

Chapter 14 BUILDINGS AND BUILDING REGULATIONS¹

ARTICLE 1. IN GENERAL

Sec. 14.001. Definitions.

International Code means any code published by the International Code Council, Inc.

ICC means the International Code Council, Inc.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.002. Adoption of codes.

- (a) The following codes are adopted to govern construction and construction-related activities:
- (1) International Building Code 2021 Edition as amended, including Appendices C, F, I.
 - (2) International Property Maintenance Code 2021, including Appendix A.
 - (3) International Mechanical Code 2021 Edition as amended.
 - (4) International Plumbing Code 2021 Edition as amended.
 - (5) International Fuel Gas Code 2021 Edition as amended.
 - (6) International Residential Code 2021 Edition as amended, including Appendices AH, AQ, AR, AS, AU, AW.
 - (7) National Electrical Code 2020 Edition as amended or as adopted by the State of Texas.
 - (8) International Energy Conservation Code 2021 Edition.
 - (9) International Fire Code 2021 Edition as amended including Appendices B, D, E, F, G and L.
 - (10) International Swimming Pool and Spa Code 2021 Edition.
 - (11) International Existing Building Code 2021.
- (b) If there is a conflict between a state law and an adopted code or this chapter, then the state law will take precedence. In cases of conflicts between a provision of the San Marcos Code and these adopted codes, the provision of the San Marcos Code will take precedence. If there is a conflict between provisions of the San Marcos Code the most restrictive provision shall apply. Otherwise, all structures shall be designed, built, and maintained in accordance with these adopted codes.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.003. Building inspection division.

The building inspection division is established within the Planning and Development Services Department. This division will be supervised by the Building Official. The Building Official is appointed by the Director of Planning and Development Services. The Building Official may designate a person to perform the duties and exercise the authority of the Building Official during the official's absence.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.004. Restrictions on employees.

- (a) In addition to the restrictions contained in the City Code of Ethics and employee handbook, employees of the building inspection division may not have a financial interest in any construction activity within the city limits or the city's extraterritorial jurisdiction. The term "construction activity" includes:
 - (1) The preparation of plans, specifications or cost estimates for any construction work;
 - (2) The furnishing of labor, materials or supplies for any construction work;
 - (3) The provision of maintenance or repair services, or replacement parts, supplies, equipment or appliances for any existing structure;
 - (4) The provision of construction consulting or project management services; and
 - (5) The provision of real estate inspection services.
- (b) This restriction will not extend to an employee's real property. An employee may not be involved in the plan review, permit issuance or inspections of any construction work on the employee's property.
- (c) This restriction does not apply to similar work activities performed as an employee for the City of San Marcos.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.005. Records.

The Building Official will cause a record to be kept of the business of the division. These records will be maintained in accordance with City record retention requirements, and will be subject to public inspection under the City's open records policy.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.006. Fees and exemptions from fees.

- (a) All fees in this chapter are established by City Council.
- (b) The following entities shall be exempt from all fees imposed under this chapter:
 - (1) Non-profit organizations receiving funds through the City's Community Development Block Grant or Human Services programs;
 - (2) The City when using City employees on a construction project of the City;
 - (3) Contractors hired by the City to work on construction projects of the City;

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- (4) San Marcos Reinvestment Corporation and San Marcos Habitat for Humanity when building new affordable single-family residential dwellings;
 - (5) The Housing Authority of the City of San Marcos, for construction projects on property owned by it, for low-income housing or administrative offices; and
 - (6) Any taxing unit as defined under Section 1.04(12) of the Texas Tax Code for construction projects having a permitted value of \$3,000.00 or less.
- (c) Residential home improvement exemption. A person making repairs or improvements to a residential dwelling requiring the issuance of a permit by the City is exempt from the payment of all applicable fees imposed under this chapter if:
- (1) Such person owns and occupies the residential dwelling;
 - (2) The residential dwelling is designated as such person's homestead by the county appraisal district having jurisdiction; and
- (Ord. No. 2015-21, § 1, 7-7-15 ; Ord. No. 2021-23 , § 1, 4-6-21)

Sec. 14.010. Building accessibility.

- (a) Before a contractor applies for a permit for a building or structure subject to section 5(j) of the State Architectural Barriers Act, the contractor shall provide proof that he has registered the construction documents with the state department of licensing and regulation. Proof of registration consists of the project registration number from the state department of licensing and regulation.
 - (b) Where a construction improvement permitted through the City of San Marcos do not meet the valuation threshold for reviews and inspections by a Registered Accessibility Specialist, the contractor will not be exempted from compliance with Texas Accessibility Standards.
 - (C) It shall be a property owner's responsibility to maintain accessible features of construction and site improvements.
- (Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.011. Construction noise.

- (a) It is unlawful for any person to cause construction noise to be made between 9:00 p.m. and 7:00 a.m. if the noise can be heard from any public street or from a residence on private property in the City other than the property on which the noise is made.
- (b) This section does not apply to:
 - (1) Construction noise from construction activities performed by or for a governmental entity;
 - (2) Construction noise from emergency construction activities conducted solely to alleviate an imminent danger to persons or property; or
 - (3) Construction noise from construction activities that are required in order for the installation or performance of certain systems or subsystems to meet best practices of building construction. This exception will apply only upon the Building Official's prior written approval. To obtain the Building Official's approval a contractor must provide written certification from a licensed professional engineer and any other information the Building Official determines is required to prove that the activity is required for best practices. Granting the exception is within the sole discretion of the Building Official.

At least 48 hours prior to the impending construction activity, the Building Official may require the contractor to provide written notification to surrounding properties.

- (c) A person who violates this section commits a misdemeanor and is subject to a fine of not less than \$250.00 upon conviction. The Building Official may issue a stop work order for non-compliance with this section.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.012. Demolition of medium or high preservation priority buildings.

- (a) The requirements of this section are in addition to all other requirements pertaining to the demolition or removal of buildings in the city under applicable ordinances, laws and regulations.
- (b) No building nor any part of a building that is identified as a medium or high preservation priority property within the boundaries of the My Historic SMTX historic resources survey approved by the city council on September 3, 2019 (the "Historic Resources Survey") or, if located outside the boundaries of the Historic Resources Survey, that is at least 80 years of age, may be demolished or removed unless a permit authorizing such demolition or removal has been issued by the city.
- (c) The request or application for a permit authorizing the demolition or removal of a building described in subsection (b), or part of such building, shall include the address and a detailed description of the building, or part of such building, proposed to be demolished or removed, together with color photographs of all exterior elements of the building.
- (d) Before the city may issue a permit authorizing the demolition of any building described in subsection (b), or any part of such building, the city will provide notice to the public of the proposed demolition or removal by:
- (1) Posting notice in a conspicuous manner on the city's official website and continuously maintaining such notice on the website until a permit is issued by the city authorizing the demolition or removal, or the request for demolition or removal is withdrawn;
 - (2) Sending written notice by regular mail to the owners of real property located within 400 feet of the tract of land or lot on which the building, or part of such building, subject to demolition or removal is situated as determined by the most recent published tax roll of the county tax assessor-collector;
 - (3) Sending written notice by regular mail, or by email if requested, to the Council of Neighborhood Associations ("CONA") and any individual neighborhood or property owners' associations registered with the city to receive such notices;
 - (4) Sending written notice by regular mail, or by email if requested, to any other persons registered with the city to receive such notices; and
 - (5) Sending written notice by email to the members of the city's Historic Preservation Commission, the members of the Hays County Historical Commission, and the President of The Heritage Association.
- (e) The person or applicant requesting the demolition or removal shall pay in advance all costs associated with providing the notices required under subsection (d). The costs associated with providing such notices shall be waived for applications to demolish homestead property.
- (f) The city shall not issue a permit authorizing the demolition or removal of any building described in subsection (b), or part of such building, until at least 90 days have passed since the date that the last notice required under subsection (c) was posted or sent. For purposes of this section, the date notice is placed in the mail or that the sender enters the send command for email shall be considered the date notice is sent.
- (g) Subject to compliance with any other applicable ordinances, a permit may be approved and issued authorizing demolition or removal of any part of a building described in subsection (b) before the end of the 90-day period under subsection (f) as follows:

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- (1) For any part of a building specifically identified or characterized in the Historic Resources Survey as not historic or non-contributing, a demolition permit may immediately be approved and issued without the requirement of notice under subsection (c).
 - (2) If the applicant for a demolition permit seeks to demolish or remove any part of a building that is not so identified or characterized in the Historic Resources Survey, the applicant may request a hearing before the historic preservation commission for a determination whether such part of a building is of historic significance or contributes to the historic significance of the building of which it is a part. In such event, notice of the hearing and of the initial request will be provided in accordance with subsection (d). At the hearing, the commission shall evaluate the request by applying the same criteria for consideration of a certificate of appropriateness under chapter 2, article 5, division 5 of subpart B of the San Marcos City Code. If the commission finds that the part of the building is not of historic significance or does not contribute to the historic significance of the building of which it is a part, a demolition permit may immediately be issued without further notice.
 - (h) The requirements of this section shall not apply to the demolition of a building, or part of such building, the condition of which is determined by the chief building official or the fire marshal to be an imminent threat to public safety.
 - (i) It is a violation of this section to demolish or remove a building described in subsection (b), or part of such building, without having been issued a permit from the city specifically authorizing the demolition or removal. A person who violates this section shall be subject to a fine not to exceed \$2,000.00. A culpable mental state is not required to establish a violation of this section.
 - (j) In addition to the assessment of any criminal penalties, the city may pursue any remedies available at law or in equity, including injunctive relief, to enforce the provisions of this section.
 - (k) If any word, phrase, clause, sentence, or paragraph of this section is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this section will continue in force if they can be given effect without the invalid portion.
 - (l) All ordinances and resolution or parts of ordinances or resolutions in conflict with this section are repealed.
- (Ord. No. 2019-19 , §§ 1—11, 6-27-19; Ord. No. 2019-32 , §§ 2—12, 9-30-19)

Secs. 14.013—14.025. Reserved.

ARTICLE 2. BUILDING CODE

Sec. 14.026. Amendments.

The International Building Code 2021 Edition adopted by section 14.002 is amended as follows:

Section 101.5 is added to read as follows:

Section 101.5 Nothing within this code shall be construed as limiting the application and enforcement of this code in areas such as Extra-territorial Jurisdiction (ETJ) as may be allowed by local, state, or federal laws, ordinances, or codes.

Section 101.5.1 Any project located in the Extraterritorial Jurisdiction that will be provided water, wastewater or electric utilities by the City of San Marcos is required to obtain a building permit and comply with all applicable building code requirements.

Section 103 is deleted.

Section 105.2 Building Exemption #2 is removed.

Section 105.2 Building Exemption #14 is added to read:

Roof covering replacement permits are not required unless the weight of the replacement roof is heavier than the existing roof covering.

Section 107.1.1 is added to read as follows:

107.1.1 All foundations shall be designed by a Licensed and Registered Engineer. The Engineer shall cause all necessary inspections to be performed to insure compliance and submit a sealed letter of conformance stipulating the foundation has been built to his or her design specifications and further that the foundation is compliant with all related provisions of the technical code and related design standards.

Exception: The Building Official may approve various deck piers and additions limited to 100 square feet in area.

Section 107.1.1 is added to read as follows:

107.1.1 Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional's seal. The seal shall bear the professional's name and the legend "Licensed Professional Engineer," "Registered Professional Engineer" or "Registered Architect".

Section 107.3.4.1.1 is added to read as follows:

107.3.4.1.1 Design Professional. The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering.

Section 111 is amended by adding the following:

111.1.1. It is unlawful for a residential contractor, general contractor or building owner to allow any person to occupy a building until a certificate of occupancy is issued.

111.2.13 No certificate of occupancy will be issued until the City has been paid all fees and costs that are related to the building or structure. The fees and costs include those related to the infrastructure of the building, such as impact fees and fees for the installation of water meter and water and wastewater connections.

111.2.14. Before utility service to a non-residential building is initiated for a new owner, occupant or tenant, the owner, occupant or tenant shall apply for and obtain a new certificate of occupancy from the building inspection division.

Section 112 is amended by adding the following:

112.1.1 It is unlawful for a building owner or occupant to institute utility service to any non-residential structure or transfer utility service from one account holder to another occupant or tenant until the utility service provider has received a utility release from the building inspections department based upon the issuance of a certificate of occupancy for the structure, occupancy or use.

Section 113 is deleted and replaced with the following:

Construction Board of Appeals

113.1 General. There is hereby established a board to be called the Construction Board of Appeals, which is appointed by the City Council.

113.1.1 Applicability. The Construction Board of Appeals replaces sitting boards identified in the ICC Family of Codes adopted by the City of San Marcos unless specifically authorized by local amendment or state law.

113.2 Membership. The board consists of five regular members and two alternate members. The five regular members are composed of one master plumber, one master HVAC contractor, one general contractor, one residential contractor, and one member from the general public. The two alternate members may come from any

of the above-mentioned categories. The alternate members will serve in the absence of one or more regular members.

113.3 Terms of Office. The terms of office of the regular and alternate board members are for three-years, and are staggered so no more than $\frac{1}{3}$ of the Board is appointed in any 12-month period. If a regular member resigns prior to the end of his or her appointed term of office, the vacancy will be filled by the alternate who has served the longest, and a new alternate member will be appointed by the Council.

113.4 Quorum and Voting. Five members are required for a quorum. In varying any provision of this code or in modifying a decision of the building official, four affirmative votes are required.

113.5 Appeals. The Board will hear appeals and render decisions upon interpretations and rulings by the building official when allowed by this chapter. In deciding an appeal, the Board will determine if the ruling or interpretation is in accordance with the intent and purposes of this chapter and any pertinent adopted code. If the Board determines that the ruling or interpretation is not correct, the building official will not enforce or implement it. If the Board determines that the ruling or interpretation is valid, the applicant or permit holder shall either comply with the ruling or interpretation and remove or remedy all affected work within a timeframe as determined by the Building Official, or request a variance from the Board.

113.6 Variances. The Board may grant a variance which establishes and maintains effective safety. A variance may be granted when the Board finds, upon presentation of adequate evidence that compliance will result in unnecessary and extraordinary hardship and that:

- (1) There are special circumstances or conditions applying to the structure, the construction materials or methods, or other related factors that are unique and do not apply generally to other structures, construction materials or methods;
- (2) The special circumstances or conditions were not created by the applicant or permit holder or anyone associated with the applicant or permit holder;
- (3) The granting of the variance will be in general harmony with the purposes of this chapter and will not be materially detrimental to the persons using the structure, to adjacent property, or to the public welfare in general; and
- (4) The variance applied for does not depart from this chapter any more than is required because of the special circumstances or conditions.

If a variance is not granted, the applicant or permit holder shall remove or remedy all affected work, within a time frame as determined by the Building Official.

113.7 Procedures. The Board may promulgate rules governing its meetings and proceedings, subject to this article. The Board will meet as necessary to hear appeals and variances. The Board will conduct a public hearing on each matter that it considers in order to allow any member of the public to speak regarding the matter. Persons desiring a hearing by the Board may be placed on the agenda by providing a written request to the building official. The meeting will be held within 10 days from the date the written request was received.

Section 116 is deleted.

Section 202 definitions are modified as follows:

Ambulatory Care Facility. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation

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- Sedation dentistry
 - Surgery centers
 - Colonic centers
 - Psychiatric centers

High-Piled Combustible Storage. add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 12,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified (speculative warehouse), a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

High-Rise Building. A building with an occupied floor located more than 75 55 feet (22 860 16 764 mm) above the lowest level of fire department vehicle access.

