

ORDINANCE NO. 2022-06-060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY AMENDING THE CODE OF ORDINANCES OF THE CITY THROUGH THE AMENDMENT OF ARTICLE II, "BUILDING CODES," OF CHAPTER 122, "CONSTRUCTION REGULATIONS," BY AMENDING SECTION 122-26, "AMENDMENTS TO BUILDING AND RESIDENTIAL CODES," BY ADDING A DEFINITION OF THE WORD "PREMISES" TOGETHER WITH A LIMITED EXCEPTION TO SECTION 122-26(a) AMENDING THE 2018 EDITION OF THE *INTERNATIONAL BUILDING CODE*, AND TO SECTION 122-26(b) AMENDING THE 2018 EDITION OF THE *INTERNATIONAL RESIDENTIAL CODE*; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

WHEREAS, the City adopted the Code of Ordinances, City of McKinney, Texas ("City Code") for the protection of the public health and general welfare; and

WHEREAS, the creation of the 2018 International Codes by the International Code Council was in conjunction with the International Conference of Building Officials ("ICBO"), the organization whose codes the City of McKinney has adopted since the 1970's; and

WHEREAS, the City desires to provide clarity regarding the requirement that all component parts of a building or structure together with any fixtures, equipment and appurtenances thereto must be contained within the property lines of the same individual lot or tract of land and may not be extended or placed across the property lines thereof onto an adjacent lot or tract of land absent platting the two tracts of land into one tract of land; and

WHEREAS, the City Council of the City of McKinney, Texas, deems it to be in the best interest of the citizens of the City of McKinney to amend the 2018 Edition of the *International Building Code*, as amended, and the 2018 Edition of the *International Residential Code*, as amended, as provided hereinbelow.

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

Section 1. All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 122, "Construction Regulations," is hereby amended by amending Article II, "Building Codes," by amending Section 122-26, "Amendments to Building and Residential Codes," by adding a definition for the word "Premises" together with a limited Exception to Section 122-26(a) amending Section 202, "Definitions," of the 2018 Edition of the *International Building Code* to hereafter read as follows:

"Sec. 122-26. – Amendments to Building and Residential Codes.

(a)(7) Section 202, "Definitions," is hereby amended by adding the following definition for the word "Premises" and the accompanying Exception:

PREMISES. A house or building together with the tract of land defined by platted property lines and identified as a unique street address or appraisal district property identification number on which and within which platted property lines the house or building and all appurtenances thereto shall be situated. Construction activities associated with a permit shall only occur on the Premises identified in the permit application, and all activities authorized or required by that permit shall be contained within the same Premises.

Exception: Within the geographic area identified in Illustration I below, equipment required for the operation of mechanical, electrical, and plumbing systems may be located on all or a portion of an immediately adjacent and adjoining private property abutting the Premises (the "Easement Area") for which the permit is issued, provided that there are no intervening roads, alleys, sidewalks, or other easements or corridors between the Premises and the Easement Area and provided further that an irrevocable easement, recorded in the Land Records of Collin County, Texas, in favor of the owner of the Premises and the City (however, the City's rights are expressly limited to those identified in (5) below), is obtained from the owner of the Easement Area that:

- (1) identifies the specific mechanical, electrical, and plumbing systems (hereinafter referred to collectively as "Equipment") that may be placed upon the Easement Area;
- (2) identifies the specific location on the Easement Area where the Equipment may be placed;
- (3) provides access between the Premises and the Easement Area;
- (4) authorizes the owner of the Premises to construct and install, operate, maintain, repair, and replace the Equipment on the Easement Area; and
- (5) authorizes the City to enter upon the Easement Area at any time for inspection and to ensure the safety of persons and personal property regarding or relating to the Equipment and any related appurtenances; and
- (6) is reviewed and approved in advance by the City Attorney.

In addition to the foregoing any Equipment and appurtenances thereto placed in the Easement Area must also comply with any applicable setbacks or visibility triangles and shall not affect or otherwise constitute a nuisance.



ILLUSTRATION I”

Section 3. From and after the effective date of this Ordinance, Chapter 122, “Construction Regulations,” is hereby amended by amending Article II, “Building Codes,” by amending Section 122-26, “Amendments to Building and Residential Codes,” by adding a definition for the word “Premises” together with a limited Exception to Section 122-26(b) amending Section R202, “Definitions,” of the 2018 Edition of the *International Residential Code* to hereafter read as follows:

“Sec. 122-26. – Amendments to Building and Residential Codes.

(b)(1) In addition to the NCTCOG Amendments Section R202, “Definitions,” of the 2018 Edition of the *International Residential Code* is hereby amended by adding the following definition for the word “Premises” and the accompanying Exception:

PREMISES. A house or building together with the tract of land defined by platted property lines and identified as a unique street address or appraisal district property identification number on which and within which platted property lines the house or building and all appurtenances thereto shall be situated. Construction activities associated with a permit shall only occur on the Premises identified in the permit application, and all activities authorized or required by that permit shall be contained within the same Premises.

Exception: Within the geographic area identified in Illustration I below, equipment required for the operation of mechanical, electrical, and plumbing systems may be located on all or a portion of an immediately adjacent and adjoining private property abutting the Premises (the “Easement Area”) for which the permit is issued, provided that there are no intervening roads, alleys, sidewalks, or other easements or corridors between the Premises and the Easement Area and provided further that an irrevocable easement, recorded in the Land Records of Collin County, Texas, in favor of the owner of the Premises and the City (however, the City’s rights are expressly limited to those identified in (5) below), is obtained from the owner of the Easement Area that:

- (1) identifies the specific mechanical, electrical, and plumbing systems (hereinafter referred to collectively

as "Equipment") that may be placed upon the Easement Area;

- (2) identifies the specific location on the Easement Area where the Equipment may be placed;
- (3) provides access between the Premises and the Easement Area;
- (4) authorizes the owner of the Premises to construct and install, operate, maintain, repair, and replace the Equipment on the Easement Area; and
- (5) authorizes the City to enter upon the Easement Area at any time for inspection and to ensure the safety of persons and personal property regarding or relating to the Equipment and any related appurtenances; and
- (6) is reviewed and approved in advance by the City Attorney.

In addition to the foregoing any Equipment and appurtenances thereto placed in the Easement Area must also comply with any applicable setbacks or visibility triangles and shall not affect or otherwise constitute a nuisance.



ILLUSTRATION I"

- Section 4. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.
- Section 5. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
- Section 6. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged

with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

- Section 7. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and this Ordinance shall become effective from and after the date of its final passage and publication as provided by law.
- Section 8. This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of McKinney, Texas.

DULY PASSED APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21ST DAY OF JUNE, 2022.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney