



**CITY OF KERRVILLE**  
**BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA**  
**REGULAR MEETING, April 25, 2024 03:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**1. CALL TO ORDER**

**2. MINUTES**

**2A.** Approval of Meeting Minutes from the December 14, 2023 meeting

**3. CONSIDERATION AND ACTION**

**3A.** Recommend the adoption of the proposed amendments for the 2018 International Building Code.

**3B.** Recommend the adoption of the proposed amendments for the 2018 International Residential Code.

**3C.** Recommend the adoption of the proposed amendments for the 2018 International Existing Building Code.

**3D.** Recommend the adoption of the proposed amendments for the 2017 National Electric Code.

**3E.** Recommend the adoption of the proposed amendments for the 2018 International Plumbing and Fuel Gas Code.

**3F.** Recommend the adoption of the proposed amendments for the 2018 International Mechanical Code.

**3G.** Recommend the adoption of the proposed amendments for the 2018 International Energy Conservation Code.

**3F.** Recommend the adoption of the proposed amendments for the 2018 International Swimming Pool and Spa Code.

**3H.** Recommend the adoption of the proposed amendments for the 2018 International Fire Code, NFPA 101, and NFPA 1194.

**4. STAFF REPORT**

**5. ADJOURNMENT**

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: 4/18/2024 at 11:30 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina, TRMC

Kesha Franchina, TRMC, Deputy City Secretary, City of Kerrville, Texas

(Supp. No. 39)

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**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 2A. Approval of Meeting Minutes from the December 14, 2023 meeting  
**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024  
**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official  
**EXHIBITS:** December 14, 2023 Minutes

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**MEMBERS PRESENT:**

Jennifer Hyde, Board Chair  
Bob Rue, Board Vice-Chair  
Mack Edmiston, Board Member  
Daniel Lowery, Board Member

**MEMBERS ABSENT:**

Caleb Mizell, Board Member

**STAFF PRESENT:**

Guillermo Garcia, Executive Director for Innovation  
Aaron Barnes, Interim Chief Building Official  
Donna Bowyer, Code Enforcement Manager  
Trina Sanchez, Recording Secretary

**1. CALL TO ORDER:**

On December 14, 2023, the Kerrville Building Board of Adjustment and Appeals regular meeting was called to order at 3:00 p.m. in the City Hall council chambers, 701 Main Street.

**2. APPROVAL OF MINUTES**

**2A.** Approval of the minutes from the October 26, 2023 meeting.

Bob Rue moved to approve the minutes as presented; motion was seconded by Daniel Lowery and passed 4-0.

**3. CONSIDERATION AND ACTION**

**3A.** Appeal to Board from Mrs. Trevino regarding 608 Stephen Street

Guillermo Garcia introduced the case and Aaron Barnes presented the case using a power point presentation.

On October 26, 2023 the Board ordered the home at 608 Stephen Street to be abated of the rubbish, trash and other unsightly material from both the exterior and interior of the home. The homeowner, Alice Trevino, is appealing to the board for more time to execute the orders. The

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City of Kerrville Unsafe Structure Ordinance 2023-14 allows the Board to allow the owner more than 30 calendar days to execute orders provided the owner submits the required documentation and meets requirements of the ordinance.

Alice Trevino spoke, stating the the front of the house is clear and the bushes and trees trimmed. The sides of the property were also cleared but they have not started on the back because they were cleaning the sides and her husband passed away the day after the original hearing so she was unable to continue cleanup due to her loss.

Jennifer Hyde asked if Alice Trevino had any pictures or updates because she remembered the front of the area had been cleaned up. Guillermo Garcia stated that at the last hearing, the front had been touched up, but not completely cleaned and there was a lot of trash and rubbish that needed to be removed. Jennifer Hyde asked Alice Trevino again if she had any updates or pictures to show the Board to which Alice Trevino answered she had not taken any pictures, but said they completed the whole front of the house and removed the trash from both sides of the house. She also stated she had been working on the inside of the house and rented a storage. Alice Trevino said her son works on the outside and she helps when he needs it, but she has been working on the inside and is currently working on the living room. She stated she had cleaned out the refrigerator and that the electricity had been disconnected which makes it hard to see but does use battery operated lamps and continuous o clean.

Jennifer Hyde said the request shows that Alice Trevino had been unable to haul away trash due to lack of city vouchers. Alice Trevino stated it is costly because she just started getting her husband's social security and did not qualify for other monies. Jennifer Hyde stated at the last meeting the Board discuss the availability and opportunity to acquire additional vouchers. Alice Trevino said she did ask but was told there were only two allowed per residence. Bob Rue said he had offered to give up his vouchers and Alice Trevino agreed that she knew he did but asked how would she get those? Bob Rue said Alice Trevino needs to take the initiative in obtaining the vouchers and said no one had been approached about the issue. Bob Rue then asked how long Alice Trevino needed to get all of this completed. She replied that she would like at least 90 days, stating it is going to take her a while. Jennifer Hyde and Bob Rue both said they have an issue extending for 90 days as this has not been a new grievance between Alice Trevino, her neighbors, and the community. Jennifer Hyde stated she is weighing out both sides, that she has compassion for Alice Trevino's situation, but has to think about the neighbors as well, putting them at risk of their property and others being at danger because of lack of action on Alice Trevino's part, not just in the past 30 days but this is something that has been ongoing so that is where her concern is at this point with extending it for three more months. Alice Trevino said a lot of it was due to her husband not allowing her to do anything. She said Mr. Trevino thought as long as he was paying his taxes he was allowed to have whatever he wanted on and in his property and she could not fight against him. She stated she had been married to him for over 40 years since she was 16 and always did what he said more or less. Jennifer Hyde asked who Alice Trevino had helping her and she replied her friend Robert. Jennifer Hyde asked Alice Trevino to tell the Board about her progress since the last time they met. Alice Trevino explained all the work that had been done, both interior and exterior. The main issue is the cost to go to the landfill. Bob Rue asked if Alice Trevino had vouchers for the landfill, what is the plan. Alice Trevino said they would fill the truck to the fullest and a trailer that her son has. Bob Rue said they had ordered from October 26<sup>th</sup> for cleanup to be completed within 30 days. 90 days from October would be towards the end of January. Jennifer Hyde said January 26<sup>th</sup> would be reasonable.

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Mack Edmiston moved to approve the appeal for more time to execute the orders previously ordered by the Board for the property located at 516 W. Water Street to January 26, 2024; motion was seconded by Bob Rue and passed 4-0.

Guillermo Garcia stated staff will send a letter to Alice Trevino confirming the time of the extension so she has the documentation and understands the dates and her responsibilities as well.

#### **4. STAFF REPORT**

Guillermo Garcia discussed two updates.

- Property at 516 West Water Street
  - Board had ordered to have the property demolished
  - Demolition has been completed and debris cleaned out
  - Removed house, trimmed trees, and removed old, dead tree
  - Closed out warrant
  - County to auction property
- 421 Fifer St.
  - Non-compliant with Board's order
  - City has arranged to send crew to clean property
  - Lien will be placed on property

#### **5. ADJOURNMENT**

The meeting adjourned at 3:19 p.m.

ATTEST:

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Jennifer Hyde, Chair

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Trina Sanchez, Recording Secretary



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3A. Recommend the adoption of the proposed amendments for the 2018 International Building Code.

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Section 26-31 of the 2018 International Building Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Building Code.

## **ARTICLE I. IN GENERAL**

**Secs. 26-1—26-30. Reserved.**

## **ARTICLE II. BUILDING CODES**

**Sec. 26-31. International Building Code, 2018 Edition.**

- (a) *Adoption.* The *International Building Code*, 2018 Edition ("IBC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Building Code of the City of Kerrville, Texas, 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 IBC is on file ~~in the office of the city secretary and~~ within the ~~department of development services~~Department of Development Services.
- (b) *Amendments.* The IBC is amended as follows:
  - (1) 101.4.1 is amended in its entirety to read as follows:  
**101.4.1-8 Electrical.** The Electrical Code currently in effect for the City applies to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
  - (2) 101.4.4 is deleted.
  - (3) 102.6 is amended by deleting the reference to the *International Property Maintenance Code*.
  - (4) Section 103 is amended in its entirety to read as follows:  
Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."
  - (5) 105.1.1 is amended in its entirety to read as follows:  
**105.1.1 Contractor's license required.** Any person who is required by the IBC to make application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed one year and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.
  - (56) 105.2 is amended by deleting 6. under "Building".
  - (67) 109.4 is amended in its entirety to read as follows:  
**109.4 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

(78) Section 113 is amended in its entirety to read as follows:

Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IBC

(9) Section 116 Unsafe Structures and Equipment is deleted in its entirety

(10) Section 202 is amended by adding the following definitions:

**Occupancy.** The fact or condition of holding, possessing, or residing in for the purpose of using a building or structure for the intended use. Occupancy exists when any activity or use, other than construction work on the building itself, is conducted within or from the building or structure, including the primary business of the occupancy and any ancillary activity of the occupancy classification, such as bookkeeping, telephoning, holding meetings, and the like.

**Occupancy Classification.** The classifying of buildings or structures according to their proposed use for the purpose of determining construction requirements as they pertain to the *International Building Code, International Electrical Code, International Mechanical Code, International Plumbing Code, International Energy Code, International Fuel Gas Code, International Fire Code*, and other City regulations. Occupancy classification takes place when plans and/or a permit application are received for review by the City or at the time that an existing building is changing occupancy type. The occupancy classification is determined by the Building Official.

(811) 1101.1 is amended in its entirety to read as follows:

**1101.1 Scope.** The provisions of this chapter shall control the design and construction of facilities for accessibility for disabled persons. In addition, the City shall apply and enforce applicable federal and state laws, including those administered by the Texas Department of Licensing and Regulation.

(912) 1507.8 is amended in its entirety to read as follows:

**1507.8 Wood shingles and shakes.** The installation of wood shingle and wood shake roof covering must comply with the following:

**1507.8.1 New wood roofs prohibited.** Wood shingles and shakes are prohibited, are not allowed as an alternative material, and shall not be installed or used on any new construction or the re-roofing of any structure.

**1507.8.2 Repair of existing roofs.** Any existing structure which has wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the existing roof. Any percentage greater than twenty-five percent (25%) will be considered "re-roofing" in which event the use of wood shingles or shakes is prohibited as provided herein. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken in an attempt to meet the definition of "repair".

(1013) 1507.9, including the subsections, is deleted.

(1114) 1907.1 is amended by revising its first sentence as follows with the remainder of the section to remain the same:

**1907.1 General.** The thickness of concrete floor slabs supported directly on the ground shall not be less than 4 inches.

(15) Section 3115 Intermodal Shipping Container

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**3115.1 General.** The provisions of Section 3115 and other applicable sections of this code shall apply to intermodal shipping containers that are repurposed for use as buildings or structures, or as a part of buildings or structures.

Exceptions:

1. Intermodal shipping containers previously approved as existing relocatable buildings complying with Chapter 14 of the International Existing Building Code.
2. Stationary storage battery arrays located in intermodal shipping containers complying with Chapter 12 of the International Fire Code.
3. Intermodal shipping containers that are listed as equipment complying with the standard for equipment, such as air chillers, engine generators, modular data centers, and other similar equipment.
4. Intermodal shipping containers housing or supporting experimental equipment are exempt from the requirements of Section 3115, provided that they comply with all of the following:
  - 4.1. Such units shall be single stand-alone units supported at grade level and used only for occupancies as specified under Risk Category I in Table 1604.5.
  - 4.2. Such units are located a minimum of 8 feet (2438 mm) from adjacent structures, and are not connected to a fuel gas system or fuel gas utility.
  - 4.3. In hurricane-prone regions and flood hazard areas, such units are designed in accordance with the applicable provisions of Chapter 16.

**3115.2 Construction documents.** The construction documents shall contain information to verify the dimensions and establish the physical properties of the steel components and wood floor components of the intermodal shipping container, in addition to the information required by Sections 107 and 1603.

**3115.3 Intermodal shipping container information.** Intermodal shipping containers shall bear an existing data plate containing the following information as required by ISO 6346 and verified by an approved agency. A report of the verification process and findings shall be provided to the building owner.

1. Manufacturer's name or identification number.
2. Date manufactured.
3. Safety approval number.
4. Identification number.
5. Maximum operating gross mass or weight (kg) (lbs).
6. Allowable stacking load for 1.8G (kg) (lbs).
7. Transverse racking test force (Newtons).
8. Valid maintenance examination date.

Where approved by the building official, the markings and existing data plate are permitted to be removed from the intermodal shipping containers before they are repurposed for use as buildings or structures or as a part of buildings or structures.

**3115.4 Protection against decay and termites.** Wood structural floors of intermodal shipping containers shall be protected from decay and termites in accordance with the applicable provisions of Section 2304.12.1.1.

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**3115.5 Under-floor ventilation.** The space between the bottom of the floor joists and the earth under any intermodal shipping container, except spaces occupied by basements and cellars, shall be provided with ventilation in accordance with Section 1202.4.

**3115.6 Roof assemblies.** Intermodal shipping container roof assemblies shall comply with the applicable requirements of Chapter 15.

Exception: Single-unit, stand-alone intermodal shipping containers not attached to, or stacked vertically over, other intermodal shipping containers, buildings or structures.

**3115.7 Joints and voids.** Joints and voids that create concealed spaces between connected or stacked intermodal shipping containers at fire-resistance-rated walls, floor or floor/ceiling assemblies and roofs or roof/ceiling assemblies shall be protected by an approved fire-resistant joint system in accordance with Section 715.

**3115.8 Structural.** Intermodal shipping containers that conform to ISO 1496-1 and are repurposed for use as buildings or structures, or as a part of buildings or structures, shall be designed in accordance with Chapter 16 and this section.

**3115.8.1 Foundations.** Intermodal shipping containers repurposed for use as a permanent building or structure shall be supported on foundations or other supporting structures designed and constructed in accordance with Chapters 16 through 23.

**3115.8.1.1 Anchorage.** Intermodal shipping containers shall be anchored to foundations or other supporting structures as necessary to provide a continuous load path for all applicable design and environmental loads in accordance with Chapter 16.

**3115.8.2 Welds.** New welds and connections shall be equal to or greater than the original connections.

**3115.8.3 Structural design.** The structural design for the intermodal shipping containers repurposed for use as a building or structure, or as part of a building or structure, shall comply with Section 3115.8.4 or 3115.8.5.

**3115.8.4 Detailed design procedure.** A structural analysis meeting the requirements of this section shall be provided to the building official to demonstrate the structural adequacy of the intermodal shipping containers.

Exception: Intermodal shipping containers designed in accordance with Section 3115.8.5.

**3115.8.4.1 Material properties.** Structural material properties for existing intermodal shipping container steel components shall be established by material testing where the steel grade and composition cannot be identified by the manufacturer's designation as to manufacture and mill test.

**3115.8.4.2 Seismic design parameters.** The seismic force-resisting system shall be designed and detailed in accordance with one of the following:

1. Where all or portions of the corrugated steel container sides are considered to be the seismic force-resisting system, design and detailing shall be in accordance with the ASCE 7, Table 12.2-1 requirements for light-frame bearing-wall systems with shear panels of all other materials.

2. Where portions of the corrugated steel container sides are retained, but are not considered to be the seismic force-resisting system, an independent seismic force-resisting system shall be selected, designed and detailed in accordance with ASCE 7, Table 12.2-1.

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3. Where portions of the corrugated steel container sides are retained and integrated into a seismic force-resisting system other than as permitted by Item 1, seismic design parameters shall be developed from testing and analysis in accordance with Section 104.11 and ASCE 7, Section 12.2.1.1 or 12.2.1.2.

**3115.8.4.3 Allowable shear value.** The allowable shear values for the intermodal shipping container corrugated steel sheet panel side walls and end walls shall be demonstrated by testing and analysis in accordance with Section 104.11. Where penetrations are made in the side walls or end walls designated as part of the lateral force-resisting system, the penetrations shall be substantiated by rational analysis.

**3115.8.5 Simplified structural design of single-unit containers.** Single-unit intermodal shipping containers conforming to the limitations of Section 3115.8.5.1 shall be permitted to be designed in accordance with the simplified structural design provisions of Section 3115.8.5.2.

**3115.8.5.1 Limitations.** The use of Section 3115.8.5 is subject to the following limitations:

1. The intermodal shipping container shall be a single-unit, stand-alone unit supported on a foundation and shall not be in contact with or supporting any other shipping container or other structure.
2. The intermodal shipping container top and bottom rails, corner castings, and columns or any portion thereof shall not be notched, cut, or removed in any manner.
3. The intermodal shipping container shall be erected in a level and horizontal position with the floor located at the bottom.
4. The intermodal shipping container shall be located in Seismic Design Category A, B, C or D.

**3115.8.5.2 Simplified structural design.** Where permitted by Section 3115.8.5.1, single-unit, stand-alone intermodal shipping containers shall be designed using the following assumptions for the corrugated steel shear walls:

1. The appropriate detailing requirements contained in Chapters 16 through 23.
2. Response modification coefficient,  $R = 2$ .
3. Overstrength factor,  $\Omega_0 = 2.5$ .
4. Deflection amplification factor,  $C_d = 2$ .
5. Limits on structural height,  $h_n = 9.5$  feet (2900 mm).

**3115.8.5.3 Allowable shear.** The allowable shear for the corrugated steel side walls (longitudinal) and end walls (transverse) for wind design and seismic design using the coefficients of Section 3115.8.5.2 shall be in accordance with Table 3115.8.5.3, provided that all of the following conditions are met:

1. The total linear length of all openings in any individual side wall or end wall shall be limited to not more than 50 percent of the length of that side wall or end wall, as shown in Figure 3115.8.5.3(1).
2. Any full-height wall length, or portion thereof, less than 4 feet (305 mm) shall not be considered as a portion of the lateral force-resisting system, as shown in Figure 3115.8.5.3(2).

3. All side walls or end walls used as part of the lateral force-resisting system shall have an existing or new boundary element on all sides to form a continuous load path, or paths, with adequate strength and stiffness to transfer all forces from the point of application to the final point of resistance, as shown in Figure 3115.8.5.3(3).

4. Where openings are made in container walls, floors or roofs, for doors, windows and other openings:

4.1 The openings shall be framed with steel elements that are designed in accordance with Chapters 16 and 22.

4.2 The cross section and material grade of any new steel element shall be equal to or greater than the steel element removed.

5. A maximum of one penetration not greater than 6 inches (152 mm) in diameter for conduits, pipes, tubes or vents, or not greater than 16 square inches (10 323 mm<sup>2</sup>) for electrical boxes, is permitted for each individual 8-foot (2438 mm) length of lateral force-resisting wall. Penetrations located in walls that are not part of the lateral force-resisting system shall not be limited in size or quantity. Existing intermodal shipping container vents shall not be considered a penetration, as shown in Figure 3115.8.5.3(4).

6. End wall doors designated as part of the lateral force-resisting system shall be welded closed.

TABLE 3115.8.5.3 ALLOWABLE SHEAR VALUES FOR INTERMODAL SHIPPING CONTAINER CORRUGATED STEEL WALLS FOR WIND OR SEISMIC LOADING

<u>CONTAINER DESIGNATION<sup>b</sup></u>	<u>CONTAINER DIMENSION (nominal length)</u>	<u>CONTAINER DIMENSION (nominal height)</u>	<u>ALLOWABLE SHEAR VALUES (PLF)<sup>a,c</sup></u>	
			<u>Side Wall</u>	<u>End Wall</u>
<u>1EEE</u>	<u>45 feet</u>	<u>9.5 feet</u>	<u>75</u>	<u>84</u>
<u>1EE</u>		<u>8.5 feet</u>		
<u>1AAA</u>		<u>9.5 feet</u>		
<u>1AA</u>		<u>8.5 feet</u>		
<u>1A</u>		<u>8.0 feet</u>		
<u>1AX</u>		<u>&lt; 8.0 feet</u>		
<u>1BBB</u>	<u>30 feet</u>	<u>9.5 feet</u>	<u>112</u>	<u>843</u>
<u>1BB</u>		<u>8.5 feet</u>		
<u>1B</u>		<u>8.0 feet</u>		
<u>1BX</u>		<u>&lt; 8.0 feet</u>		

<u>1CC</u>		<u>8.5 feet</u>	
<u>1C</u>	<u>20 feet</u>	<u>8.0 feet</u>	<u>168</u>
<u>1CX</u>		<u>&lt; 8.0 feet</u>	
<u>1D</u>		<u>8.0 feet</u>	
<u>1DX</u>	<u>10 feet</u>	<u>&lt; 8.0 feet</u>	<u>337</u>

For SI: 1 foot = 304.8 mm.

- a. The allowable strength shear for the side walls and end walls of the intermodal shipping containers are derived from ISO 1496-1 and reduced by a factor of safety of 5.
- b. Container designation type is derived from ISO 668.
- c. Limitations of Section 3115.8.5.1 shall apply.

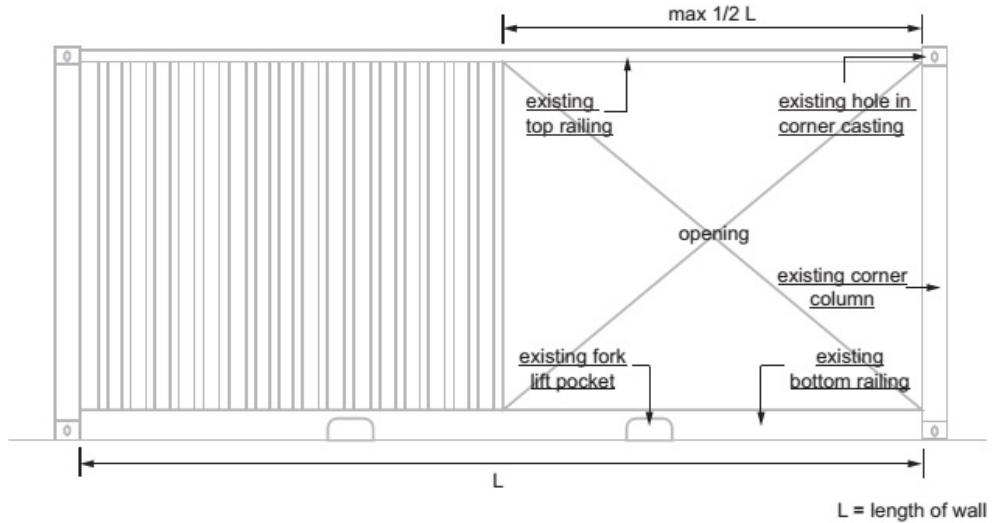
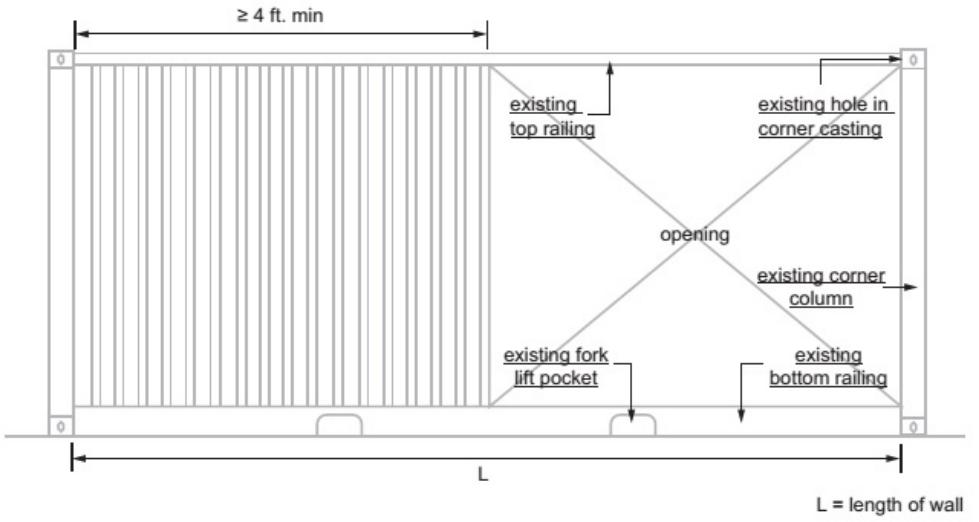
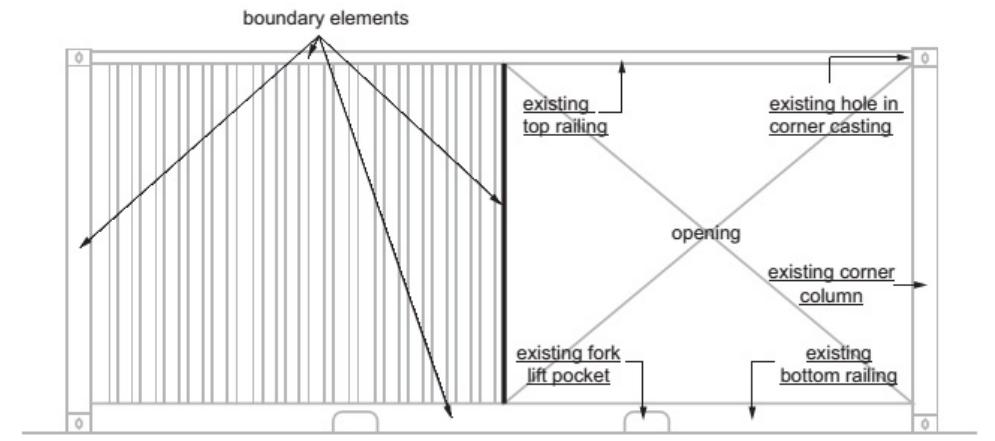


FIGURE 3115.8.5.3(1)BRACING UNIT DISTRIBUTION—MAXIMUM LINEAR LENGTH

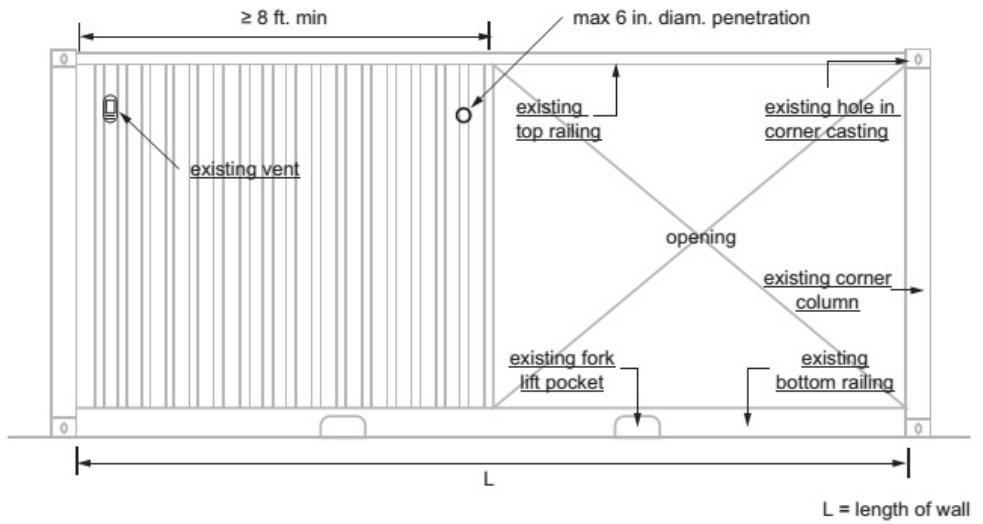


For SI: 1 foot = 304.8 mm.

**FIGURE 3115.8.5.3(2) BRACING UNIT DISTRIBUTION—MINIMUM LINEAR LENGTH**



**FIGURE 3115.8.5.3(3) BRACING UNIT DISTRIBUTION—BOUNDARY ELEMENTS**



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

**FIGURE 3115.8.5.3(4) BRACING UNIT DISTRIBUTION—PENETRATION LIMITATIONS**

(c) *Appendices.* The following appendices of the IBC are adopted: C, E, F, G, I, J, L, and N.

(Ord. No. 2002-06, art. 7-I-1, 4-9-2002; Ord. No. 2003-33, § 1, 12-9-03; Ord. No. 2008-10, § 1, 3-25-2008; Ord. No. 2009-22, § 1, 11-10-2009; Ord. No. 2010-11, § 1, 7-13-2010; Ord. No. 2021-04, § 1, 1-26-2021)



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3B. Recommend the adoption of the proposed amendments for the 2018 International Residential Code

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Section 26-32 of the 2018 International Residential Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Residential Code.

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## Sec. 26-32. International Residential Code, 2018 Edition.

(a) *Adoption.* The *International Residential Code, 2018 Edition* ("IRC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Residential Building Code for the City of Kerrville, Texas, 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 IRC is on file in the ~~office of the city secretary and within the city's department~~ ~~Development Services~~ ~~Development Services Services~~.

(b) *Amendments.* The IRC is amended as follows:

(1) Section 103 is amended in its entirety to read as follows:

~~Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division." R103.1 is deleted.~~

(2) Section R105 is amended by adding R105.1.1 to read as follows:

**R105.1.1 Contractor's license required.** Any person who is required by the IRC to make application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.

**Exceptions:** i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to obtain a single-permit license from the City prior to being issued a permit for the project.

(3) R105.2 is amended by deleting ~~exemption exemptions 2 and 5.~~ under "Building".

(4) R108.6 is amended in its entirety to read as follows:

**R108.6 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IRC or other applicable laws.

(5) Section R112 is amended in its entirety to read as follows:

~~Section R112. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IRC.~~

(56) Section R202 is amended by adding the following definitions:

**Occupancy.** The fact or condition of holding, possessing, or residing in for the purpose of using a building or structure for the intended use. Occupancy exists when any activity or use, other than construction work on the building itself, is conducted within or from the building or structure, including the primary business of the occupancy and any ancillary activity of the occupancy classification, such as bookkeeping, telephoning, holding meetings and the like.

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**Occupancy Classification.** The classifying of buildings or structures according to their proposed use for the purpose of determining construction requirements as they pertain to the *International Residential Code, International Electrical Code, International Mechanical Code, International Plumbing Code, International Energy Code, International Fuel Gas Code, International Fire Code*, and other City regulations. Occupancy classification takes place when plans and/or a permit application are received for review by the City or at the time that an existing building is changing occupancy type. The occupancy classification is determined by the Building Official.

(67) Tables R402.2 and R403.1(1) and (2) are amended to add the following specifications and tables:

*Footing design.* "Post-tension" tendonics cable-type foundations shall meet the following requirements, each of which shall be performed by a licensed engineer:

- (a) Submit complete layout of cable with all figures and calculations;
- (b) Inspect the installation immediately before pour along with City inspectors;
- (c) Conduct an on-site inspection while pour is in progress;
- (d) Supervise the pulling of the tendons along with City inspectors; and
- (e) Complete a certificate after completion that the above requirements have all been met, and submit same to City.

Minimum 2500 psi concrete placed with no more than a four-inch slump without admixtures or additives unless the mix is certified by a licensed engineer. Foundations shall be placed monolithically after the removal of all vegetation and compaction of placed fill. Reinforcing steel shall be clean and free of scale and extensive rust. No concrete shall be placed in conditions where the temperature is less than 40 degrees or where the temperature is expected to fall below 40 degrees within 24 hours unless provisions have been made to maintain a temperature of 40 degrees or greater for a period of at least 24 hours.

**Frame Construction:**

Exterior Beams Dimensions and Requirements	
Width	12" Minimum over all dimensions
Height	18" Minimum over all dimensions
Continuous Reinforcing	4 - #4 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Minimum 12" undisturbed soil

Interior Bearing Beams Width	
Width	12" Minimum over all dimensions
Height	16" Minimum over all dimensions
Continuous Reinforcing	2 - #4 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Into compacted fill

**Masonry Veneer Construction:**

Exterior Beams Dimensions and Requirements	
Width	12" Minimum over all dimensions
Height	24" Minimum over all dimensions

Continuous Reinforcing	4 - #5 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Minimum 12" undisturbed soil
<b>Interior Bearing Beams Width</b>	
Width	12" Minimum over all dimensions
Height	18" Minimum over all dimensions
Continuous Reinforcing	2 - #5 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Into compacted fill

Not less than six-inch by six-inch, #6 gauge wire mesh shall be used for the reinforcement of all foundations and monolithic slabs.

When beams exceed twenty-four (24) inches in height, a detail of the reinforcing steel shall be shown on the drawing.

The minimum thickness of concrete floor slabs supported directly on the ground shall not be less than four (4) inches. An approved vapor barrier of at least 0.060 polyethylene plastic or equivalent with twelve-inch overlap at seams shall be installed underneath all slabs under spaces to be occupied but excluding patios, sidewalks, and driveways.

Sidewalks shall have a minimum six-inch by six-inch, #6 gauge wire mesh with one (1) #4 bar steel around perimeter.

Concrete driveways shall have a minimum of six-inch by six-inch, #6 gauge wire mesh and one (1) #4 bar steel around perimeter.

(78) R905.7 is amended in its entirety to read as follows:

**R905.7 Wood shingles and shakes.** The installation of roof coverings shall comply with the provisions of this section.

**R905.7.1 New wood roofs prohibited.** Wood shingles and shakes are prohibited, are not allowed as an alternative material, and shall not be installed or used on any new construction or the re-roofing of any structure.

**R905.7.2 Repair of existing roofs.** Any existing structure which has wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the existing roof. Any percentage greater than twenty-five percent (25%) will be considered "re-roofing" in which event the use of wood shingles or shakes is prohibited as provided by R905.7.1. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken in an attempt to meet the definition of "repair".

(89) R905.8, including the subsections, is deleted.

(910) M1411.3 is amended in its entirety to read as follows:

**M1411.3 Condensate disposal.** Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to a place of disposal as approved by the Building Official. Condensate shall not be discharged into a street, alley, or other area so as to cause a nuisance or hazard. The condensate from any heating system, air conditioning system, or other source shall not be discharged into the sanitary sewer. Condensate shall discharge to the exterior, an adequately-sized French drain, or other location approved by the Building Official.

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**Exception:** an air conditioning system that meets all of the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. Eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. Each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and
3. Total condensate discharge may not exceed 15 gallons per day per lot or tract of land.

([1011](#)) Section P2501 is amended by adding P2501.1.1 to read as follows:

**P2501.1.1 Requirements not covered by IRC.** The Building Official may impose any requirement(s) necessary for the strength, stability, or proper operation of an existing or proposed plumbing system or to ensure the public safety, health, and welfare, not specifically covered by the IRC.

([1112](#)) P2503.8.2 is amended in its entirety to read as follows:

P2503.8.2 Reduced pressure principal, double check, double check detector, and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation or immediately after repairs or relocation. Any backflow assembly installed to protect from contamination or health hazard shall be tested annually.

([1213](#)) A new Section P2610 is added to read as follows:

## SECTION P2610. CROSS-CONNECTION (BACKFLOW) CONTROL.

**P2610.1 Applicability of section.** This section applies to anyone who receive potable water from the City. No water service connection from the City's public water supply system shall be allowed to any residence, establishment, or property where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination in accordance with state law. At any residence, establishment, or property where an actual or potential contamination hazard exists, the City will require additional protection at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified by the Texas Commission on Environmental Quality or its successor ("TCEQ"), and its *Rules and Regulations for Public Water Systems*, specifically Chapters 290 and Chapter 344 of the Texas Administrative Code; and this section. The City shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ, its rules, and this section.

**P2610.2 Responsibility.** The Manager shall be responsible for the protection of the public potable water distribution from contamination or pollution due to the backflow of contaminants or pollutants through each water service connection. If the Manager believes that an actual or potential contamination hazard exists, an approved backflow prevention assembly or device shall be required at each customer's water service connection or within the customer's private water system for the safety of the City's public water system.

### P2610.3 Definitions.

- (a) **Auxiliary water.** A water supply on or available to a building or establishment from a source other than the City's potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or a natural source(s) such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- (b) **City.** The City of Kerrville, Texas, or any authorized person acting on its behalf.

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- (c) **Contamination.** An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.
- (d) **Customer.** The person receiving potable water service from the City or another water purveyor.
- (e) **Health hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, the spread of disease, or has a high probability of causing such effects if introduced into the public water system.
- | (f) **Non-health hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water system.
- (g) **Person.** An individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and other legal entity, but does not include the City.
- (h) **Pollution.** The presence of any foreign substance that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.
- (i) **Portable water.** Water that complies with TCEQ rules for human consumption and other domestic uses.
- (j) **Private plumbing system.** The plumbing located between the point of delivery and the point of use including pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, recycle, store, or use potable water on a customer's premises.
- (k) **Public water system.** A system for the provision of piped water for human consumption as further defined in 30 Texas Administrative Code § 290.38, et seq., as amended.
- (l) **Reclaimed water.** Treated water from a wastewater treatment facility.
- (m) **Service connection.** The terminal end of a connection to the public water system, that is, the downstream end of the meter installed at the end of the service connection. There shall be no unprotected takeoffs from the service connection ahead of the meter and/or backflow prevention assembly.
- (n) **Used water.** Water supplied by a water purveyor from a public water system to a customer's water system that has passed through the point of delivery and is no longer controlled by the water purveyor.
- (o) **Utility.** Water and/or wastewater utility.
- (p) **Water purveyor.** A private owner, political subdivision, or other operator of a potable water system that supplies a minimum of 15 service connections or serves a minimum of 25 individuals for at least 60 days during a calendar year.

| **P2610.4 Landscape Irrigation.** A ~~double-check~~ backflow prevention assembly may be used for landscape irrigation if there are no conditions that present a health hazard.

**P2610.5 Rainwater Harvesting System.** Installation and use of a rainwater harvesting system shall comply with 30 TX. Administrative Code, §290.44, et seq., as amended.

**P2610.6. Customer Service Inspection.** The City shall complete a customer service inspection certificate of the customer's potable water system before providing service to prevent cross-connections between the customer's potable water system and contamination or pollution sources, in accordance with 30 TX. Administrative Code, §290.44, et seq., and as may be amended.

**P2610.7 Civil Remedies.**

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**P2610.7.1 Equitable relief.** The City Attorney may enforce this section by injunction, declaratory relief, or any other action at law or in equity. The Attorney may initiate a suit against the owner, tenant, or lessee of property or facilities that are the source of a violation of this section, to recover a civil penalty for each violation not to exceed \$2,000. Each day that a violation continues constitutes a separate violation. A person who violates this section shall be liable to the City for expenses, loss, or damage incurred by the City.

**P2610.7.2 Termination of service.** The Manager may terminate service in accordance with this section. The Manager may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired, or replaced as required by this section. The Manager may require submission of test and maintenance reports before the final release of water or wastewater inspections.

([1214](#)) Section P3002.1 is amended by adding a new exception as follows:

*Exception:* The use of SDR 35 and SDR 26 is prohibited except for those sizes six inches (6") and larger.

([1315](#)) Section P3002.2 is amended by adding a new exception as follows:

*Exception:* The use of SDR 35 and SDR 26 is prohibited except for those sizes six inches (6") and larger.

([1416](#)) Section P3005.2 is amended to add the following new section:

*P3005.2.12. Two-Way Cleanout Required.* The owner or occupant shall provide an approved two-way cleanout on the building sewer at the property line.

([1517](#)) *Tables P3107.3, P3108.3, and P3109.4* are amended by adding the following footnote to each table:

Fn: The minimum size of a vent serving a water closet shall be two inches (2").

([1618](#)) Section P2903.1 is amended by adding the following new subsection:

*P2903.1.1 Water service shut-off valve.* An approved shut-off valve shall be installed in the water service line at the customer side of the water meter upon installation of a new water service line or when any repair, addition, and/or alteration of the plumbing system is made which requires the water supply to the system to be turned off. NOTE: An owner, occupant, plumber, or any other individual other than a City employee is prohibited from operating, closing, opening, or tampering with the shut-off valve on the supply side (City side) of the water meter. Where it should become necessary for the shut-off valve on the supply side (City side) of the water meter to be turned off, the City shall be contacted to have the shut-off valve turned off. Any damage to the City's water supply system, including the shut-off valve, caused by any person other than a City employee attempting to operate, close, open, or tamper with the shut-off valve shall be charged to the customer served by the damaged system.

(c) *Appendices.* The following appendices of the IBC are adopted: A through E, G, H, J, M, N, and Q, and T."

(Ord. No. 2002-06, art. 7-I-2, 4-9-2002; Ord. No. 2003-33, § 2, 12-9-2003; Ord. No. 2008-10, § 2, 3-25-2008; Ord. No. 2009-22, § 2, 11-10-2009; Ord. No. 2021-03, § 1, 1-26-2021)



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3C. Recommend the adoption of the proposed amendments for the 2018 International Existing Building Code

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Section 26-41 of the 2018 International Existing Building Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Existing Building Code.

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## Sec. 26-41. International Existing Building Code, 2018 Edition.

(a) *Adoption.* The *International Existing Building Code, 2018 Edition* ("IEBC"), a publication of the International Code Council (I.C.C.), is adopted to the same extent as if such were copied verbatim in this article, subject to deletions, additions, and amendments prescribed in this article. A copy of the IEBC is on file ~~in the office of the city secretary and within the city's department~~Department of Development Services.

(b) *Amendments.* The IEBC is amended as follows:

- (1) All references to the ICC Electrical Code within the IEBC shall instead refer to the city's electrical code.
- (2) 101.4.2 and 1301.3.2 are amended by deleting the references to the International Property Maintenance Code ("IPMC"). Any other reference within the IEBC to the IPMC may be ignored as the City has neither adopted nor enforces the IPMC.
- (3) Section 103 is amended in its entirety to read as follows:

**Section 103 Building Inspection Division.** The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IEBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

- (4) 105.1.1 is amended in its entirety to read as follows:

105.1.1 Contractor's license required. Any person who is required by the IBC to make application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed one year and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.

- (5) 105.2 is amended by deleting exemption 1. under "Building".

- (56) 105.5 is amended by adding the following sentence at the end of the subsection:

~~The Code Official may grant a reasonable period of time to complete large projects that require an extended construction period.~~

- (67) 108.4 is amended in its entirety to read as follows:

108.4 Work commencing before permit issuance. The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

- (8) Section 112 is amended in its entirety to read as follows:

**Section 112. Building Board of Adjustment and Appeals.** Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IEBC.

- (9) Section 115 Unsafe structures and equipment is deleted in its entirety

- (710) Section 305 is amended by adding 305.1.1 to read follows:

**305.1.1 Standards.** All structures shall conform to the State of Texas Accessibility Standards.

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(811) Section 401 is amended by adding 401.2.1 to read as follows:

**401.2.1 Extent of repair for noncompliance buildings.** If the evaluation does not establish compliance of a pre-damaged building in accordance with 401.2, then the building shall be rehabilitated to comply with applicable provisions of the *International Building Code* "(IBC)" for load combinations, including wind. The wind design level for the repair shall be as required by the building code in effect at the time of original construction, unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the IBC, whichever is greater.

(912) ~~504.2 is amended by replacing the reference to twelve feet (12.0') in the last sentence with thirteen and one half feet (13.5').~~

(1013) ~~504.3, 504.4, and 504.5 are deleted.~~

(1114) 802.5.1 is amended by deleting "a loading dock" and replacing this phrase with "other elevated floor surface."

(1215) 803.1 is amended in its entirety to read as follows:

**803.1 Scope.** The requirements of this subsection are limited to work areas in which Level 2 alterations are being performed and only apply beyond the work area where specified on the approved drawings and specifications.

(1316) 906.3 is amended in its entirety to read as follows:

**906.3 Substantial structural alteration.** Where more than 30 percent of the total floor area and roof areas of the building or structure have been or are proposed to be involved in structural alteration within a 12-month period, the evaluation and analysis must demonstrate that the altered building or structure complies with the IBC for wind loading.

(1417) 1006.3 is deleted.

(1518) 1402.4 is deleted.

(Ord. No. 2010-12, § 1, 7-13-2010; Ord. No. 2021-05, § 1, 1-26-2021)



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3D. Recommend the adoption of the proposed amendments for the 2017  
National Electric Code

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Section 26-61 of the 2017 National Electric Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2017 National Electric Code.

## ***ARTICLE III. ELECTRICAL CODE<sup>1</sup>***

### **Sec. 26-61. National Electrical Code, 2017 Edition.**

- (a) *Adoption.* The *National Electrical Code, 2017 Edition* ("NEC"), is adopted and designated as the Electrical Code for the City of Kerrville, Texas, 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 NEC is on file ~~in the office of the City Secretary and~~ within the city's ~~Department of Development~~ Development Services.
- (b) *Compliance.* No electrical work performed within the city shall be approved unless the work is in strict conformity with this section, state laws, and Chapter 26 of this Code of Ordinances.
- (c) *Applicability to the International Residential Code.* The NEC shall serve as the electrical provisions of the *International Residential Code* ("IRC").
- (d) *Amendments.* The NEC is amended as follows:
  - (1) Section 80.2 of Annex H is amended in its entirety to read as follows:

*Authority Having Jurisdiction* (AHJ) shall mean an organization, office, or individual responsible for enforcing the requirements of the NEC or for approving equipment, materials, an installation, or a procedure. The City's Chief Building Official or designee, and known as the "Code Official", is hereby designated as the AHJ and is authorized to interpret and enforce the provisions of the NEC.
  - (2) Sections 80.3, 80.5, 80.15, 80.25, 80.27, 80.31, 80.33, and 80.35 of Annex H are deleted.
  - (3) Section 80.19 of Annex H is amended in its entirety to read as follows:

**Section 80.19 ADMINISTRATION AND ENFORCEMENT.** Permits and approvals shall conform as follows:

    - (A) *Application.*
      - (i) *Scope of Permit.* Activity authorized by a permit issued under the NEC shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of the NEC and in accordance with the approved plans and specifications. No permit issued under the NEC shall be interpreted to justify a violation of any provision of the NEC or any other law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the AHJ as evidenced by the issuance of a new or amended permit.
      - (ii) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the AHJ.
    - (B) *Content.* Permits shall be issued by the AHJ and shall bear the name and signature of the AHJ or the designated representative of the AHJ. In addition, the permit shall include the following:
      - (i) Operation or activities for which permit is issued;

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<sup>1</sup>Editor's note(s)—Ord. No. 2009-20, § 1, adopted Nov. 10, 2009, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 26-61—26-88, pertained to similar subject matter, and derived from Ord. No. 2002-06, § 1(arts. 7-II-1—7-II-29), adopted Dec. 9, 2003.

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- (ii) Address or location where the operation or activity is to be conducted;
- (iii) Name and address of the permittee;
- (iv) Permit number and date of issuance;
- (v) Period of validity of the permit; and
- (vi) Inspection requirements.

(C) *Issuance of Permits.* The AHJ shall be authorized to establish and issue permits, certificates, notices, and approvals or orders pertaining to electrical safety hazards pursuant to Section 80.23, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

- (i) Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device;
- (ii) The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus; or,
- (iii) Changes in occupancy within the same occupancy group, as established by the Building Code, which is adopted by the City and cited within Chapter 26 of the Code of Ordinances, shall not require upgrading the existing structure to the NEC. Additionally, where the Code Official determines that change in occupancy to another group does not increase the hazard level based on life and fire risk and the structure was constructed to the then current codes, there shall be no requirement to upgrade the existing structure to newer or more stringent codes unless there is an existing health or safety hazard present.

(D) *Fees.* The City shall assess fees in accordance with its adopted fee schedule.

(E) *Inspection and Approvals.*

- (i) Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Code Official, who shall inspect the work within a reasonable time.
- (ii) Where the Code Official finds the installation to be in conformity with the NEC, the Code Official shall issue to the person, firm, or corporation making the installation a certificate of approval authorizing connection.

(F) *Revocation of Permits.* Revocation of permits shall conform to the following:

- (i) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of the NEC is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.
- (ii) Any attempt to defraud or otherwise deliberately or knowingly design, install, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by the NEC is prohibited. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by City. In addition, any such violation shall be subject to any other criminal or civil penalties.

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- (iii) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.
- (iv) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of the NEC, and before such permit has been reinstated or a new permit issued, shall violate the NEC.
- (v) A permit shall be predicated upon compliance with the requirements of the NEC and shall constitute written authority issued by the AHJ to install electrical equipment. Any permit issued under the NEC shall not take the place of any other license or permit required by other regulations or laws of the City.
- (vi) The AHJ may require an inspection prior to the issuance of a permit.
- (vii) A permit issued under the NEC shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(G) *Applications and Extensions.* Applications and extensions of permits shall conform to the following:

- (i) The AHJ shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.
- (ii) Applications for permits shall be made to the AHJ on forms provided by the jurisdiction and shall include the applicant's answer in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, and so forth.
- (iii) The AHJ shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the AHJ, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

(4) Section 80.23(B) of Annex H is amended in its entirety to read as follows:

(B) *Penalties.* It shall be unlawful for any person, firm, or corporation to violate any of the provisions of the NEC. Penalties for violations of the NEC are set forth in the City Code.

(5) Section 80.29 of Annex H is amended in its entirety to read as follows:

**80.29 Liability.** Neither the City nor its employees or agents charged with the enforcement of the NEC shall be liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. The NEC shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the City be held as assuming any such liability by reason of the inspections authorized by the NEC or any permits or certificates issued under the NEC.

(6) Section 230.28 is amended in its entirety to read as follows:

**230.28 Service Masts as Supports.** Where a service mast is used for the support of service-drop conductors, it shall be of adequate strength or be supported by braces or guys to safely withstand the strain imposed by the service drop. Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to

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be attached to a service mast. All service risers shall be made of rigid metallic conduit, intermediate metal conduit, or electrical metallic tubing subject to the following specifications:

**(A) Drops of 30 Feet or Less.** Service risers that penetrate a roof and have a service drop of thirty feet (30.0') or less shall be made of rigid metallic conduit or intermediate metal conduit of not less than two inches (2.0") in diameter; and

**(B) Drops Exceeding 30 Feet.** Service risers that penetrate a roof and have a service drop of more than thirty feet (30.0') shall be made of rigid metallic conduit or intermediate metal conduit of not less than two inches (2.0") in diameter.

(7) Section 314.3 is amended in its entirety to read as follows:

**314.3. Nonmetallic Boxes.** Nonmetallic boxes shall be permitted only with open wiring on insulators, concealed knob-and-tube wiring, cabled wiring methods with entirely nonmetallic sheaths, flexible cords, and nonmetallic raceways.

(8) Section 320.12 is amended by adding the following prohibited use:

(6) Where the cable exceeds twenty-five feet (25.0') in length.

(9) Section 338.12 is amended by adding the following:

**(C) Additional Uses Not Permitted.** In no instance shall Type SE and Type USE cable be used in structures used for commercial purposes, other than apartments of three stories or less, and in compliance with "Assembly" classification restrictions.

(10) Section 340.12 is amended by adding the following prohibited uses:

(12) In structures used for commercial purposes, other than apartments of three stories or less, and in compliance with "Assembly" classification restrictions.

(11) Section 352.12 is amended by adding the following:

**352.12 Uses Not Permitted.** PVC conduit shall not be used under the conditions specified in 352.12(A) through (G).

(12) Section 680.62 is amended by adding the following:

**(G) Accessibility.** Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

(13) Section 680.71 is amended by adding the following sentence at the end of the section:

Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

(Ord. No. 2009-20, § 1, 11-10-2009; Ord. No. 2021-05, § 2, 1-26-2021)

## Sec. 26-62. Definitions and interpretation of words and phrases.

(a) *Supplemental definitions.* For purposes of this article and the NEC, the following words and phrases, which are in addition to those definitions set forth in Chapter 1, Article 100 and Appendix H of the NEC, shall have the meanings prescribed below:

- (1) *Approved or approval.* Inspected and accepted by the chief building official as having met the requirements of this article.
- (2) *Agent.* An individual employed by an electrical contractor who has been authorized in writing as provided herein to apply for permits in the name of the electrical contractor.

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- (3) *Board*. The Building Board of Adjustments and Appeals of the City of Kerrville, Texas.
- (4) *Chief building official*. The officer or other designated authority charged with the administration and enforcement of the NEC, or a duly authorized representative. For the purpose of the NEC, the code official shall be the chief building official.
- (5) *City*. The City of Kerrville, Texas.
- (6) *Construction meter*. A source of temporary power at the permanent meter location for construction purposes.
- (7) *Conviction*. A final determination of guilt in municipal court or any other court which has jurisdiction, or the forfeiture of a bail, recognizance or appeal bond.
- (8) *Electrical contractor*. A person defined as an electrical contractor under Chapter 1305 of the Texas Occupations Code (Texas Electrical Safety and Licensing Act).
- (9) *Electrical inspector*. City building inspectors having been appointed to this position by the chief building official, to enforce the provisions of this article.
- (10) *Fire limits*. The fire limits of the City of Kerrville, Texas as defined in chapter 50 of this Code of Ordinances.
- (11) *Major household appliance*. A cord and plug connected or permanently connected utilization equipment, generally other than industrial, normally built in standardized sizes or types, one-third horsepower or greater, rated at 120 volts with a full-load rating of 720 volt-amperes (VA) or more, and installed or connected to perform as one unit. Major household appliances shall include the following: whole house attic fan; 110-volt room air conditioner; bath heater (HVL); compactor; dishwasher; disposal; central vacuum cleaner system; freezer; hot water dispenser; water heater; kiln; refrigerator; sump pump; microwave; space heater; clothes dryer; garage door opener with motor of one-half horsepower or greater.
- (12) *Minor addition*. The addition of floor coverings, painting, ceilings, and the interior non-structural walls, not including demising or fire walls between tenant spaces that do not require the addition of plumbing, mechanical equipment, fuel gas, or electrical components nor shall this reduce accessibility below what is required by state and federal law.
- (13) *National Electrical Code, code, or NEC*. The National Electrical Code, 2008 Edition, promulgated by the National Fire Protection Association, Inc.

(b) *Interpretation of words and phrases*. Unless otherwise defined or the context indicates a different meaning, the words and phrases used in this article, including the words and phrases used in the National Electrical Code, shall have their common meaning. Words relating to the use of buildings and their structural or mechanical systems, when not otherwise separately defined in this article, shall have the meaning given such words or phrases found within the appropriate building codes adopted by the city.

(Ord. No. 2009-20, § 1, 11-10-2009; Ord. No. 2010-15, § 2, 7-27-2010)

## **Sec. 26-63. Reserved.**

Editor's note(s)—Section 3 of Ord. No. 2010-15, adopted July 27, 2010, deleted § 26-63, which pertained to electrical board of adjustments and appeals, and derived from Ord. No. 2009-20, adopted Nov. 10, 2009.

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## Sec. 26-64. Licensing and registration of electricians.

- (a) *License and registration required.* Except as otherwise provided in this article, it shall be unlawful for any person to perform electrical work or hold himself out to the public as being authorized to perform electrical work within the corporate limits of the city, unless such person is licensed by the State of Texas and registered with the city.
- (b) *Exemptions from licensing requirements.* A person is not required to be licensed in accordance with this article prior to performing the following electrical work:
  - (1) A homeowner requesting a permit to make electrical repairs or other alterations to his homestead, if the work is performed exclusively by the homeowner and the dwelling is the homeowner's residence.
  - (2) The replacement of lamps, fuses, switches or the connection of cord-and-plug connected portable devices to suitable receptacles which have been permanently installed according to the provisions of this article.
  - (3) The installation, alteration, or repair of wiring, devices, appliances or equipment for the operation of a control signal or the transmission of messages, where such wiring, devices, appliances, or equipment:
    - a. Operate at a voltage not exceeding 30 volts between conductors; and
    - b. Does not include lighting systems operating at less than 30 volts or generating or transforming equipment.
  - (4) The installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for an electrical public utility when for the use of such utility in the generation, transmission, distribution, or metering of electrical energy, or for the use of such utility in the operation of control signals or the transmission of messages.
  - (5) Work performed by a person licensed by the State of Texas as an air conditioning contractor to:
    - a. Replace and reconnect environmental air conditioning, commercial refrigeration, process cooling or heating systems, or component parts of the same or lesser amperage; or
    - b. After making application for and receiving an electrical permit, install an electrical disconnect directly adjacent to or on the replacement system when the electrical disconnect has not been previously installed and is otherwise required by this article.
- (c) *Required registration of electrical contractors.* Each electrical contractor doing electrical work within the city shall register with the city. At the time of registration, an electrical contractor shall designate the name(s) of the master electrician(s) employed by the contractor. Except as otherwise provided in this subsection, an electrical contractor must employ a master electrician at all times. The electrical contractor is not required to employ a master electrician if the electrical contractor is a master electrician. The electrical contractor shall register with the city by submitting a form furnished by the chief building official which shall contain as a minimum the following information:
  - (1) The full name, date of birth, race, sex, residence and business address of the applicant;
  - (2) State of Texas contractor license information;
  - (3) Valid picture identification, such as a Texas Driver's License;
  - (4) The full name, date of birth, race, sex, residence and business address of any agent(s) of the electrical contractor who is (are) allowed to obtain permits on behalf of the electrical contractor; and
  - (5) Proof of assumed name or letter of incorporation.

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(d) *Notification of changes; updates.* An electrical contractor shall notify the chief building official of any changes made to the information submitted as part of the registration within 30 days of the change becoming effective. The electrical contractor shall also be responsible for keeping a current copy of his/her state license on file with the city. Permits may be withheld if the city does not have a copy of the electrical contractor's current and valid license.

(Ord. No. 2009-20, § 1, 11-10-2009)

## **Sec. 26-65. Permits.**

(a) *One permit per installation.* There shall only be one permit issued or outstanding at the same time for any one installation of electrical equipment or associated wiring.

(b) *Connection to power source.* No meter loop shall be connected to any electrical distribution service company system operating in the city unless a permit has been issued and all required fees paid.

(c) *Exceptions to permitting.* No electrical permit shall be required for the following:

- (1) Maintenance work for making minor repairs, such as replacement of lamps, sockets, fuses, drop cords, snap switches, or other similar items;
- (2) The connection of cord-and-plug connected portable electrical equipment to suitable receptacles which have been permanently installed according to the provisions of this article;
- (3) The replacement of a motor by another motor of the same horsepower and rating, solenoid valves, low pressure controls, or other controls when the electrical supply to same is or has been properly installed according to the provisions of this article;
- (4) The installation of electrical conductors or equipment to be installed by or for a public utility in the generation, transmission, sale or use of electrical energy as outlined in its franchise; nor for the use of such conductors in the transmission of messages; or
- (5) Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent writing.

(Ord. No. 2009-20, § 1, 11-10-2009)

## **Sec. 26-66. Issuance of permits.**

(a) *Permit applications.* An application for a permit shall be made in writing upon forms provided by the city and shall contain:

- (1) The date the application was submitted;
- (2) The name of person under whose authority the application is made;
- (3) The name of the person actually presenting the application to the city;
- (4) The exact address where the work is to be done;
- (5) A description of the work to be performed;
- (6) Signature of person receiving the application;
- (7) Time and date that such application is actually received by the city;
- (8) Other pertinent information required by the chief building official.

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- (b) *Submission of plans and specifications.* When deemed necessary to accomplish the objective of this article, the chief building official may require a person applying for a permit under this article to submit plans, specifications, service and sub-panel loads, equipment locations, riser diagrams, and complete branch circuit and feeder layouts of large or special installations of electrical work. The plans or diagrams shall show the manner in which the electrical installation is to be made, or the character of any of the repairs to any existing electrical installations. When plans, specifications, diagrams, locations and layouts are required pursuant to this section, a person shall not install any part of the electrical system which is the subject of the permit application until the chief building official approves the installation.
- (c) *When applications accepted.* Applications for permits shall only be accepted when presented during normal working hours of the city. Applications shall be presented in person.
- (d) *Approval and disapproval of permits.* When the chief building official finds the application to be correct and the diagram, plans, and specifications are approved, and when the required fees have been paid, he/she shall cause the permit to be issued. Upon receipt of such permit, the electrician may start the proposed job and make the installation described in his application, requesting inspection by the electrical inspector in the proper sequence, as the work progresses. If the plans relating to electrical fixtures, equipment, or wiring, and the application herein before required are found to be incorrect or faulty, they shall be disapproved and the chief building official shall notify the applicant, listing necessary corrections.

(Ord. No. 2009-20, § 1, 11-10-2009)

### **Sec. 26-67. Persons eligible to obtain permits.**

Except as otherwise specifically provided in this article, permits shall be issued only to:

- (1) An electrical contractor;
- (2) An agent acting on behalf of an electrical contractor is allowed to obtain permits on behalf of the electrical contractor, provided the agent is listed on the electrical contractor's registration form; or
- (3) A homeowner, performing the electrical work with his/her own hands only at the location of their homestead property

(Ord. No. 2009-20, § 1, 11-10-2009)

### **Sec. 26-68. Prohibited acts; transfer of permits.**

Except as otherwise specifically provided in this article, no person shall:

- (1) Obtain a permit in the name of another person;
- (2) Allow another person to obtain a permit in such other person's name;
- (3) Do or perform any electrical work under a permit issued to another person; or
- (4) Allow another person to do or perform any electrical work under the permit issued to such other person's name.

(Ord. No. 2009-20, § 1, 11-10-2009)

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## **Sec. 26-69. Permits for partial jobs.**

- (a) *Separate permit required.* A separate permit is required when one electrical contractor completes in whole or in part electrical work on any electrical installation of fixtures, equipment, conduit, or wire started by another electrician.
- (b) *Separate permit fee paid.* When a permit is obtained to complete work under this article, a separate permit fee must be paid for the second permit, which fee shall be the same as the original permit fee.
- (c) *Responsibility for work.* Each permit holder shall be held responsible only for the work installed by him.
- (d) *Notice prior to issuance.* A permit may not be issued to a second electrician in accordance with this article for the completion of a job until the fourth day after the chief building official notifies the electrician to whom the original permit was issued that a request for a second permit has been made and the original permit holder does not recommence the work.

(Ord. No. 2009-20, § 1, 11-10-2009)

## **Sec. 26-70. Permit fees.**

- (a) *Specified work.* The permit fees required to be paid pursuant to this article shall be as established from time to time by the city council.
- (b) *Payment of permit and inspection fees.* The permit and inspection fees provided for in this article shall be paid to the city before the issuance of a permit and before any work is begun.
- (c) *Fee for failure to obtain permit prior to starting work.* When an application for a permit is submitted to the city after the work for which the permit is required has commenced, an additional fee shall be required. Utilization of the remedy provided herein does not constitute an election of remedies for future incidents, nor does such use constitute a waiver of the city's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including but not limited to, criminal prosecution under applicable provisions of the NEC and/or this Code of Ordinances.
- (d) *Compliance required for late issued permit.* The payment of the fees shall not relieve any person from fully complying with the requirements of this article in the execution of the work, nor from any other penalties prescribed herein.

(Ord. No. 2009-20, § 1, 11-10-2009)

## **Sec. 26-71. Term of permits.**

- (a) *Expiration generally.* All permits for electrical work shall expire and become null and void:
  - (1) Six months after the issue date if the work authorized by the permit is not commenced within by that date;
  - (2) One year after the date of issuance if the work authorized by the permit is suspended or abandoned on or before that date and has not recommenced; or
  - (3) On a date commensurate with the time required for completion of the electrical work in the usual course and performance of similar work as determined by the chief building official if the chief building official finds that the time specified in (b), above, would be inadequate in the usual course for the completion of such work.

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- (b) *Extension of permit expiration date.* The chief building official may extend the expiration date of a permit upon finding that extraordinary circumstances beyond the control of the permit holder has made it impossible to complete the work before the specified expiration date.
- (c) *Failure to obtain extension.* It shall be a violation for a person who has been issued a permit pursuant to this article to:
  - (1) Fail to apply for an extension of the term of a permit in order to complete the work; or
  - (2) Request a final inspection after the expiration date of the permit.
- (d) *Work to cease on permit expiration.* After the expiration date of a permit, no electrical work shall be done nor shall final approval of the electrical work be given by the chief building official until an extension of the permit is obtained or a new permit is issued.
- (e) *Other penalties not affected.* The extension of a permit pursuant to this article, including an extension granted retroactively, shall not affect the ability of the city to seek and impose penalties which may be applicable under other provisions of this article.

(Ord. No. 2009-20, § 1, 11-10-2009)

## **Sec. 26-72. Inspection required.**

- (a) *Authorization for connection.* If electrical work for which a permit is obtained complies with the requirements of this article, the chief building official shall immediately take the necessary action to allow the utility company to connect such electrical work to a source of power. No electrical work shall be connected to the electric utility until such electrical work is completed and all wiring, conduit, fixtures, service panels, equipment and appurtenances have been inspected, accepted and approved by the chief building official.
- (b) *Nonconforming work; corrections.* The electrician to whom the permit was issued shall be notified in writing by the chief building official of the defects existing, who shall make such corrections not later than 30 days after the date of notice. Failure to make corrections in defective work within the time required shall constitute a violation of this article.
- (c) *Failure to make corrections; non-issuance of permits.* In addition to any other penalties hereunder, no permits for electrical work shall be issued to an electrician until the defects determined by the chief building official to exist on another job are corrected and approved by the chief building official.
- (d) *Concealing service or circuits prohibited prior to inspection.* It shall be unlawful for the permit holder, or any person having charge of the construction, alteration, or repair of any building:
  - (1) To cover or conceal, or to cause to cover or conceal, any electrical work for which a permit has been issued before such electrical work has been inspected or approved by the chief building official; or
  - (2) To connect or cause to be connected to an electrical utility any electrical work for which a permit has been issued before such electrical work has been inspected or approved by the chief building official.
- (e) *Advance notice required.* All requests for the inspection of electrical work for which a permit has been issued shall be made as soon as practical before the electrical work concerned is to be concealed or connected to power, as the case may be.
- (f) *Reinspection.* When any electrical work is reported to the chief building official as ready for inspection and upon such inspection the electrical work does not meet the requirements of this article, written notice shall be given to the electrician to whom the permit was issued of the defects existing. The electrician shall correct such defects promptly and deliver a written request for re-inspection to the chief building official. A

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reinspection fee shall be charged for each additional reinspection required as a result of corrections not being made as instructed on previous inspections.

- (g) *Periodic inspections; removal of hazards.* When electrical work is deemed by the chief building official to create a dangerous or unsafe condition, the chief building official shall have authority to notify the person owning, using, or operating such electrical work and direct that such be placed in a safe, secure, and operative condition. Any person failing, neglecting, or refusing, within a reasonable time, to make the necessary repairs or changes and have the necessary work completed within a reasonable time after the receipt of such notice shall be deemed guilty of a violation of this article, and every day which shall elapse after the expiration of such reasonable time until such dangerous or unsafe conditions are repaired, removed, or changed as required by the chief building official shall be considered a separate offense within the intent and meaning of this article.
- (h) *Procedure when contract does not cover completion.* When a permit holder does not have the contract for finishing the electrical work covered by a permit issued to him, the master electrician shall deliver his final inspection request in writing when his part of the electrical work is completed, and shall describe in writing the part of the electrical work installed by him.
- (i) *Final inspection required.* When any electrical work for which a permit is required has been installed, the master electrician to whom the permit was issued shall deliver to the electrical inspector a written request for final inspection. The chief building official shall inspect such electrical work as soon as practical after receipt of the written request.
- (j) *Final inspection request.* A request for final inspection shall be made by:
  - (1) The electrician to whom a permit was issued;
  - (2) The general contractor as identified on the building permit for the project; or
  - (3) If the electrician to whom the permit was issued fails or refuses to make the request, the owner or person in control of the premises on which the electrical work has been performed, may make the request.
- (k) *Certificate to be issued upon approval.* A written certificate of approval shall be issued by the electrical inspector upon request of the electrician to whom the permit was issued regarding electrical work approved by the chief building official.
- (l) *Use or destruction of electrical inspection notices and seal(s).* It shall be unlawful for any person to use any seal or break, change, destroy, tear, mutilate, cover, or otherwise deface or injure any official notice or device attached to any work or device by an chief building official without the prior authorization of the chief building official.

(Ord. No. 2009-20, § 1, 11-10-2009)

### **Sec. 26-73. Construction meter connection.**

- (a) *Application required.* A written application for temporary release of utilities shall be required before an inspection may be preformed to connect a construction meter.
- (b) *Expiration date.* A construction meter permit shall be valid for a period of 30 days from the date of the application or satisfactory final inspection, whichever occurs first.
- (c) *Extensions.* The expiration date may be extended for a period of seven days with written notice to the city and approval of the chief building official.
- (d) *Name of service billing.* This service billing must be in the general or electrical contractors name.

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- (e) *Meter removal.* If the permit for a construction meter expires prior to a request for final inspection or a written request for an extension of the term of a permit, the city may cause the construction meter to be removed.

(Ord. No. 2009-20, § 1, 11-10-2009)

#### **Sec. 26-74. Identification marks to be used in installations.**

The maker's name, trademark, or other identification symbols, shall appear on all electrical materials, devices, equipment, and appliances used or installed pursuant to this article.

(Ord. No. 2009-20, § 1, 11-10-2009)

#### **Sec. 26-75. Interference with fire department, police department or fire escapes prohibited.**

No wire shall be installed, operated, or maintained over any street, alley, sidewalk, or building which is likely to interfere with the work of the fire department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes. On complaint of the chief building official, the interfering obstruction or hazardous wire shall be removed or properly rearranged in order to eliminate the potential interference. If any electrical work is deemed by the electrical inspector to be in conflict with or interfere with the work of the fire or police department, such electrical work shall be removed in a reasonable amount of time. Any person failing, refusing, or neglecting, to make the necessary repairs or changes and have the necessary work completed within a reasonable time after the receipt of such notice shall be deemed guilty of a violation of this article and every day which shall elapse after the expiration of such reasonable time until such conditions are removed, or changed as required by the chief building official shall be considered a separate offense within the intent and meaning of this article.

(Ord. No. 2009-20, § 1, 11-10-2009)

#### **Sec. 26-76. Administration; enforcement.**

- (a) *Administration.* The chief building official shall be the person primarily responsible for the administration of the provisions of this article.
- (b) *Enforcement.* A penalty for violation of this article shall be in accordance with the general penalty provisions contained in the general penalty provision of this Code of Ordinances.

(Ord. No. 2009-20, § 1, 11-10-2009)

#### **Secs. 26-77—26-120. Reserved.**



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3E. Recommend the adoption of the proposed amendments for the 2018 International Plumbing and Fuel Gas Code

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Sections 26-121 and 122 of the 2018 International Plumbing and Fuel Gas Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Plumbing and Fuel Gas Code.

## **ARTICLE IV. PLUMBING CODE<sup>1</sup>**

### **Sec. 26-121. International Plumbing Code, 2018 Edition.**

(a) *Adoption.* The *International Plumbing Code*, 2018 Edition ("IPC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Plumbing Code of the City of Kerrville, Texas, 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 IPC is on file ~~in the office of the city secretary and~~ within the ~~Department~~ Department of Development ~~Development services~~ Services.

(b) *Amendments.* The IPC is amended as follows:

(1) Section 103 is amended in its entirety to read as follows:

Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 106.1.1 is amended in its entirety to read as follows:

106.1.1 Contractor's license required. Contractor's license required. Any person who is required by the IPC to make an application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed exceeding one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such a license, an applicant shall provide proof of a \$5,000 surety bond.

Exceptions: i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to obtain a single-permit license from the City prior to being issued a permit for the project.

(3) 106.6.1 is amended in its entirety to provide as follows:

**106.6.1. Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

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<sup>1</sup>Editor's note(s)—Ord. No. 2003-30, §, adopted Dec. 9, 2003, repealed the former Art. IV, §§ 26-121—26-140, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter. For complete derivation, see the Code Comparative Table at the end of this volume.

State law reference(s)—Municipal regulation of plumbing, V.T.C.A., Local Government Code § 214.012.

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(24) Section 109 is amended in its entirety to read as follows:

Section 109. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IPC. Section 109-113 is deleted.

(35) 312.10.2 is amended in its entirety to provide as follows:

**312.10.2 Testing.** Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, spill-resistant vacuum breaker backflow preventer assemblies, and hose connection backflow preventers shall be tested at the time of installation and immediately after repairs or relocation. Any backflow assembly installed to protect from contamination or health hazard shall be tested annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

(46) 314.1 is amended in its entirety to provide as follows:

**314.1 Fuel-burning appliances.** Liquid combustion byproducts of condensing appliances shall be collected and discharged to a place approved by the City for disposal. Condensate may not be discharged into the sanitary sewer. Condensate piping shall consist of corrosion resistant material as approved by the City and may not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent slope).

(57) 314.2.1 is amended in its entirety to provide as follows:

**314.2.1 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a place approved by the City for disposal. Condensate shall not discharge into a street, alley, or any other area so as to potentially cause a nuisance. Condensate shall not be discharged into the sanitary sewer or into any building drain, fixture trap, vent, or other arrangement, which would convey the condensate to the City's wastewater system.

**Exception:** an air conditioning system that meets all of the following criteria may discharge the condensate generated by this unit(s) into the City's sanitary sewer:

1. A secondary system operating within a climate controlled structure. A primary unit is not eligible for an exception.
2. Each individual air handling unit may not generate more than 0.75 gallons per day of condensate during the summer months.
3. Total condensate discharge into the City's sanitary sewer may not exceed 15 gallons per day per lot or track of land.

(68) 608.1606.1 is amended by adding the following new subsection:

**608.1.1.606.1.1 Water Service Shut-Off Valve.** A shut-off valve approved by the City shall be installed in the water service line at the customer side of the water meter upon installation of a new water service line or when any repair, addition, and/or alteration of the plumbing system is made which requires the water supply to the system to be turned off. NOTE: An owner, occupant, plumber, or any other individual other than a City employee is prohibited from operating, closing, opening, or tampering with the shut-off valve on the supply side (City side) of the water meter. Where it is necessary for the shut-off valve on the supply side (City side) of the water meter to be turned off, the City shall be contacted to have the shut-off valve turned off. Any damage to the City's water system, including the shut-off valve, caused by any person other than a City employee attempting to operate,

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close, open, or tamper with the shut-off valve shall be charged to the customer served by the damaged system.

(79) 608.14 is amended in its entirety to provide as follows:

**608.14 Cross-connection (backflow) control.**

**608.14.1 Applicability of subsection.** This subsection applies to anyone who receives potable water from the City. No water service connection from the City's public water supply system shall be allowed to any building, establishment, or property where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination in accordance with state law and City ordinances. At any building, establishment, or property where an actual or potential contamination hazard exists, the City will require additional protection at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified by the Texas Commission on Environmental Quality or its successor ("TCEQ"), and its Rules and Regulations for Public Water Systems, specifically Chapters 290 and Chapter 344 of the Texas Administrative Code; and this subsection. The City shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ, its rules, and this subsection.

**608.14.2 Responsibility.** The Manager shall be responsible for the protection of the public potable water distribution from contamination or pollution due to the backflow of contaminants or pollutants through each water service connection. If the Manager believes that an actual or potential contamination hazard exists, an approved backflow prevention assembly or device shall be required at each customer's water service connection or within the customer's private water system for the safety of the City's public water system.

**608.18.3608.14.3 Definitions.**

- (a) **Air gap.** A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An air gap shall be at least twice the diameter of the water supply outlet, but in no event shall the air gap separation be less than two inches (2").
- (b) **Atmospheric vacuum breaker.** An assembly containing an air inlet valve, a check seat, and an air inlet port(s). The flow of water into the body causes the air inlet valve to close the air inlet port(s). When the flow of water stops the air inlet valve falls and forms a check valve against back-siphonage. At the same time it opens the air inlet port(s) allowing air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the assembly, but the assembly shall not be subjected to operating pressure for more than twelve (12) hours in any twenty-four (24) hour period. An atmospheric vacuum breaker is designed to protect against a non-health hazard (*i.e.*, pollutant) or a health hazard (*i.e.*, contaminant) under a back-siphonage condition only.
- (c) **Auxiliary water.** A water supply on or available to a building or establishment from a source other than the City's potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or a natural source(s) such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- (d) **Backflow.** The undesirable reversal of flow in a water system from a private plumbing system into the public water system whether caused by backpressure, back-siphonage, or a cross-connection.

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- (e) **Backflow prevention assembly.** An aggregation of devices designed and manufactured in conformance with the standards established by the American Water Works Association to prevent backflow into the potable water system, including reduced pressure backflow assemblies, double-check valve assemblies, pressure vacuum breaker assemblies, or an air gap separation.
- (f) **Backflow prevention device.** A device designed to prevent backflow into the potable water system.
- (g) **Backpressure.** Hydraulic or atmospheric pressure higher than the supply pressure, caused by a pump, elevated tank, boiler, or other means that may cause backflow.
- (h) **Back-siphonage.** A form of backflow caused by a reduction in hydraulic system pressure that causes a negative or sub-atmospheric pressure.
- (i) **City.** The City of Kerrville, Texas, or any authorized person acting on its behalf.
- (j) **Contamination.** An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.
- (k) **Cross-connection.** An actual or potential connection to a public or private water system through which it is possible to introduce contamination or pollution or any source of water treated to a lesser degree.
- (l) **Customer.** The person receiving potable water service from the City or another water purveyor.
- (m) **Double check detector backflow prevention assembly.** An assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves located at each end of the assembly and fitting with properly located resilient-seated test cocks. This assembly shall also be provided with a means to detect system leaks and/or unauthorized use(s) of the fire protection system.
- (n) **Health hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, the spread of disease, or has a high probability of causing such effects if introduced into the public water system.
- (o) **Human consumption.** Use by humans in which water can be ingested into or absorbed by the human body. Examples include drinking, cooking, brushing teeth, bathing, washing hands, washing dishes, and preparing food.
- (p) **Manager.** The person who is performing the duties of Manager or director of the City's water and wastewater system, as designated by the City Manager, or designee.
- (q) **Nonhealth hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water system.
- (r) **Person.** An individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and other legal entity, but does not include the City.
- (s) **Pollution.** The presence of any foreign substance that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.
- (t) **Potable water.** Water that complies with TCEQ rules for human consumption and other domestic uses.
- (u) **Potential contamination hazard.** A condition, which, by its location, piping or configuration, has a possibility of being used incorrectly, whether through carelessness, ignorance, equipment failure,

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or negligence. A backflow condition may be created by which contamination or pollution can be introduced into the public water system.

- (v) **Private plumbing system.** The plumbing located between the point of delivery and the point of use including pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, recycle, store, or use potable water on a customer's premises.
- (w) **Public water system.** A system for the provision of piped water for human consumption as further defined in 30 Texas Administrative Code § 290.38, et seq., as amended.
- (x) **Reclaimed water.** Treated water from a wastewater treatment facility.
- (y) **Reduced pressure backflow prevention assembly.** Two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and are equipped with properly located resilient-seated test cocks.
- (z) **Service connection.** The terminal end of a connection to the public water system, that is, the downstream end of the meter installed at the end of the service connection. There shall be no unprotected takeoffs from the service connection ahead of the meter and/or backflow prevention assembly.
- (aa) **Used water.** Water supplied by a water purveyor from a public water system to a customer's water system that has passed through the point of delivery and is no longer controlled by the water purveyor.
- (bb) **Utility.** Water and/or wastewater utility.
- (cc) **Water purveyor.** A private owner, political subdivision, or other operator of a potable water system that supplies a minimum of 15 service connections or serves a minimum of 25 individuals for at least 60 days during a calendar year.

**608.18.4608.14.4 Cross Connections Prohibited.** A person shall not:

- (a) Install a potable water supply that creates an actual or potential cross-connection or which allows, or may allow, used or polluted water, mixtures, or gasses, to enter potable water by back-siphonage, backpressure, or other means;
- (b) Connect to the public water system, water operated equipment, or water treating chemicals or substances to the public water system that may cause pollution or contamination of the public potable water supply unless the equipment is equipped with an approved backflow prevention device or assembly installed in accordance with the requirements of this subsection;
- (c) Connect, directly or indirectly, to the public water system an auxiliary water supply;
- (d) Connect to the public water system a mechanism or system designed to return water to the public water system;
- (e) Connect a reclaimed water system to the public water system or to the water system of a customer who receives water service from the public water system; or
- (f) Install any takeoffs from the service connection ahead of the backflow prevention assembly that would require protection.

**608.14.5 Backflow prevention assembly.** A person shall not install a backflow prevention assembly in a private plumbing system, fire protection system, process water system, irrigation system, or other private water distribution system connected to the public water system unless:

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- (a) The assembly has been designed, manufactured, and tested in accordance with the standards adopted by the American Water Works Association;
- (b) The assembly has been tested and listed as an approved backflow prevention assembly by the University of Southern California Foundation for Cross-connection Control and Hydraulic Research; and
- (c) The installation complies with the IPC.

**608.14.6 Customer Duties.**

- (a) A customer shall install new, replacement, or reconditioned backflow prevention assemblies and devices in accordance with the IPC.
- (b) No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as provided by this subsection and City Code. All permits required by the City to perform work in the right-of-way shall be obtained. A backflow prevention assembly required by this subsection may be installed upon or within any City right-of-way only if the owner proves to the City that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic, utilities, or public safety. The City retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.
- (c) Any assembly or portion of an assembly in a City right-of-way which extends aboveground shall be located no closer than eighteen inches (18") to the face of the curb. A property owner shall, at the request of the City and at the owner's sole expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for street or utility construction or repairs or for purposes of public safety.
- (d) A person commits an offense if the person installs or maintains a backflow prevention assembly in violation of this subsection.
- (e) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any City right-of-way after receiving a written order from the City to do so. A backflow prevention assembly installed or maintained in City right-of-way in violation of this subsection is declared to be a nuisance.
- (f) A customer shall submit to the Manager a test and maintenance report of a backflow prevention assembly upon installation or relocation. A water meter shall not be installed unless the customer has submitted a test and maintenance report.

**608.14.7. Special Hazards.**

- (a) A customer who installs testable backflow prevention assemblies that protect potable water from hazards to the health, safety, or life of humans or animals shall test the assemblies at least annually. Such tests must be performed by a certified backflow prevention assembly tester registered with the City.
- (b) A customer who connects to the public potable water system and adds chemicals or additives to automatic fire protection systems, standpipe systems, or privately owned fire hydrants shall install a reduced pressure detector backflow prevention assembly.
- (c) A customer who connects a dedicated fire line to the public potable water supply system and does not add chemicals or additives to the automatic fire protection system, standpipe systems or privately-owned fire hydrants, shall install a double check detector backflow prevention assembly.

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- (d) A customer who obtains potable public water from the public water system for use at a construction site shall install a reduced pressure backflow prevention assembly.
- (e) A customer who purchases water for the purpose of resale or distribution shall install a reduced pressure backflow assembly at the service connection. A backflow prevention assembly tester shall certify the installation and provide the certification to the Manager within 10 days after the installation.
- (f) A person using a water-hauling vehicle to take water from the public potable water system shall have a permanently installed air gap on the vehicle.

**608.14.8 Cost Recovery.** Upon application made in writing and approved by the City Manager, the City may arrange to recover the costs to purchase and install the assembly through monthly billing on the customer's utility bill, which shall include interest and any applicable fee. The Manager may establish a cost recovery period that does not exceed 36 months.

**608.14.9 Inspection and Testing of Backflow Prevention Assemblies.** A customer shall test backflow prevention assemblies as required by 30 Texas Administrative Code §290.44. The Manager may require additional testing by a registered, licensed backflow prevention assembly tester. The customer shall pay the cost of such testing only if the prior test has failed and shall repair, overhaul, or replace an assembly that fails a test and shall pay all costs of same. The customer shall keep records of tests, repairs, and overhauls and make the records available to the Manager within five days of a test, repair, or overhaul of a backflow prevention assembly.

**608.14.10 Removal or Replacement.** A customer shall not remove from use, relocate, or substitute another device or assembly without the approval of the Manager.

**608.14.11 Cross-Connection Survey For New Service.** The Manager shall conduct a cross-connection survey of the customer's potable water system before providing service to prevent cross-connections between the customer's potable water system and contamination or pollution sources.

**608.14.12 Maintenance responsibility.** The customer is responsible for general maintenance and upkeep of backflow prevention assembly. An owner, tenant, and/or lessee are jointly and individually responsible for maintenance.

**608.14.13 Registered/Licensed Backflow Prevention Assembly Tester.**

- (a) Backflow prevention assembly testers shall be licensed by the State.
- (b) In order to be qualified to test and repair backflow assemblies or devices within the City, licensed backflow prevention assembly testers shall register with the City prior to performing any such service. Such registration shall require that the tester provide written proof of current State certification. Such registration shall be updated upon renewal of state certification, or at any earlier time that there is any change in the registrant's license.
- (c) Licensed and registered backflow prevention assembly testers are qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service.
- (d) Licensed and registered backflow prevention assembly testers may test and repair assemblies on fire lines only if currently employed by a fire line contractor approved by the State Fire Marshal's Office.

**608.14.14 Proof of Equipment.**

- (a) A licensed backflow prevention assembly tester shall furnish the following evidence to show that the tester has the necessary tools and equipment to properly test and certify backflow prevention assemblies:

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- (i) A tester shall provide the serial number of each test kit to the Manager; and
- (ii) A tester shall:
  - A. Annually test each recorded test kit for accuracy;
  - B. Calibrate the test kit to a two percent accuracy factor; and
  - C. Maintain the test kit at a two percent accuracy factor.

- (b) A tester shall perform competent and accurate certifications of backflow prevention assemblies tested and submit the reports to the Manager. Such reports shall include a copy of the tester's current license.
- (c) A tester shall:
  - (i) Register test gauges used by the tester; and
  - (ii) List the registered serial numbers of test gauges on tests and maintenance reports before submitting the reports to the Manager.

**608.14.15 Quality Control.** The Manager may take the following quality control measures relating to a licensed backflow prevention assembly tester:

- (a) Retest a certified backflow prevention assembly; and
- (b) Notify the tester who has certified a backflow prevention assembly of test discrepancies.

**608.14.16 Revocation.** The Manager may revoke a tester's registration for:

- (a) Failure to register the serial number or calibrate gauges annually;
- (b) Three testing or reporting discrepancies within a two-year period, beginning with the first discrepancy, including:
  - (i) False, incomplete, or inaccurate reporting of test completion or certification of a backflow prevention assembly;
  - (ii) Use of inaccurate gauges;
  - (iii) Incomplete backflow tests and maintenance reports.

**608.14.17 Design Changes.** A certified tester shall not change the design or operational characteristics of an assembly during repair or maintenance.

**608.14.18 Public Water Supply System Personnel.** The City employee who tests a backflow prevention system under this subsection shall be licensed by the State as a backflow prevention assembly tester.

**608.14.19 Enforcement.**

**608.14.19.1 Right of Entry.** A City employee may enter a customer's property or facilities to inspect a cross-connection, backflow prevention assembly, or piping. The right of entry is a condition of the City providing water service, directly or indirectly, to a customer's property or facilities, whether within or outside the City limits, and is a condition of connection to the public water system.

**608.14.19.2 Inspections Outside City Limits.** A City employee may inspect a customer's potable water system, piping, or the records required under this Chapter or the rules of a governmental entity with which the City has an interlocal agreement for wholesale water services. The right of entry extends to public streets, easements, and private property on which public or private potable water systems are located.

**608.14.20 Offenses.** A person commits an offense if:

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- (a) The person commits or assists in the commission of a violation of this subsection;
- (b) The person is the owner, occupant, lessee, or manager of property or facilities that are the source of a violation of this subsection; or
- (c) The person obstructs or delays the City's access to a customer's property or facilities.

**608.14.21 Penalties for Repeated Violations.** If a person is convicted of two or more distinct violations of this subsection within one calendar year, the Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of an authorized reconnection charge as adopted by City Council within the City's fee schedule, and any other costs incurred by the City in discontinuing service. In addition, written assurance shall be given to the Manager that no additional violations will occur. Compliance with this subsection may also be sought through injunctive relief in District Court and the City Attorney is hereby authorized to initiate such actions. These remedies are cumulative of all other remedies and a choice to proceed under this provision does not operate as an election of remedies.

**608.14.22 Search Warrant.** If a customer refuses to allow the City access to a building, structure, property, or a private potable system connected to the public water system in order to regulate water connections in strict conformance with this subsection, the Manager may seek a court-ordered search warrant.

**608.14.23 Notice of Violation.**

- (a) The Manager may serve a written notice of violation on a person who has violated the conditions of registration as a certified tester, a plumbing permit, installation requirements of a backflow prevention assembly, or other requirement of this subsection.
- (b) Notice of violation shall inform the person that within five (5) days of receipt, the person receiving the notice shall provide the Manager a written explanation of the violation and a plan that includes specific corrective actions.
- (c) Submission of a proposed corrective plan does not relieve the person of criminal or civil liability for violations of this subsection.

**608.14.24 Nuisance.** Backflow entering or potentially threatening to enter the public water supply system is declared to be a nuisance and as such, the City, pursuant to authority granted by state law, shall regulate such activities within 5,000 feet beyond the City's limits.

**608.14.25 Civil Remedies.**

**608.14.25.1 Equitable Relief.** The City Attorney may enforce this subsection by injunction, declaratory relief, or any other action at law or in equity. The Attorney may initiate a suit against the owner, tenant, or lessee of property or facilities that are the source of a violation of this subsection, to recover a civil penalty for each violation not to exceed \$2,000. Each day that a violation continues constitutes a separate violation. A person who violates this subsection shall be liable to the City for expenses, loss, or damage incurred by the City.

**608.14.25.2 Termination of Service.** The Manager may terminate service in accordance with this subsection. The Manager may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required by this subsection. The Manager may require submission of test and maintenance reports before the final release of water or wastewater inspections.

**608.14.26 Water Purveyor.**

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- (a) A water purveyor has primary responsibility to prevent water from unapproved sources, or other substances, from entering the public potable water supply. A water purveyor shall not install or maintain a water service connection to a customer's water supply system within the purveyor's jurisdiction if a health, contaminant, plumbing or pollution hazard exists, or will potentially exist, unless the purveyor protects the potable water supply with a backflow assembly.
- (b) A water purveyor shall exercise reasonable care to ensure that the purveyor's customers have taken steps to protect the public potable water supply.
- (c) A water purveyor shall determine the degree of hazard to the public potable water supply presented by the purveyor's customers.
- (d) If, in the judgment of the Manager an actual or potential contamination hazard exists, the water purveyor shall require the purveyor's customer, at the customer's expense, to:
  - (i) Install an approved backflow prevention assembly;
  - (ii) To immediately test the assembly; and
  - (iii) Periodically test the assembly as required by this subsection and the IPC.

**608.14.27 Inspections.** The Manager may inspect or require an inspection of property or facilities, real property, or buildings connected to the public potable water system. An inspection shall include:

- (a) A survey of the property or facilities, real property, or buildings for cross-connections;
- (b) Inspection of existing backflow prevention assembly installation; and
- (c) Annual testing and certification of assemblies by a certified backflow prevention assembly tester.

(§10) 701.2 is amended by adding the following new subsections:

**701.2.1 Mandatory connection; general rule.** Unless an exception applies as specified below or the City has specifically authorized the use of on-site sewage facilities pursuant to a development agreement, whenever the public wastewater system is available within one-hundred feet (100.0') in horizontal distance from any property, as measured on the closest practicable route from the public wastewater system to the property line of the lot or property in question, that property and any improvements thereon shall be connected to and served by the public wastewater system. The cost of such connection shall be solely at the customer's expense.

**Exceptions:** Where such a property described above is using an on-site sewage facility (septic system), the property is not required to connect to the public wastewater system where the on-site sewage facility meets all of the following conditions:

- (a) The on-site sewage facility is licensed and is in full compliance with federal, state, and local laws;
- (b) The on-site sewage facility does not create any nuisance conditions, which would include:
  - (i) Sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between persons;
  - (ii) An overflow from a septic tank or similar device, including surface discharge from or groundwater contamination by a component of an on-site sewage facility; or
  - (iii) A blatant discharge from an on-site sewage facility;
- (c) Is in need of substantial repairs, "substantial repairs" being defined as any repair that exceeds 25% of the current replacement cost of the on-site sewage facility; and/or
- (d) There is not a change in the use of the property or an enlargement of that use.

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**701.2.2 Remediation of private sewage facility.** When any property previously connected to a private sewage facility is connected to the public wastewater system, the private sewage facility shall be abandoned, plugged, and disconnected in accordance with applicable law.

**701.2.3 City's right to connect property and recoup costs.** In the event that the required connection to the public wastewater system is not completed within 180 days of notification to the record owner of the property, in addition to any other rights, remedies, or penalties arising by virtue of the failure to connect, the City may plug and disconnect the private sewage facility on the property and may connect the property to the public wastewater system, including taking any and all actions necessary to complete every act required for such disconnection and connection, as provided for in this subsection.

**701.2.4 Required notice.** Prior to the City Manager taking the action permitted by 701.2.3, the record owner of the property shall be provided with a "Notice of Commencement," which shall be addressed to the record owner of the property and sent by certified mail, return receipt requested, to the owner's address as indicated on the tax records. Such notice shall be mailed at least thirty (30) days prior to commencement of the work and entry onto the property. If the City Manager has actual knowledge of an address for owner that is different from that listed in the tax records, notice by certified mail shall be sent to this address. A copy of such notice shall also be mailed or delivered to any tenant of the property. Evidence that notice was delivered or attempted to be delivered to the owner or tenant as directed above shall constitute proof that sufficient notice was given.

**701.2.5 Information contained within notice.** The notice required by 701.2.4 shall contain the following information:

- (a) The date and time that entry onto the property and commencement of the work will occur, and the estimated time it will take to complete the work;
- (b) A general description of the work to be done;
- (c) The address and legal description of the property on which the work is to be done;
- (d) An estimate of the costs and expense for completion of the work;
- (e) A statement that the work has been necessitated by the owner's failure to comply with this subsection and that the owner shall be held liable for all costs of the work. The statement shall also provide that the owner shall pay the entire cost of the work within 120 days after receipt of a request for payment for these costs and failure of the owner to make payment as required will result in an assessment lien being filed against the property for such costs and expenses; and
- (f) A statement that the owner has thirty (30) days from the date of receipt of the notice to bring the property into compliance with this subsection and avoid incurring any of the costs associated therewith.

**701.2.6 Commencement of work.** If the owner fails to initiate the required disconnection and connection within thirty (30) days of receipt of the notice, and/or fails to complete this work within ninety (90) days of such receipt, the City may enter the property and proceed to undertake the work described in the Notice.

**701.2.7 Payment request.** Upon completion of the work, the City shall send a request for payment to the owner, by certified mail, return receipt requested, to such address(es) as the original notice was sent, or to such other address that the City Manager has actual knowledge that the owner receives mail. This request for payment shall set forth the costs and expenses incurred by the City for the work done and shall state that a lien may be filed against the property if payment is not made in full within 120 days after the date the request for payment was mailed.

**701.2.8 Remedies in seeking repayment.** If payment is not made in full within 120 days after the date that request for payment was mailed, the City shall have all rights and remedies available to claimants

under law to secure recovery of its costs and expenses, and shall be entitled to recover from the property owner all costs of work done, as well as costs incurred in the enforcement and foreclosure of such assessment lien, including attorney fees and costs of judicial foreclosure.

**701.2.9 Obligation for costs.** The costs and expenses payable under 701.2.8 shall be a personal obligation of the property owner(s) regardless of and independent of any lien claim and shall be the same as any obligation of such owner(s) for any service of the City, including without limitation water and/or wastewater charges and services.

**701.2.10 Right of entry.** The Manager may enter any building, structure, or premises at all reasonable times to make an inspection and/or to enforce the provisions of this subsection. When entering a building, structure, or premises for the purpose of making an inspection under this subsection, the Manager shall identify himself, present proper credentials, and request permission to enter and inspect. If the building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate and obtain permission from the owner or person having charge of the premises. If entry is refused, or the owner or person in charge of the premises cannot be located after reasonable efforts, the Manager shall have recourse to every remedy provided by law to secure entry and accomplish inspection.

**701.2.11 Refusal of entry prohibited.** No person, owner, or occupant shall refuse to permit a reasonable request for entry for the purpose of inspection or work to be completed under this Chapter. Violation of this provision shall be punishable under Section 1-7 of the City's Code of Ordinances.

**701.2.12 No appeal right.** Decisions made by the Manager under this subchapter are not subject to appeal.

(911) 702.2 is amended by adding the following new subsection:

**702.2.1.** The use of SDR 26 and SDR 35 for building drains or vents is prohibited.

(1012) 702.3 is amended by adding the following new exception:

**Exception:** The use of SDR 35 and SDR 26 for building sewers shall be prohibited except for sizes of six inches (6") or larger.

(1113) Section 708 is amended by adding the following new subsection:

**708.10708.2.** An approved two-way cleanout shall be installed at the property line.

(1214) 918.2 is amended by adding the following exception:

**Exception:** Where it is impractical to install a vent to the exterior as determined by the Code Official, an approved air admittance valve may be allowed to vent an island counter sink. All air admittance valves shall be listed, labeled, and shall comply with the requirements of ANSI/ASSE 1051 for the design, construction, and installation of air admittance valves. The air admittance valve shall be installed as high as possible and allow access for repair and/or replacement.

(1315) 1003.1 is amended by adding the following new subsection:

1003.1.1. All grease traps and grease interceptors shall be installed, sized, and shall meet all applicable City requirements, including the City's regulations pertaining to grease traps. In the case of conflicting requirements between the City's regulations and the IPC, the strictest requirement shall apply. The discharge line from the grease traps and/or grease interceptors shall be provided with an approved sample well, which meets all of the requirements of the City's regulations and specifications pertaining to sample wells.

(c) *Appendices.* The following appendices of the IPC are adopted: B, C, D, and E.

(Ord. No. 2003-30, § 1(art. 7-III-1), 12-9-2003; Ord. No. 2008-11, § 1, 3-25-2008; Ord. No. 2010-15, § 4, 7-27-2010; Ord. No. 2021-05, § 3, 1-26-2021)

## Sec. 26-122. International Fuel Gas Code, 2018 Edition.

(a) *Adoption.* The *International Fuel Gas Code, 2018 Edition* ("IFGC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fuel Gas Code of the City of Kerrville, Texas, 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 IPC is on file in ~~the office of the city secretary and~~ within the ~~Department~~ Department of development Development servicesServices.

(b) *Amendments.* The IFGC is amended as follows:

(1) Section 103 is amended in its entirety to read as follows:

Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 106.1.1 is amended in its entirety to read as follows:

106.1.1 Contractor's license required. Contractor's license required. Any person who is required by the IFGC to make an application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed exceeding one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such a license, an applicant shall provide proof of a \$5,000 surety bond.

Exceptions: i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to obtain a single-permit license from the City prior to being issued a permit for the project.

(3) 106.6.1 is amended in its entirety to read as follows:

**106.6.1. Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IFGC or other applicable laws.

(24) Section 109 is amended in its entirety to read as follows:

Section 109. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IFGC.109.1113.1 is amended in its entirety to provide as follows:

109.1113.1 Application for appeal. A person shall have the right to appeal a decision of the Code Official or the Fire Code Official to the Building Board of Adjustment and Appeals.

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(35) ~~109.2 through 109.7 are deleted.~~

(46) Section 301 is amended by adding 301.16 to read as follows:

**301.16 Electrical code.** All references to the *ICC Electrical Code* within the IFGC shall instead refer to the applicable provisions of the Electrical Code currently adopted by the City.

(57) 307.2. is amended in its entirety to read as follows:

**307.2. Fuel-burning appliances.** Liquid combustion by-products of condensing appliances shall be collected and discharged to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or to any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance. Condensate piping shall be of approved corrosion-resistant material and shall not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth (1/8) unit vertical in 12 units horizontal (1% slope).

(68) Section 307 is amended by adding 307.7 to read as follows:

**307.7 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance.

(c) *Appendices.* The following appendices of the IFGC are adopted: NONE.



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

---

**SUBJECT:** 3F. Recommend the adoption of the proposed amendments for the 2018 International Mechanical Code

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Section 26-171 of the 2018 International Mechanical Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Mechanical Code.

## ***ARTICLE V. MECHANICAL CODE<sup>1</sup>***

### **Sec. 26-171. International Mechanical Code, 2018 Edition.**

(a) *Adoption.* The *International Mechanical Code*, 2018 Edition ("IMC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Mechanical Code of the City of Kerrville, Texas, 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 IPC is on file in ~~the office of the city secretary and within the department~~ ~~Department of development~~ ~~Development services~~ ~~Services~~.

(b) *Amendments.* The IMC is amended as follows:

(1) Section 103 is amended in its entirety to read as follows:

Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) 106.1.1 is amended in its entirety to read as follows:

106.1.1 Contractor's license required. Contractor's license required. Any person who is required by the IMC to make an application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed exceeding one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such a license, an applicant shall provide proof of a \$5,000 surety bond.

Exceptions: i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to obtain a single-permit license from the City prior to being issued a permit for the project.

(3) 106.5.1 is amended in its entirety to read as follows:

**106.5.1. Work Commencing Before Permit Issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IMC or other applicable laws.

(24) 109.2 through 109.7 are deleted. Section 109 is amended in its entirety to read as follows:

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<sup>1</sup>Editor's note(s)—Ord. No. 2003-32, §, adopted Dec. 9, 2003, repealed the former Art. V, §§ 26-121—26-140, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter. For complete derivation, see the Code Comparative Table at the end of this volume.

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Section 109. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IBC.

(35) 301.10 is amended in its entirety to read as follows:

**301.10. Listed and Labeled.** All references to the *ICC Electrical Code* within the IMC shall instead refer to the applicable provisions of the Electrical Code adopted by the City.

(46) Section 303 is amended by adding 303.10 to read as follows:

**303.10. Natural Draft and Forced Draft.** Equipment which utilizes a natural draft venting system shall not be installed in a room, enclosure, alcove, closet, or other space where a return air intake and/or equipment utilizing a forced draft venting system in close proximity thereto could prevent the natural draft system from functioning properly.

(57) 307.1 is amended in its entirety to read as follows:

**307.1. Fuel-Burning Appliances.** Liquid combustion by-products of condensing appliances shall be collected and discharged to the exterior of the building, an adequately sized French drain, the storm sewer. Condensate shall not be discharged into the sanitary sewer or to any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance. Condensate piping shall be of approved corrosion-resistant material and shall not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth ( $\frac{1}{8}$ ) unit vertical in 12 units horizontal (1% slope).

**Exception:** an air conditioning system that meets the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. Eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. Each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and
3. Total, combined condensate discharge from all of the eligible systems shall not exceed 15 gallons per day per lot or tract of land.

(68) 307.2.1 is amended in its entirety to read as follows:

**307.2.1. Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance.

**Exception:** an air conditioning system that meets the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. Eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. Each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and

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3. Total, combined condensate discharge from all of the eligible systems shall not exceed 15 gallons per day per lot or tract of land.

(79) Section 801 is amended by adding 801.4.1 to read as follows:

**801.4.1. Natural Draft and Forced Draft.** Equipment which utilizes a natural draft venting system shall not be installed in a room, enclosure, alcove, closet, or other space, where a return air intake and/or equipment utilizing a forced draft venting system in close proximity thereto could prevent the natural draft system from functioning properly.

(c) *Appendices.* The following appendices of the IMC are adopted: A.

(Ord. No. 2003-32, § 1(art. 7-VI-1), 12-9-2003; Ord. No. 2008-13, § 1, 3-25-2008; Ord. No. 2009-21, § 1, 11-10-2009; Ord. No. 2010-15, § 6, 7-27-2010; Ord. No. 2021-05, § 5, 1-26-2021)

**Secs. 26-172—26-200. Reserved.**



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3G. Recommend the adoption of the proposed amendments for the 2018 International Energy Conservation Code

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Section 26-201 of the 2018 International Energy Conservation Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Energy Conservation Code.

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## Sec. 26-201. International Energy Conservation Code, 2018 Edition.

(a) *Adoption.* The *International Energy Conservation Code, 2018 Edition* ("IECC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Energy Code of the City of Kerrville, Texas, 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 IPC is on file in the ~~office of the city secretary and within the department~~ ~~Department of development~~ ~~Development services~~Services.

(b) *Amendments.* The IECC is amended as follows:

(1) C104.3 is amended in its entirety to read as follows:

**C104.3 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

(2) Section C105 is amended by adding a new subsection to read as follows:

**C105.2.7 Energy efficiency inspections.** Commercial ~~inspections~~ shall be made to determine compliance with 4(CE) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. ~~For detached one and two family dwellings and multiple single family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect the air barrier as per R402.4 Air leakage, of the IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the IECC.~~

(3) Section C109 is amended in its entirety to read as follows:

**Section C109. Building Board of Adjustment and Appeals.** Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IECC.

(24) Section C402.3 is amended in its entirety to read as follows:

**C402.3 Roof solar reflectance and thermal emittance.** Low-sloped roofs, with a slope less than or equal to 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces in *Climate Zones 1, 2, and 3* shall comply with one or more of the options in Table C402.3. Roof surfaces with a slope greater than 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces shall have a minimum reflectance of 0.35 or a minimum Solar Reflective Index of 29.

(35) C402.4.2 is amended by adding the following exception:

6. In warehouses protected by Early Suppression Fast Response (ESFR) fire sprinklers where vertical wall fenestration is provided with a minimum area.

(46) Section C404.6.1 is amended in its entirety to read as follows:

**C404.6.1 Circulation systems.** Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and

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thermosyphon circulation systems are prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. Pump starts upon identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water; or
2. Include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.

(57) Section C501.6 is amended in its entirety to read as follows:

**C501.6 Historic buildings.** No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.

(8) R104.3 is amended in its entirety to read as follows:

R104.3 Work commencing before permit issuance. The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

(69) Section R105.2 is amended in its entirety to read as follows:

**R105.2 Required inspections.** The code official or his or her designated agent, upon notification, shall make the inspections set forth in R105.2.1 through R105.2.5 and C105.2.1 through C105.2.7.

(710) R105.2 is amended by adding new subsections to read as follows:

**R105.2.6 Duct test for one- and two-family dwellings and townhomes.** All ducts for one- and two-family dwellings as well as townhomes, in unconditioned spaces, shall be duct tested prior to covering or concealment to disclose leaks and defects. Tests shall be made by an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria and results provided to the code official. Apparatus, material, and labor required for testing a mechanical system shall be furnished by the independent certified RESNET energy rater or code official approved alternate. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this chapter. The work or installation shall then be re-submitted to the code official for inspection and testing. *See also 403.3.3 of the IECC.*

**R105.2.7 Energy efficiency inspections.** Residential ~~hi~~nspections shall be made to determine compliance with 4(~~CRE~~) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect the air barrier as per R402.4 Air leakage, of the 2018 IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the 2018 IECC.

(811) R402.4.1.1 is amended in its entirely to read as follows:

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**R402.4.1.1 Installation.** The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. An approved third party shall inspect all components and verify compliance. Insulation letters shall not be submitted to the code official prior to the inspection being performed and shall be submitted on a form approved by the code official.

(912) Section R402 is amended by adding a new subsection to read as follows:

**R402.6 Radiant Barrier.** In new dwellings, a roof radiant barrier with an emittance of 0.10 or less as tested in accordance with ASTM C-1371 or ASTM E-408 is required above conditioned spaces. The radiant barrier shall be installed according to the manufacturer's instructions.

**Exceptions:**

1. Roofs covered with materials that have a solar reflectance of 0.4 or greater.
2. Residential buildings with sealed attics such as foam type insulation or similar.
3. Residential buildings with all mechanical equipment and all ductwork located wholly within the conditioned space.

(1013) R403.5.1.1 is amended in its entirety to read as follows:

**R403.5.1.1 Circulation systems.** Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. Start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water; or
2. Include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.

(1114) R501.6 is amended in its entirety to read as follows:

**R501.6 Historic buildings.** No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.

(Ord. No. 2003-34, § 1(art. 7-VII-1), 12-9-2003; Ord. No. 2008-14, § 1, 3-25-2008; Ord. No. 2016-17, § 1, 9-27-2016; Ord. No. 2021-05, § 6, 1-26-2021)



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3F. Recommend the adoption of the proposed amendments for the 2018 International Swimming Pool and Spa Code

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 26, Section 26-210 of the 2018 International Swimming Pool and Spa Code. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Swimming Pool and Spa Code.

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## Sec. 26-210. International Swimming Pool and Spa Code, 2018 Edition.

(a) *Adoption.* The *International Swimming Pool and Spa Code, 2018 Edition* ("ISPSC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Pool and Spa Code of the City of Kerrville, Texas, 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 ISPSC is on file ~~in the office of the city secretary and within the department Department of development Development servicesServices.~~

(b) *Amendments.* The ISPSC is amended as follows:

(1) Section 103 is amended in its entirety to read as follows:

~~Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."~~

(2) Section 105 is amended by adding 105.1.1 to read as follows:

**105.1.1 Contractor's license required.** Contractor's license required. Any person who is required by the ISPSC to make an application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not ~~exceed~~ exceeding one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such a license, an applicant shall provide proof of a \$5,000 surety bond.

~~Exceptions: i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one year period; however, the person is required to obtain a single permit license from the City prior to being issued a permit for the project.~~

(23) 105.6.1 is amended in its entirety to read as follows:

**105.6.1 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the ISPSC or other applicable laws.

(34) 105.6.3 is amended in its entirety to read as follows:

**105.6.3 Fee Refunds.** The building official is authorized to establish a refund policy.

(45) Section 108 is amended in its entirety to read as follows:

~~Section 108. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the ISPSC. Section 108.111 is deleted.~~

(Ord. No. 2021-05, § 7, 1-26-2021)

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(Supp. No. 38)

Created: 2022-10-06 14:54:11 [EST]

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(6) A new section 305.1.1 is added to read as follows:

**Section 305.1.1 Construction fencing required.**

The construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the excavation site from the time that any excavation occurs up to the time that the permanent barrier is completed. The fencing shall be not less than 4 feet (1219 mm) in height.



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** 3H. Recommend the adoption of the proposed amendments for the 2018 International Fire Code, NFPA 101, and NFPA 1194

**AGENDA DATE OF:** April 25, 2024      **DATE SUBMITTED:** April 18, 2024

**SUBMITTED BY:** Aaron Barnes, Interim Chief Building Official

**EXHIBITS:** Ordinance Amendments with proposed revisions

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals is set to review proposed amendments to Chapter 50, Sections 50-2, 3, and 5 of the 2018 International Fire Code, NFPA 101, and NFPA 1194. The amendments aim to enhance the standards and regulations for building construction and safety in the City of Kerrville.

**RECOMMENDED ACTION:**

Recommend the adoption of the proposed amendments for the 2018 International Fire Code, NFPA 101, and NFPA 1194.

## **ARTICLE I. IN GENERAL**

### **Sec. 50-1. Driving over fire hose prohibited.**

It shall be unlawful for any person or persons to drive or cause to be driven, any vehicle whatsoever, over, across, or upon any hose used for conducting water from any fire engine, fire plug, or hydrant.

(Bk. 11, p. 498, 4-6-1944; Code 1968, art. 10-II-6; Ord. No. 2021-06, § 2, 1-26-2021)

Editor's note(s)—Former § 50-4. See Editor's Note at chapter title.

Cross reference(s)—Operation of vehicles, § 102-111 et seq.

### **Sec. 50-2. National Fire Prevention Association 101, Life Safety Code, 2018 edition.**

- (a) *Adoption.* The 2018 edition of the *NFPA Life Safety Code 101* ("NFPA 101"), as published by the National Fire Protection Association, is adopted and designated as the Life Safety Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this article, subject to deletions, additions, and amendments prescribed in this article. Copies of the NFPA 101 shall remain on file in the office ~~of the city secretary, within the department of development services, and in the office~~ of the Fire Marshal.
- (b) *References to Officials.* Where the NFPA 101 references duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official is deemed the responsible official.
- (c) *Annexes.* The following annexes of the NFPA 101 are adopted: A, C, and D.
- (d) *Amendment.* The NFPA 101 is amended by deleting section 24.3.5.1.

(Ord. No. 2021-06, § 2, 1-26-2021)

### **Sec. 50-3. International Fire Code, 2018 Edition.**

- (a) *Adoption.* The *International Fire Code*, 2018 Edition ("IFC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fire Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this section, subject to the amendments prescribed herein. A copy of the IFC shall remain on file ~~in the office of the city secretary~~, within the department of development services, and in the office of the Fire Marshal.
- (b) *Appendices.* The following appendices of the IFC are adopted: B, C, D, E, F, G, I, and N.
- (c) *Amendments.* The IFC is amended as follows:
  - (1) Section 101.1 is deleted and replaced with a new section to read as follows:  
**101.1 Title.** These regulations will be known as the *Fire Code of the City of Kerrville, Texas*, hereinafter referred to as the "Code".
  - (2) A new Section 101.6 is added to read as follows:

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**101.6 Requirements of other agencies.** The City's Code of Ordinances do not include all requirements for buildings and structures that may be imposed by other entities, including the state, county, and occupational licensing boards. It is the responsibility of a permit holder, design professional, contractor, or occupational license holder to determine whether any additional requirements exist.

(3) A new Section 104.3.2 is added to read as follows:

**104.3.2 Photographic Documentation.** In the course of his or her right to conduct an inspection on a property, the fire code official shall have the right and authority to take photographs or videos for the purpose of inspection and examination pursuant to this code.

(4) Section 105.4.1 is deleted and replaced with a new section to read as follows:

**105.4.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets, and at least once by portable document format (PDF) accepted on electronic/digital copy, with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by law.

Exception: The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

(5) Section 105.6.14 is deleted and replaced with a new section to read as follows:

**105.6.14 Explosives.** The manufacture, storage, handling, sale, or use of any quantity of explosives, explosive materials, fireworks, or pyrotechnic special effects within the City is prohibited, unless authorized by a City-issued permit.

(6) Section 105.6.32 is deleted and replaced with a new section to read as follows:

**105.6.32 Open burning.**

(a) *Adoption of Texas Administrative Code Regarding Outdoor Burning.* The City hereby adopts the outdoor burning rules as outlined in the Texas Administrative Code, Title 30, Part I, Chapter 111, Subchapter B, as may be amended ("TAC"). If a conflict occurs between TAC and this section, the most stringent provision shall prevail.

(b) *Outdoor burning prohibited.* Outdoor burning of any kind is prohibited except where such burning is authorized pursuant to an exception as specified below or by a permit issued by the City. This prohibition includes the burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste, including grass, leaves, and branch trimmings.

(c) *Outdoor disposal or deposit of spontaneously ignitable material prohibited.* The outdoor disposal or disposition of organic materials, such as mulch, capable of igniting spontaneously, with the exception of solid fossil fuels, is prohibited.

(d) *Exceptions and Permits.* Outdoor burning may be authorized under the following exceptions or pursuant to a permit issued by the City:

(i) *Fire training - EXCEPTION.* Outdoor burning is authorized for training fire-fighting personnel. Facilities dedicated solely for fire-fighting training shall provide an annual written notification of intent as to such burning to the fire code official and the Texas Commission on Environmental Quality ("TCEQ") or its successor, and shall provide each with notice at least 24 hours in advance of any scheduled training session. No more than

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one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial notice includes the specific dates and times of all sessions.

(ii) *Outdoor fires for non-commercial food preparation - EXCEPTION.* Outdoor fires are authorized for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbecue pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. Outdoor fires for non-commercial food preparation do not require a burn permit. This exception does not permit or authorize the burning of waste or other matters not being prepared for consumption.

(iii) *Fires used for recreation and ceremony - PERMIT.* The City may authorize outdoor burning for fires used solely for recreational or ceremonial purposes pursuant to the issuance of a City permit.

*EXCEPTION:* for one and two family dwellings, such a fire may be used for recreation or any other purely domestic purpose without a permit. However, such fire must be built within an appropriate fire-resistant container made of brick, stone, metal, or other fire-resistant material, and must include an appropriate screen and be set in such a manner as to prevent the fire from escaping. The fire-resistant container must not exceed three (3) feet in diameter and must be located a minimum of 25 feet from any structure or combustible materials. This exception does not apply to the burning of leaves, trash, construction waste, yard debris, or vegetation, which remains strictly prohibited. In addition, no such fire may occur where a burn ban is in effect.

(iv) *Disposal fires - PERMIT.* The City may authorize outdoor burning for the following purposes, such activities subject to a City-issued permit:

- A. Diseased animal carcass burning where burning is the most effective means of controlling the spread of disease.
- B. On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water ways when a practical alternative to burning does not exist for any such purpose and when the materials are generated only from that property. Sensitive receptors, such as neighboring properties, persons, animals, must not be negatively affected by the burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute circumvention of any other provision provided herein and with the understanding that the fire code official may revoke such permit after issuance for reasons such as where conditions change or a violation occurs.
- C. Crop residue burning for agricultural maintenance purposes when no practical alternative exists. Structures containing sensitive receptors must not be negatively affected by the burn.
- D. Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by a local government at a site it owns upon receiving approval from the fire code official. Such a burn may only be authorized where there is no practical alternative and, it may be done no more frequently than once every two months. Such burning is prohibited at the City's landfill.

(v) *Prescribed burn - PERMIT.* The City may authorize outdoor burning for prescribed burning for forest, range, and wildland/wildlife management purposes pursuant to the issuance of a City permit. Such burning is prohibited where the fire code official determines that the

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burning will have an adverse effect on any building or structure. In addition, the fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of the permit, or causes a violation of any air quality standard.

- (vi) *Hydrocarbon burning - PERMIT.* The City may authorize outdoor burning for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification to the TCEQ or the appropriate state agency, and after the fire code official has determined that the burning is necessary to protect the public health, safety, and welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.
- (vii) *Other necessary burning - PERMIT.* If not otherwise authorized by this section, outdoor burning may be authorized by the City if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or violate any federal or state law. The fire code official may specify procedures or methods to control or abate emissions from outdoor burning as authorized. The fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of the permit, or causes a violation of any air quality law.
- (e) *Revocation of permit or authority to burn.* The fire code official may revoke any person's or entity's right to conduct an outdoor burn and may pursue any legal recourse against the person or entity if the fire code official determines that federal or state law, this section, or a permit was violated.
- (f) *Requirements and procedures for obtaining an outdoor burning permit.*
  - (i) The owner of the property upon which a burn is to occur must submit an application for a "Permit to Burn", as provided by City, to the fire code official (Fire Marshal).
  - (ii) The permit is effective for the specific time period indicated on the permit.
  - (iii) The permit is effective only if the burn is conducted in strict compliance with and under the conditions specified in the permit.
  - (iv) The applicant shall obtain final approval to burn from the fire code official immediately prior to the start of burning and at the beginning of each day upon which burning is to take place to ensure that weather conditions are and will remain conducive to the type of burning authorized by the permit.
  - (v) The fire code official may void a permit in any instance where he or she determines, in his or her sole discretion, that conditions have changed to the extent that the burn is no longer safe and possesses a risk to the public health, safety, and welfare.
- (g) *Fee for permit.* The fees for all permits under this section are established by City Council.
- (h) *General requirements for burning.* Outdoor burning which is otherwise authorized will also be subject to the following requirements, though such requirements are not applicable to ceremonial or recreation fires:
  - (i) Burning is permitted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, navigable water, or have a negative effect on any building, structure, or sensitive receptor.

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- (ii) If at any time the burning causes or may tend to cause smoke to blow onto or across a public street, road, or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.
- (iii) Fires shall be maintained at least 300 feet from any neighboring structure or sensitive receptors, unless prior written approval is obtained from the adjacent occupant with possessory control and such approval is submitted to the fire code official prior to the burn. "Sensitive receptors" means any natural or human-constructed feature which may be adversely affected by such activities.
- (iv) Burning shall be conducted in compliance with the following meteorological and timing considerations:
  - A. The burning may not commence earlier than 9:00 a.m. Burning shall be completed on the same day not later than one hour before sunset and shall be monitored by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
  - B. In cases where fires will occur over more than one day pursuant to a permit, the permittee or designee shall contact the fire code official each day of continued burning prior to the fire being lit, to determine whether and under what conditions burning will be allowed on that day.
  - C. Burning shall not be commenced when surface wind speed is predicted to be less than 5 miles per hour or greater than 15 miles per hour during the burn period.
  - D. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions where such weather conditions may adversely impact such activities.
  - E. The permittee or designee shall be present at all times when a burn is active. Such person shall have a water hose connected to a reliable water supply or have other appropriate fire extinguishing equipment, such as a bulldozer or water tankers, readily available for use.
  - F. In order to allow time for the extinguishments of a fire, no new material shall be added to the burning pile after 3:00 p.m.
  - G. Any residual fires and/or smoldering objects that continue to emit smoke shall be extinguished each day at the end of the burn.
  - H. Only brush and vegetation generated and gathered from the burn site area shall be permitted. There shall be no importation of brush or any other material from another property for the purpose of burning.
- (i) *Responsibility for consequences of outdoor burning.* The authority to conduct outdoor burning under this section does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with

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this section. Further, each permittee assumes liability and responsibility for damages to persons or property caused by burning.

(7) Section 105.6.37 is deleted.

(8) Section 105.7.21 is deleted and replaced with a new section to read as follows:

**105.7.21 Solar photovoltaic power systems.** A construction permit is required to install or modify solar photovoltaic power systems. Photovoltaic power systems shall be installed and maintained according to listed manufacturer instructions and the most current standards established by the International Electrotechnical Commission (IEC).

(9) Section 106.5 is deleted and replaced with a new section to read as follows:

**106.5 Refunds.** Once paid, the City will not refund any fee paid for a permit or another type of application.

(10) A new Section 108.3.1 is added to read as follows:

**108.3.1 Records of Hazardous Materials.** An owner, or designee, of a building or property that stores or uses hazardous materials shall maintain chemical documents (SDS) and building/site data, construction, maintenance, and modifications over the entire life of the building or property. The owner shall maintain a copy(s) of the documents at an off-site location. In addition, a secondary source of this information shall be made available in suitably designed hard copy or electronic format for use by emergency responders within a reasonable timeframe. The primary source of information shall be easily accessible by responders during emergencies.

(11) Sections 109.1 and 109.3 are deleted and Section 109.1 is replaced with a new section to read as follows:

**109.1 Appeals.** Appeals of orders, decisions, or determinations made by the fire code official in interpreting or applying the code shall be to the Building Board of Adjustments and Appeals ("Board") for the City, with an appeal from this Board to City Council. The Board may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration. The Board may adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with duplicate copy delivered to the fire code official.

(12) Section 110.4 is deleted and replaced with a new section to read as follows:

**110.4 Violation penalties.** Any person, firm, or corporation violating any of the provisions or terms of this code shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

(13) Section 202 is amended to add the following new definitions:

**DEVELOPMENT.** As defined by the City's Subdivision Code.

**FIRE HAZARD.** Any condition or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fires; or, which may obstruct, delay, hinder, or interfere with the operations of the fire department or the egress of occupants in the event of fire.

**FIRE LANE.** Any area appurtenant to entrances or exits of a building deemed necessary by the Fire Chief to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him/her as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits or any fire hydrant.

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**FIRE WATCH.** Qualified individuals are defined as State Certified Fire Inspectors assigned to the City's Fire Prevention Division, or, if approved by the fire code official, Texas Certified Firefighters, Peace Officers, individuals employed by a private security firm, or other designated individuals whose sole duty when assigned a fire watch is to perform constant patrols of the premises and keep watch for signs of unwanted fire. A written attendance log must be maintained and personnel must have at least one approved means of notifying the fire department of fire or other emergencies.

**HIGH WINDS.** Sustained wind velocity of 15 mph or gusts of 25 mph.

**MOBILE FOOD UNIT.** A mobile food operation using any heat producing equipment to cook, fry, or warm products for consumption from a motorized vehicle, towable trailer, or watercraft.

(14) Section 307.1 is deleted and replaced with a new section to read as follows:

**307.1 General.** Except for domestic purposes to include cooking food or heating, open burning of any material, to include leaves, trash, yard debris, and any vegetation is prohibited.

**Exception:** When authorized and supervised by the fire department, open burning for ceremonial or training purposes, such as a flag retirement or live fire training by and for fire department personnel is allowed.

(15) Sections 307.2, 307.2.1, 307.4, 307.4.1, and 307.4.2 are deleted.

(16) A new Section 307.6 is added to read as follows:

**307.6 Sky lanterns.** Sky lanterns, also known as Chinese lanterns, sky candles, or fire balloons, and which are airborne lanterns constructed of combustible material and contain a candle or fuel cell that when lit, cause the device to go airborne and travel in the air are prohibited.

(17) A new Section 308.1.1.2 is added to read as follows:

**308.1.1.2 Commercial barbeques.** A permit shall be obtained from the fire code official to install or utilize a barbeque pit for commercial purposes.

(18) Section 308.1.4 is deleted and replaced with a new section to read as follows:

**308.1.4 Open-flame cooking devices.** Charcoal grills and other similar devices used for cooking may not be constructed, installed, stored, maintained, located, or used on combustible balconies, decks, or within 10 feet of combustible construction.

**Exception:** One- and two-family dwellings.

(19) A new Section 319.4.1.1 is added to read as follows:

**319.4.1.1 Fire protection for cooking equipment.** Mobile food units not equipped with a fire protection system as required under this code must meet a distance of not less than 50 feet from any structure.

(2019) A new exception is added to Section 503.1.1 to read as follows:

3. For any one or two family dwelling that the fire code official determines is unable to meet the requirement of 503.1.1, the driveway shall have an unobstructed width of not less than 12 feet (6096 mm), except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet, 6 inches (4115 mm).

(20) Section 503.2.1 is amended by repeal and replaced with the following language

Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7315.2 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

(21) A new Section 503.2.1.2 is added to read as follows:

**503.2.1.2 Mountable/Rollover curbs.** Mountable or rollover curbs are permitted when approved by the fire code official. Upon approval, such curbs must meet the City's public improvement specifications.

(22) SECTION 503.2.3 Surface is amended as follows

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support a 75,000-pound imposed load of fire apparatus and the surface shall be made all-weather utilizing concrete or asphalt materials. A signed and sealed letter from a Geotechnical Engineer shall be provided to verify the design meets the standard.

(2223) Section 503.2.4 is deleted and replaced with a new section to read as follows:

**503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the fire code official. The turning radii of a fire apparatus access roadway requires a minimum of 50 feet outside radius and a minimum of 25 feet clear distance to the inside radius on all turns.

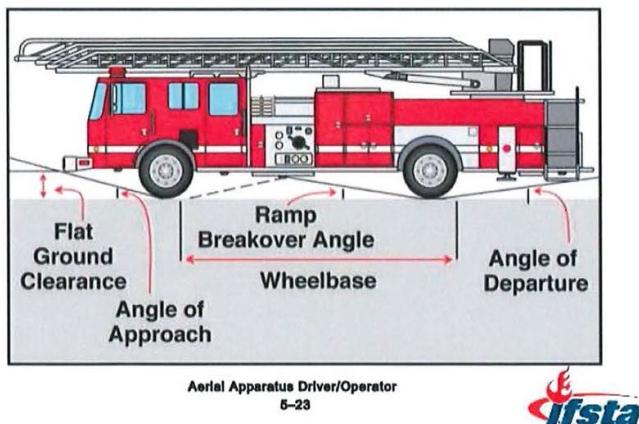
(2324) Section 503.2.7 is deleted and replaced with a new section to read as follows:

**503.2.7 Grade.** The gradient for a fire apparatus access road may not exceed ten percent (10%).

(2425) Section 503.2.8 is deleted and replaced with a new section to read as follows:

**503.2.8 Angles of approach and departure.** An angle of approach and an angle of departure must be designed so that at least 8 degrees is maintained at the front and the rear of the fire department's apparatus when loaded to the estimated in-service weight.

#### Points of Potential Contact of Aerial Apparatus



(2526) Section 503.3 is deleted and replaced with a new section to read as follows:

**503.3 Marking.** Where the fire code official requires approved signs or other approved notices, such signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate visibility. Whenever any provision regarding the regulation of fire lanes contained in the code is in conflict with the provisions of this section, the provisions of this section will apply. The owner of a building or property for which fire lanes have been approved or required by the fire code official shall mark and maintain said fire lanes as follows.

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- (a) Fire lanes may not be located immediately adjacent to a structure if other possible locations exist that are not immediately adjacent but close enough to give sufficient access to at least three sides of the structure. The minimum corner radius on the turns must be 25 feet on the inside and 50 feet on the outside.
- (b) All curbs and curb ends must be painted red with white lettering 4 inches high and at least one half-inch (1/2") stroke, stating "NO PARKING - FIRE LANE." Wording may not be spaced more than 25 feet apart. Fire lanes must be marked on both sides of access roads so as to assure a minimum of 20-26 foot clear width in the middle of said access roads.
- (c) In areas where fire lanes are required but no continuous curb is available, one of the following methods must be used, in conjunction with curb markings where possible, to indicate that the fire lane is continuous:
  - (i) Signs may be not less than twelve inches (12") wide by eighteen inches (18") tall. Signs must read "NO PARKING-FIRE LANE" and have a white, reflective background with red lettering not less than two inches (2") tall and with three-eighths inch (3/8") stroke. Signs must be installed conspicuously along the edge of the fire lane, spaced no greater than 25 feet apart, alternating on either side of the road, and their height must equal 6 feet to the bottom of the sign.
  - (ii) From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, there must be painted one continuous red stripe having a minimum width of at least six inches (6"). Fire lanes must be stenciled every 25 feet apart "NO PARKING FIRE LANE" with white lettering four inches (4") high and at least one half-inch (1/2") stroke. Fire lanes must be so marked on both sides of the lane.

(2627) A new Section 503.3.1 is added to read as follows:

**503.3.1 Maintenance of markings.** The owner of a building or property on which a fire apparatus access roadway or fire lane is required shall be solely responsible for the maintenance of such roadways or fire lanes and all required signs. No such person(s) shall abandon, close, or alter the fire apparatus roadway or any part thereof without permission of the fire chief. The owner shall be responsible for ensuring that the fire apparatus roadways are clear at all times.

(2728) Section 503.6 is deleted and replaced with a new section to read as follows:

**503.6 Security Gates.** The installation of a security gate across a fire apparatus access road must first be approved by the fire chief. Where a security gate is authorized, such gate must include ~~a siren operated sensor and/or~~ manual access controls (KNOX Gate opener). The siren operated sensor must open the gate when approached by a fire emergency apparatus. Manual access controls must open the gate during non-emergency responses and serve as a backup in the event that the siren operated sensor fails to operate. The owner is responsible for maintaining the access controls ~~and the siren operated sensor system~~ at all times so that the gate remains accessible for emergency access. Electric gate operators, where provided, must be listed in accordance with UL 325. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F 2200.