Repair Garage. Occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

Self-Service Storage Facility. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

310.1 is amended to read as follows:

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

Congregate living facilities (transient) with 3 or fewer sleeping units that are part of a single-family dwelling that is owner occupied are permitted to comply with the International Residential Code.

310.5.2.1 For the purpose of this section the term Lodging Houses shall have the meaning of Congregate Living Facilities (transient).

502.1 is amended to read as follows:

502.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be

Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 12 inches (304.8 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the fire code official, address and building numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings that do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with minimum 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. In multi-suite structures, the rear entrances of the suites must be labeled with 4 inch (101.6 mm) height suite numerals of a color contrasting with the background of the building or other approved means. Address identification shall be maintained.

Exceptions:

1. R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

2. Structures located within the historic district may utilize a minimum of 6 inches (152.4 mm) high numbers as approved by the Fire Code Official.

Section 903.1 is amended by adding the following:

Section 903.1.1; change to read as follows:

903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as approved by the fire code official.

903.1.2 More restrictive section applies. Where fire sprinklers are required in other sections of this code, the most restrictive requirement will apply to methods of construction, installation, or other system requirements.

Section 903 is amended by adding the following:

Section 903.2; add paragraph to read as follows and delete the Exception for telecommunications buildings:

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY – NO STORAGE ALLOWED."

Section 903.2.4.2; change to read as follows:

903.2.4.2 Group F-1 distilled spirits. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

Section 903.2.9.3; change to read as follows:

903.2.9.3 Group S-1 distilled spirits or wine. An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

Section 903.2.9.4 and 903.2.9.5; delete Exception to 903.2.9.4 and add Section 903.2.9.5 to read as follows:

903.2.9.5 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service

storage facilities.

Exception: One-story self-storage facilities that have no interior corridors.
Section 903.2.10; change to read as follows:

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the International Building Code or where located beneath other groups.

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

903.2.11.3 Buildings 55 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more, other than penthouses in compliance with Section 1511 of the International Building Code, located 55 35 feet (16 764 10 668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

****903.2.11.9 Buildings Over 6,000 sq. ft.** An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code where all of the following conditions apply:

- A. The structure is freestanding.
- B. The structure does not contain any mixed uses, accessory uses, storage rooms, electrical rooms, elevators or spaces used or occupied for anything other than motor vehicle parking.
- C. The structure does not exceed three stories.
- D. An approved fire apparatus access road is provided around the entire structure
- E. The gross square foot of the structure does not exceed 47,999 square feet.

Section 903.3.1.1.1; change to read as follows:

903.3.1.1.1 Exempt Locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such ... {text unchanged}... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder

of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

4. {Delete.}
5. Fire service access Elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
6. {Delete.}

Section 903.3.1.1.3; add section to read as follows:

903.3.1.1.3 Emergency Services Training Facilities: When approved by the fire code official, structures used for the purpose of emergency services, including but not limited to;

Live fire training

Simulation Training

Breaching Training

Other uses where automatic sprinklers would be impractical.

Section 903.3.1.2; change to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 35 feet (9144 10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet (9144 10668 mm) or less below the lowest level of fire department vehicle access.

{No change to remainder of section.}

Section 903.3.1.2.2; change to read as follows:

903.3.1.2.2 Corridors and balconies. Sprinkler protection shall be provided in all corridors and for all balconies. {Delete the rest of this section.}

Section 903.3.1.2.3; delete section and replace as follows:

Section 903.3.1.2.3 Attached Garages and Attics. Sprinkler protection is required in attached garages, and in the following attic spaces:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.

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2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.
 3. Attic spaces of buildings that are three or more stories in height above grade plane or above the lowest level of fire department vehicle access.
 4. Group R-4, Condition 2 occupancy attics not required by Item 1 or 3 to have sprinklers shall comply with one of the following:
 - 4.1. Provide automatic sprinkler system protection.
 - 4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.
 - 4.3. Construct the attic using noncombustible materials.
 - 4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.
 - 4.5. Fill the attic with noncombustible insulation.

