certificate of Occupancy.** Prior to issuing a Certificate of Occupancy for an abandoned building or structure subject to this Section, the Building Official may: require plans to be submitted which will clearly indicate the intended use of the building or structure, its location on the property, and any proposed improvements; inspect the building or structure to ascertain adequacy and serviceability of the essential components listed in 101.4.2.1.2.2 above with respect to the intended use; require repairs or improvements to the building or structure based upon those inspections; and/or require that the applicable permits and inspections be obtained for work which is proposed or required under this Section.

**101.4.2.1.4 Guidelines and regulations.** To determine the requirements for repairs or improvements to abandoned buildings or structures subject to this Section, the *Building Official* may utilize this *Code* as a guideline, and may utilize other publications of the *International Code Council* or *National Electric Code* related to existing buildings.

(3) Section 706. Amend to read as follows:

706.1 General. Material and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15 of the *International Building Code*, including but not limited to decking, flashing, and ventilation.

Exceptions:

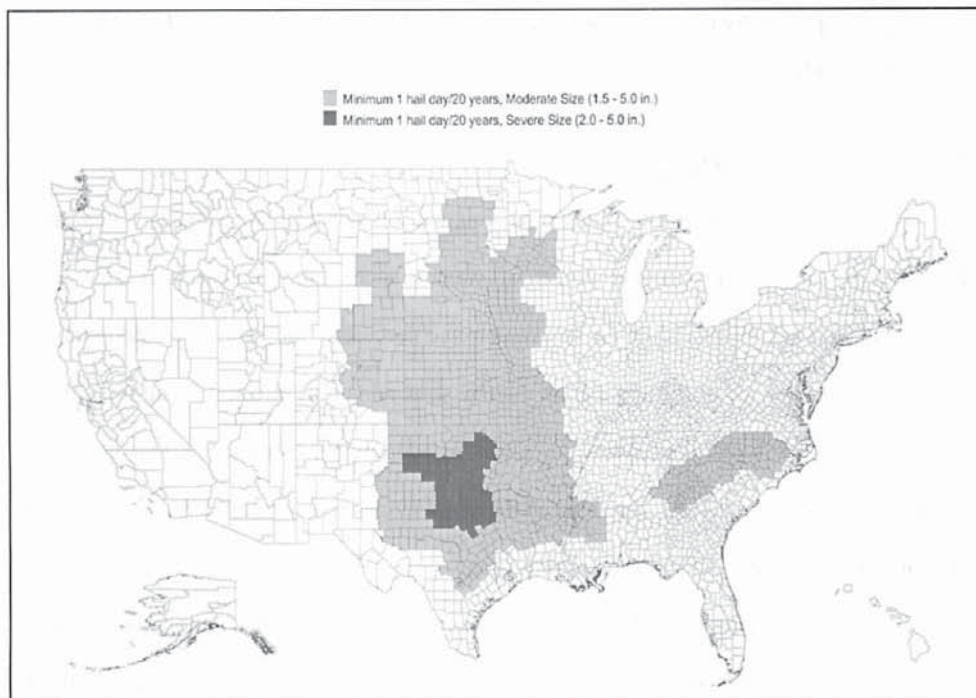
1. Reroofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section 1507 of the *International Building Code* for roofs that provide positive drainage.
2. Recovering or replacing an existing roof covering shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in Section 1503.4 of the *International Building Code (IBC)* for roofs that provide for positive drainage. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with the IBC shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with section 1503.4 of the IBC.

(4) Section 706.3 amend to read as follows:

706.3 A roof re-cover shall not be permitted where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.
4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Figure 706.3.

**FIGURE 706.3 HAIL EXPOSURE MAP**



(5) 1401.2 Applicability.

Structures existing prior to April 3<sup>rd</sup>, 1928, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13. The provisions of Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, I-2, M, R and S. These provisions shall not apply to buildings with occupancies in Group H, I or I-4.

(6) Appendix B - Supplementary Accessibility Requirements for Existing Buildings and Facilities. Appendix B was added to address accessibility in construction for items that are not typically enforceable through the traditional building code enforcement process. Chapter 11 of the International Building Code (IBC) contains provisions that set forth requirements for accessibility to buildings and their associated sites and facilities for people with physical disabilities. Sections 410, 605, 705, 806, 906, 1006, 1012.1.4, 1012.8, 1105, 1204.1, 1205.15, 1401.2.5 and 1508 in the code address accessibility provisions and alternatives permitted in existing buildings.

(7) Section B101.1; Add an exception to read as follows:

Exception: Buildings regulated under Texas Department of Licensing and Regulation; TDLR and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

(8) Section B102.1; Add an exception to read as follows:

Exception: Buildings regulated under Texas Department of Licensing and Regulation; TDLR and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

**Sec. 4-3-61 to 4-3-69. Reserved.**

SECTION 3. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

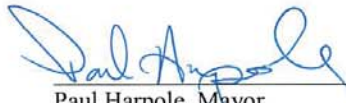
SECTION 4. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 5. Continuation. That nothing in this ordinance or in any code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance.

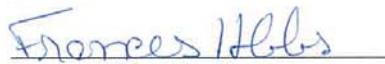
SECTION 6. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 7. Publishing and Effective Date. This ordinance shall be published according to law and be effective on April 1, 2015.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 24<sup>th</sup> day of February, 2015; and PASSED on Second and Final Reading the 3<sup>rd</sup> day of March, 2015.

  
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Paul Harpole, Mayor

ATTEST:

  
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Frances Hibbs, City Secretary