(2829) Section 506 is deleted and replaced with a new section to read as follows:

**506.1 Key boxes required.** The following structures and properties must be equipped with a key lock security system box at or near their main entrance or at such other location and/or specification as the fire code official may require:

- (a) Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire systems or fire detection alarm systems that report to an alarm monitoring center;

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- (b) Multi-family residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;
- (c) Buildings that contain 6 or more occupancies within the same structure that have restricted common entryways and exit ways into the common area of the building.
- (d) Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to private streets in subdivisions, apartment complexes, condominiums, or other residential developments which contain more than two residential units; or
- (e) Commercial properties with parking garages or secured parking and storage unit areas that will restrict access for emergency services.

**Exception:** Single family residential dwellings

**506.2 New construction.** All newly constructed structures subject to this section must have the key lock box installed and operational prior to the issuance of an occupancy permit. Any existing structure subject to the key lock box requirement that does not have a key lock box installed and operational must have the same installed as soon as practicable, but in no event later than 30 days after the effective date of these regulations.

**506.3 Type of key lock box required.** The fire code official shall designate the type of key lock box system to be implemented within the City and shall have the authority to require owners of all structures and/or properties to use the designated system.

**506.4 Access to buildings.** The owner of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure or property. Required keys must not include keys to individual living units.

(2930) Section 507.3 is deleted and replaced with a new section to read as follows:

**507.3 Fire flow.** The approved method to determine the required fire-flow for buildings or portions of buildings and facilities must comply with Appendix B of this code.

(31) Section 507.5.1.1 is deleted and replaced with a new section to read as follows:

507.5.1.1 Hydrant fir standpipe systems: Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 75 feet (22 860 mm) of the fire department connections.

Exception: The distance shall be permitted to exceed 75 feet (22 860 mm) where approved by the fire code official.

(3032) Section 901.4.6 is deleted and replaced with a new section to read as follows:

**901.4.6 Pump and riser room size.** The main fire sprinkler valve assembly and riser area must be installed inside the building. The fire chief may require a door that provides direct access from the exterior wall into the room containing fire sprinkler controls. The main fire sprinkler valve assembly and riser area must be installed in accordance with NFPA 13 and must be equipped with a listed double horizontal or vertical backflow prevention device(s) sized to match the riser piping. Clearance around the fire riser and other equipment may not be less than 36 inches. This room must be designed and used for fire protection and fire detection equipment only. Fire pump and automatic sprinkler system riser rooms must be provided with a door(s) and an unobstructed passageway large enough to allow removal of the largest piece of equipment.

(3133) A new Section 901.4.6.5 is added to read as follows:

**901.4.6.5 Exterior identification of main fire sprinkler valve assembly and riser area.** Where an exterior access door is required by the fire chief, a weatherproof horn and strobe unit must be installed

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on the exterior wall outside of the main fire sprinkler valve assembly and riser area. The horn and strobe unit must be installed according to the requirements for a water-flow notification appliance referenced in NFPA 13 and interconnected to actuate concurrently with the water-flow alarm-initiating device of the system, but its placement is in addition to the minimum requirements for water-flow alarm, unless otherwise approved by the fire chief.

(3234) Section 901.5 is deleted and replaced with a new section to read as follows:

**901.5 Installation Acceptance Testing.** Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains, and all other fire protection systems and appurtenances thereto must be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official must be notified before any required acceptance testing. The fire code official shall witness all required acceptance tests for all these systems.

(3335) A new Section 903.3.1.4 is added to read as follows:

**903.3.1.4 NFPA 13D sprinkler system.** If by definition, a one- and two-family dwelling is defined as an R1 occupancy, a 13D dedicated system, at a minimum, is required to be installed. A 13D multi-purpose system is not allowed under this application.

(3436) Section 906.1 is amended by deleting the exceptions.

(3537) A new Section 912.2.1.1 is added to read as follows:

**912.2.1.1 Remote Fire Department Connections.** Remote fire department connections ("FDC(s)") must be located at a distance of 1½ times the building or structure height or at least 40 feet away from the building, whichever is greater; and in a remote location approved by the fire code official. FDCs must be located within 75 feet of a fire hydrant and 25 feet of a fire lane; a minimum of two (2) feet above finished grade and a maximum of four (4) feet above finished grade for standard inlets; and a minimum of 30 inches at lowest point above finished grade and maximum of four (4) feet above finished grade for the five inch (5") inlet. The approval of the fire code official is required as to the location of any freestanding FDCs.

(3638) A new Section 912.5.1 is added to read as follows:

**912.5.1 Signs.** All signs utilized for the following must be as listed below for FDC and Dry Stand Pipe Only and comply with the following:

- (a) Constructed from a 15 inches high by 18 inches wide metal substrate no thinner than .063";
- (b) Have rounded corners;
- (c) Background color must be "Fire Engine Red" non-reflective; and
- (d) White reflective letters must be used as follows:
  - (i) Letters must be a font comparable to "Folio medium" or "Helvetica medium";
  - (ii) First line must be six inch (6") high letters with three inch (3") spacing between letters;
  - (iii) Second and third lines shall be two inch (2") high letters with one-half inch (½") spacing between letters;
  - (iv) Must be a one inch (1") margin completely around sign and one inch (1") spacing between lines of text;
  - (v) Must be two inch (2") spacing between complete words;
  - (vi) Second line must have the building address numbers; and

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- (vii) Where applicable, the third line shall have the building number (alpha or numeric as assigned by Kerr County 911) if the FDC system supplies the fire sprinkler system to only one building in a multi-building complex or the individual lease space number where the FDC only supplies a sprinkler system to an individual lease space.
- (e) The sign must be permanently attached to a wall directly above a wall mounted FDC on existing buildings and subject to the following:
  - (i) Where sign is attached to an existing building, it must be 72 inches from the ground to the bottom of sign, unless otherwise approved by the fire code official; and
  - (ii) Where the sign is to be mounted to a remote FDC, it must be mounted on a galvanized steel pipe, such as a chain link fence post. The post must be mounted behind the FDC within 1 to 1½ feet from the FDC or an area approved by the fire code official. The post must be set in concrete below ground. The sign must be mounted to the post four to six inches (4-6") above the FDC. The sign must be mounted to the post using stainless one-way screws or stainless bolts using a stainless locking nut. The post must be cut to four inches (4") above the sign and a cap placed on top of the post.

(3739) A new Section 912.6.1 is added to read as follows:

**912.6.1 Backflow Prevention.** When distance from City tap to riser is greater than 100 feet, the backflow prevention must be placed at the tap in a vault. Where such distance is less than 100 feet, the backflow prevention may be placed on the riser.

(3840) A new Section 1003.8 is added to read as follows:

**1003.8 Special Provisions.** Rooms in E occupancies used for kindergarten or daycare with children age 5 or under may not be located above or below the first story.

(3941) A new Section 1010.1.10.3 is added to read as follows:

**1010.1.10.3 Exit hardware.** Panic and fire exit hardware is required on all exit and exit access doors with the exception the main/front door in all commercial occupancies. Regardless if additional exit and exit access doors are required by this code or placed at the request of owner or occupant, additional exit and exit access doors must also have panic and fire exit hardware with self-closures installed.

(4042) A new Section 2301.7 is added to read as follows:

**2301.7 Responsibility for cleanup.** A person responsible for any unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual. When the fire code official deems necessary to minimize damage or to protect public health, safety or welfare, the City may initiate cleanup. Costs associated with such cleanup must be borne by the person responsible for the unauthorized discharge. Costs incurred by the City for the cleanup must be reimbursed to the City within 10 days after written demand.

(4143) A new Section 2303.2.2 is added to read as follows:

**2303.2.2 Additional emergency disconnect for attended self-service.** Attended facilities must have an additional emergency disconnect switch located inside the building for attendant use at a location approved by the fire code official.

(4244) A new Section 2304.3.8 is added to read as follows:

**2304.3.8 Additional fire protection devices.** Additional fire protection must be provided where required by the fire code official. Additional fire protection considerations may include such items as fixed suppression systems, automatic fire detection, manual fire alarm stations, and/or transmission of alarms to offsite locations.

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(4345) A new Section 5607.16 is added to read as follows:

**5607.16 Blasting permits.**

(a) *General requirements for blasting permits.* An operational permit is required from the City prior to the commencement of blasting operations. The fire code official shall deny issuing the permit when in his or her opinion a substantial danger exists to life, health, or property in the immediate area exposed to the blasting for which a permit is being requested. Should no such condition exist, the fire code official shall seek the review and approval of City departments which may be affected by such activities. When in the opinion of the fire code official such departments have a valid objection to the issuance of a permit, no permit may be approved until such objection has been resolved to the satisfaction of the fire code official.

(b) *Insurance requirements.* Any applicant for a blasting permit shall meet the following insurance requirements:

WORKERS' COMPENSATION as required by law

COMPREHENSIVE GENERAL LIABILITY -

\$1,000,000.00 per occurrence

\$2,000,000.00 annual aggregate

AUTOMOBILE LIABILITY -

\$10,000.00 each occurrence

\$250,000.00 medical

Each insurance policy must name the City as an additional insured on the certificate of insurance. The policies must include a waiver of subrogation in favor of the City. The certificate of insurance must provide that the City will be provided at least 30 days prior written notice of cancellation or modification of coverage.

(c) *General requirements for blasting permit.* A blaster shall:

- (i) Be at least 21 years of age;
- (ii) Have general knowledge of federal, state, and local laws and regulations pertaining to explosive materials; and
- (iii) Have no record of criminal charges or convictions relating to blasting activities from a federal, state, county, or municipal court.

(d) *Blast monitor required.* A blast monitor, such as a seismic blast recording machine, and a monitoring technician not employed by a blasting operator is required during all blasting operations. Monitoring technicians must be trained in the proper placement of monitor sensors and proper function of the instrument to be used. All monitoring reports must carry the seal of a State of Texas Professional Engineer and must be retained by the permit holder. These reports must be made available to the City upon request.

**EXCEPTION:** When, in the opinion of the City Engineer, the damage to structures or buildings due to blasting operations is unlikely, (a) the requirements for the need for a monitor may be waived; or, (b) the fire code official may allow a trained blasting operator, rather than an independent technician, to operate the monitor and maintain the required records.

(e) *Wire specifications.* Blasting trunk wire of 18 gauge minimum must be used while conducting blasting operations.

(f) *Blasting machine specification.* Approved blasting machines must be used. All other equipment is prohibited.

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- (g) *Detonating cord use.* A detonating cord may be used only when approved by the blasting permit. Unauthorized use of detonating cord will result in the revocation of the blasting permit and is unlawful.
- (h) *Additional conditions.* The fire code official or City Engineer may establish or require other conditions for approval of a permit application if those conditions are necessary, in the judgment of the fire code official or City Engineer, to adequately protect public health, safety, and welfare. Such conditions may include: reduction of allowable particle velocities; additional monitoring requirements; modifications to permissible hours of operation; changes in type and amount of explosives used; and requirement that blasting plans be approved by a professional engineer.

**(4446)** A new Section 5608.1.1 is added to read as follows:

**5608.1.1 Prohibition of sale or shooting of fireworks inside city limits; exception.** It is unlawful for any person to possess, sell, use, shoot, discharge, explode, ignite, or display any fireworks within the City, except as provided in this section. A public fireworks displays is permissible provided that all state and local laws are met and a permit is issued by the City. The applicant shall meet the insurance requirements specified below as a prerequisite to obtaining a permit. Insurance requirements for a public fireworks display must include commercial general liability insurance. All insurance must name the City as an additional insured and the insurance certificates must provide that the City is provided 30 days prior written notice of cancellation or modification of coverage. Insurance must include a waiver of subrogation in favor of the City. The insurance provided by the supplier and/or operator also must name the sponsor as an additional insured. Any applicant for a fireworks display permit must meet the following insurance requirements:

AGGREGATE -

\$3,000,000.00 combined single limit.

Bodily injury/property damage per occurrence \$1,000,000.00 combined single limit.

Personal injury \$500,000.00

Medical \$5,000.00

No such permit will be granted to any applicant more than twice during any calendar year. A fireworks display must be concluded not later than 10:00 p.m. on the date specified.

As used in this Section, the term "fireworks" is given its usual and ordinary meaning and includes the following: firecrackers, Roman candles, sparklers, torpedoes, buzz bombs, skyrockets, atomic wings, aerial flash salutes, and trailblazers.

**(4547)** Section 5704.2.9.6.1 is amended to add the following Zoning Districts as to where such storage tanks are prohibited: RE, R-1, R-1A, R-2, R-3, RM, RT, C-1, DAC, and MU.

**(4648)** A new Section B105.4 is added to read as follows:

**B105.4 Fire Flow Testing.** Where a fire flow test(s) is required, a person must submit an application and the applicable fee to the City for the City to perform such test. The City shall conduct the test by utilizing a modeling system. If for any reason a live fire flow is requested or a person seeks an alternative method for testing, the City Engineer must approve.

**(4749)** The following notes under Table C102.1 are deleted: f and g.

**(4850)** A new Section C103.4 is added to read as follows:

**C103.4 Additional Distribution.** A fire hydrant must be located not more than 75 feet from an unobstructed and approved route to a fire department connection (FDC) located at ground level. The

FDC may be installed in an approved remote location and within 75 feet to a fire hydrant. This distance and route is as approved by the fire code official.

(4951) A new Section C103.5 is added to read as follows:

**C103.5 Hydrant location in relation to a building or structure.** A fire hydrant must be located remotely 1.5 times the building height or 40 feet from the building or structure, whichever is greater. This distance and route is as approved by the fire code official.

(52) SECTION D102 REQUIRED ACCESS is amended to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt or concrete capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34,050 kg).

(5053) Figure D103.1 is amended to add the following:

**Dead-End Fire Apparatus Access Road Turnaround.** Any street 150 feet long or longer must have a hammerhead or cul-de-sac at its end, which dimensions must be no smaller than the dimensions set out in Figure D103.1. Dead-end turnarounds are only permitted as one of the following: an Acceptable Alternative 120 foot Hammerhead, a round cul-de-sac with a 100 foot diameter, or a 150 foot hammerhead.

**NOTE:** See IFC Appendix D, Figure D103.1, diagram No. 4 amended from 60 foot distance from edge of hammerhead to middle of intersection, to 75 foot distance from edge of hammerhead to middle of intersection."

(54) Section D104.1 is deleted and replaced with a new section to read as follows:

D104.1 Buildings that are three stories or more in height; exceeding 30 feet or more in height to any portion of the building. Buildings or facilities that are three stories or more in height; exceeding 30 feet or more in height to any portion of the building shall have not fewer than two means of fire apparatus access for each structure.

(55) Section D105.1 is deleted and replaced with a new section to read as follows :

D105.1 Where required. Where buildings or facilities that are three stories or more in height; exceeding 30 feet or more in height to any portion of the building, an approved aerial fire apparatus road or roads shall be provided.

(56) Section D106.1 is amended by deleting the exception

(57) Section D106.2 is deleted and replaced with a new section to read as follows:

D106.2 Projects having more than 200 dwelling units.

Multiple-family residential projects having more than 200 dwelling units, three stories or more, shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

(5158) Section D107.1 is deleted and replaced with a new section to read as follows:

**D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units will exceed 60 units shall be provided with two separate fire apparatus access roads, subject to approval from the fire code official.

*Exceptions and conditions:*

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1. Where all dwelling units are or will be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.21 or 903.3.1.3.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with a future development, as determined by the fire code official.
3. Where there are or will be more than 60 but less than 120 dwelling units on a single public or private fire apparatus access road and the access road is built as a collector street, as approved by the City. All single access (non-looped) streets within the subdivision must be built and approved as collector streets.

(5259) Section D107.2 is deleted and replaced with a new section to read as follows:

**D107.2 Remoteness.** Where two fire apparatus access roads are required, such roads shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between the two accesses to the development.

*Exception and conditions:* Where it is geographically impossible to be one-half of the maximum overall diagonal dimension apart, the secondary access road will be evaluated by the fire code official based on meeting any one of the following; however such exceptions and conditions do not apply where the development has or will have more than 120 dwelling units:

1. The owner may acquire a secondary fire apparatus access road from an adjoining property owner(s), where such access is conveyed via a legal instrument (*e.g.*, easement) that is filed with the County in its real property records. A copy of such filing must be provided to City.
2. The two separate fire apparatus access roads must be separated as far as physically possibly. However, at a minimum, the accesses must be 150 feet apart, measured in a straight line between the center lines of the two accesses.
3. The two separate fire apparatus entrances may share a common path of travel into and/or within the development as long as a blockage in any area of this path will not block access from both the primary and secondary access simultaneously. *See Addendum D 107.1.3. above for street design specifications.*

For purposes of this section, "geographically impossible" means that the area is surrounded on at least three sides (*i.e.*, 75% of its perimeter) by natural or manmade barriers such as creeks and flood plains, a golf course, a linear park, or utility easements or its topography is such that it prohibits a designed roadway to be constructed at a maximum slope of 10% in compliance with this code.

(Bk. 5, p. 263, §§ 1, 2, 12-5-1924; Code 1968, art. 10-II-5; Ord. No. 2021-06, § 3, 1-26-21; Ord. No. 2022-13, §§ 2—4, 4-12-22)

Editor's note(s)—Former § 50-3. See Editor's Note at chapter title.

#### **Sec. 50-4. Conflict with Federal and State law; and/or between NFPA 101 and IFC.**

(a) This article shall be construed and applied under and in accordance with the Constitution and laws of the United States and the State of Texas ("Federal and State law"). For the purpose of this section, Federal and State law include administrative agency interpretative rules required or allowed to be adopted pursuant to law. In the event of a conflict between the NFPA Life Safety 101, 2018 Edition, and the International Fire

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Code, 2018 Edition and applicable Federal or State law, Federal or State law shall control and the City Code shall be interpreted and applied accordingly.

(b) In the event a conflict occurs between the NFPA Life Safety 101, 2018 Edition, and the International Fire Code, 2018 Edition, the IFC shall control.

(Ord. No. 2021-06, § 4, 1-26-21)

**Sec. 50-5. National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2018 edition.**

(a) *Adoption.* The 2018 edition of the NFPA 1194 ("NFPA 1194"), as published by the National Fire Protection Association, is adopted, to the same extent as if such Code were copied verbatim in this article, subject to amendments prescribed in this article. Copies of the NFPA 1194 shall remain on file in the office ~~of the city secretary, within the department of development services, and in the office~~ of the Fire Marshal.

(b) *Annexes.* All annexes provided for in the NFPA 1194 are adopted.

(c) *Amendments.* The NFPA 1194 is amended as follows:

(1) **5.1.2 Roads.** Minimum widths of recreational vehicle park and campground roads shall be ~~20-26~~ ft (6.0 m) and may have an additional 8 ft (2.4 m) per parallel parking lane. All park/campground roads shall also serve as fire access roads and shall be marked as per City ordinance.

(Ord. No. 2022-13, § 1, 4-12-22)

**Secs. 50-6—50-30. Reserved.**