Section 903.3.1.2.4; add section to read as follows:

Section 903.3.1.2.4 Exterior closets. Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

Section 903.3.1.3; change to read as follows:

903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

Section 903.3.1.4; add to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and

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3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

Section 903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective NFPA standards; however, every water-based fire protection system shall be designed with a 5 psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.4; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Section 905.2; change to read as follows:

905.2 Installation Standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Approved, locking caps shall be installed on all standpipe connections that are installed as a result of new construction. Additionally, where remodeling of a building or structure requires the addition or alteration of a standpipe system, locking caps shall be installed. Where standpipes exist on current buildings, but the caps are missing or damaged, they must be replaced with locking caps, as approved by the fire code official.

Section 905.3.9; add to read as follows:

905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the fire code official.
2. R-2 occupancies of four stories or less in height having no interior corridors.

Section 905.4; change Items 1, 3, and 5, and add Item 7 to read as follows:

1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.

Exception: {No change.}

2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an interior exit stairway hose connection by a {remainder of text unchanged}

4. {No change.}
5. Where the roof has a slope less than 4 units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way a hose connection shall be located to serve the roof or at the highest landing of an interior exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 906.1(1); delete Exception 3

Section 907.1.4; add to read as follows:

907.1.4 Design Standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Section 907.2.1; change to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons, or where the occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3; change to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with

Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. {No change.}

1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

{No change to remainder of exceptions.}

Section 907.2.10; change to read as follows:

907.2.10 Group S. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public- and self-storage occupancies three stories or greater in height for interior corridors and interior common areas. Visible notification appliances are not required within storage units.

Exception: {No change.}

Section 907.2.13, Exception #3; change to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

Section 907.4.2.7; add to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.4.2.7; add to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.6.1.1; add to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

Section 907.6.1.2; add to read as follows:

907.6.1.2 Notification Appliance Circuit Wiring Installation. All notification appliance circuits (NAC) installed in R type occupancies shall be installed in such a way that a single open will not interfere with the operation of any notification appliance (Class A). Outgoing and return NAC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits with the exception of separation requirements. The NAC may be wired Class B, provided the distance from the interface device to the notification appliance is ten feet or less.

Section 907.6.3; delete all four Exceptions.

Section 907.6.6; add sentence at end of paragraph to read as follows:

See 907.6.3 for the required information transmitted to the supervising station.

Section 910.2; change Exceptions #2 and 3 to read as follows:

2. Only manual smoke and heat removal shall not be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m^2S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

Section 910.2.3; add to read as follows:

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Section 910.4.3.1; change to read as follows:

910.4.3.1 Makeup Air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be manual or automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

Section 912.2.3; add to read as follows:

912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path, unless approved by the fire code official.

Section 912.4.1; change to read as follows:

912.4.1 Locking fire department connection caps. Approved, locking caps shall be installed on any fire department connection that is installed as a result of new construction. Additionally, where remodeling of a building or structure requires the addition of an approved sprinkler or standpipe system, locking caps shall be installed. Where fire department connections exist on current buildings, but the caps are missing or damaged, they must be replaced with locking caps, as approved by the fire code official.

Section 913.2.1; add second paragraph and exception to read as follows:

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

Section 914.3.1.2; change to read as follows:

914.3.1.2 Water Supply to required Fire Pumps. In all buildings that are more than 120 feet (36.6 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: {No change to exception.}

Section 1006.2.1; change Exception #3 to read as follows:

1006.2.1 Egress based on occupant load and common path of egress travel distance. Two exits or exit doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or space shall be determined in accordance with Section 1004.2.

Exceptions:

1. {No change.}
2. {No change.}
3. Unoccupied rooftop mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.

Section 1009.8; add Exception #7 to read as follows:

Exceptions:

1. through 6. {No change.}
7. Buildings regulated under State Law and built in accordance with State registered plans, including variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009 and Chapter 11.

Section 1010.2.4 3- 3.2 Change to read as follows

3.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED." -or similar language approved by the fire code official. The sign shall be in letters 1 inch (25 mm) high on a contrasting background. The sign is not required in buildings in occupancy Group B with an occupant load less than 25, that would not otherwise be classified as another occupancy group if the occupant load was higher.

