



**ORDINANCE NO. 3793**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING CHAPTER 22 "BUILDINGS AND BUILDING REGULATIONS" ARTICLE III.5 "RESIDENTIAL CODE", SECTION 22-101 "AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE" OF THE CODE OF ORDINANCES BY RELATING TO THE EXPIRATION OF CERTAIN PERMIT APPLICATIONS AND PERMITS AND THE REQUIREMENTS FOR RESIDENTIAL BUILDING FOUNDATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has previously adopted the 2018 edition of the International Residential Code and local amendments thereto (collectively the "IRC") as the standard building code to govern the design and construction of certain residential buildings with the City of Farmers Branch; and

**WHEREAS**, the City Council of the City of Farmers Branch has determined that it is in the best interest of the residents of the City of Farmers Branch to adopt certain amendments to the local amendments to the IRC relating to the expiration of certain applications for building permits and permits that have been issued and to the standards relating to the design and construction of certain building foundations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Chapter 22 "Buildings and Building Regulations," Article III.5 "Residential Code," Section 22-101 "Amendments to International Residential Code" of the Code of Ordinances of the City of Farmers Branch, Texas, is amended as follows:

- A. The amendment to Section R105.3.2 of the IRC as previously adopted is revised to read as follows:

**Section R105.3.2 is amended to read as follows:**

**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- B. The amendment to Section R105.5 of the IRC as previously adopted is revised to read as :

**Section R105.5 is amended to read as follows:**

**R105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after the issuance, or, if the work authorized on the site by such permit is suspended after commencement of work, more than 180 days pass between requests for inspections. An application for a permit for a project for which a permit has expired pursuant to the previous sentence shall be treated as a new application and shall require the payment of a permit fee applicable to a new permit application.

**R105.5.1. Expiration of Active Permits.** All permits that have not expired pursuant to Section R105.5 shall nevertheless expire 18 months after the date of issuance whether or not all work authorized by said permit is completed on or before said expiration date.

**R105.5.2. Extensions of Time.** An extension of a permit set to expire pursuant to Section R105.5.1 may be requested in writing not later than 30 days prior to the date of expiration of a permit pursuant to Section R105.5.1, which request must demonstrate justifiable cause for the need for such extension. The building official may grant in writing one or more extensions of such permit provided the total period of all extensions shall not exceed 180 days from the expiration date of the original permit.

**R105.5.3. Longer Extensions.** The holder of a permit for which the maximum extension allowed pursuant to Section R105.5.2 may make application to the City Council for an additional extension of the permit by submitting such application in writing not later than 30 days prior to the then current expiration date of the permit, which request must demonstrate justifiable cause for the need for such extension.

**R105.5.4. Fee for Permit Extensions.** Before any extension of a permit granted pursuant to Sections R105.5.2 and/or R105.5.3, the holder of the permit for which an extension is granted shall pay an additional permit fee in an amount equal to (i) the number of days for which the permit extension is granted (ii) divided by 365, then (iii) multiplied by the amount of the permit fee at the time of issuance of the original permit.

**R105.5.5 Fences and accessory buildings.** Every permit issued by the building official under the provisions of this code for the construction of fences and/or accessory buildings, including underground structures, shall expire and become null and void 180 days after the date of issuance.

**R105.5.5.1** Changes, alterations or adjustments in the permit after it has been issued shall not extend the original date established upon

issuance for the permit. Work shall not continue on fences and/or accessory buildings for which the building permit has expired and has become null and void. A new permit may be requested from the building official by filing an application as required by this code.

**R105.5.5.2** The building official may place any additional conditions as necessary upon the permit and authorized construction work to protect and help minimize the negative impact of long term construction activity on adjacent properties and on the City infrastructure.

**R105.5.5.3** Portions of fences and/or accessory buildings in residential areas not completed and for which a permit has expired shall be removed and the area immediately restored to its original condition. The site and structure must also be secured and material and trash removed.

**R105.5.6 Completion of exterior.** All work relating to the exterior of a structure shall be completed within 180 days of the date the permit was issued for such work, including, but not limited to, all exterior facade material, painting, windows, final grading and landscaping. The building official may grant in writing one or more extensions of such permit provided the total period of all extensions shall not exceed 180 days from the expiration date of the original permit.

- C. The sentence previously added to Section R401.2 of the IRC as previously adopted is revised to read as follows:

**Section R401.2, amended by adding the following sentence to the existing:**

...Every foundation and/or footing, or any size addition to an existing foundation, regulated by this code shall be designed and sealed by a Texas registered professional engineer.

- D. An amendment to Section R401.4 of the IRC is added to Section 22-101 of the Code of Ordinances to read as follows:

**Section R401.4 is amended by adding the following sentence:**

A soils test shall be required prior to issuance of a construction permit for any new single family residence.

**SECTION 2.** All provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

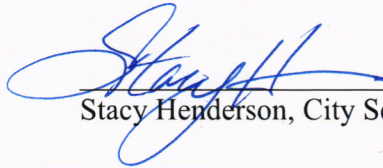
**SECTION 4.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 5.** Any person violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Farmers Branch as heretofore amended and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00).

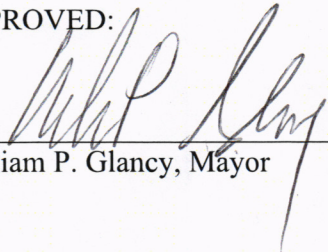
**SECTION 6.** This Ordinance shall take effect immediately, from and after its passage and the publication of the caption, as the law and charter in such case provide, but shall be applicable only to applications for permits submitted to the City on or after the effective date of this Ordinance.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 2<sup>ND</sup> DAY OF MAY 2023.**

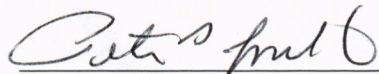
ATTEST:

  
\_\_\_\_\_  
Stacy Henderson, City Secretary

APPROVED:

  
\_\_\_\_\_  
William P. Glancy, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:4/19/2023:134624)