Section 1010.2.5; change Exceptions #3 and 4 to read as follows:

Exceptions:

1. {No change.}
2. {No change.}
3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. (remainder unchanged)
4. Where a pair of doors serves a Group A, B, F, M or S occupancy (remainder unchanged)
5. {No change.}

Section 1015.8 Window Openings; change number 1 to read as follows:

1. Operable windows where the top of the sill of the opening is located more than 55 feet above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

Section 1020.2; add Exception #6 to read as follows:

Exceptions:

1. through 5. {No change.}
6. In un-sprinklered group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

Section 1030.1.1.1; add Exception#4 to read as follows:

Exceptions:

1. through 3. {No change.}
4. Where alternate means or methods are submitted to and approved by the Building and Fire Officials.

Section 1032.2; change to read as follows:

1032.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

Section 2510; change to read as follows:

2510.6.2 is deleted

Section 2702; change and add to read as follows:

2702.1.3 Installation. Emergency power systems and standby power systems shall be installed in accordance with the International Building Code, NFPA 70, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

2702.1.5 Load Duration. Emergency power systems and standby power systems shall be designed to provide the required power for a minimum duration of 2 hours without being refueled or recharged, unless specified otherwise in this code.

Exception: Where the system is supplied with natural gas from a utility provider and is approved.

2702.1.6 through 1203.1.9 {No changes to these sections.}

2702.1.10 Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

2702.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.1826 or elsewhere identified in this code or any other referenced code.

2702.2.1 through 1203.2.3 {No change.}

2702.2.4 Emergency Voice/alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

Covered and Open Malls, Section 907.2.20 and 914.2

Group A Occupancies, Sections 907.2.1 and 907.5.2.2

Special Amusement Areas, Section 907.2.12 and 914.7

High-rise Buildings, Section 907.2.13 and 914.3

Atriums, Section 907.2.14 and 914.4

Deep Underground Buildings, Section 907.2.19 and 914.5

2702.2.15 Means of Egress Illumination. Emergency power shall be provided for means of egress illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

2702.2.16 Membrane Structures. Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with Section 3103.12.6. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the International Building Code. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

2702.2.17 {No change.}

2702.2.18 Smoke Control Systems. Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

Covered Mall Building, International Building Code, Section 402.7

Atriums, International Building Code, Section 404.7

Underground Buildings, International Building Code, Section 405.8

Group I-3, International Building Code, Section 408.4.2

Stages, International Building Code, Section 410

Special Amusement Areas (as applicable to Group A's), International Building Code, Section 411

Smoke Protected Seating, Section 1030.6.2

2702.2.20 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.

2702.2.21 Airport Traffic Control Towers. A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

2702.2.22 Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the International Building Code, Section 909.20.7.2.

2702.2.23 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the International Building Code, Section 909.21.5.

2702.2.24 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the International Building Code, Section 717.5.3, exception 2.3.

2702.2.25 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the International Mechanical Code, Section 504.11, Item 7.

2702.2.26 Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

Section 3001 is amended by adding the following:

3001.5 If there is a conflict between state law, the International Building Code or local code amendments, the most restrictive provision shall apply.

Section 3305 is amended by adding the following:

3305.2 Construction Debris/Trash Containment. Contractors shall ensure that every construction, remodel, repair, or renovation site has a method of containment for construction debris and trash. The contractor shall ensure that construction debris and trash are removed from the site on a regular basis so that the site is maintained in a clean, sanitary, and safe condition at all times.

3305.3 Sanitary Facilities. Contractors shall ensure that every construction, remodel, repair, or renovation site has adequate sanitary facilities for all workers. The contractor shall ensure that these facilities are kept in a clean and sanitary condition at all times.

3305.4 Street Cleaning. Adjacent streets to the construction site shall be maintained and free of dirt, mud, rocks and other construction debris at all times. Dirt, gravel, etc., shall not be swept, washed, or otherwise deposited into unprotected storm water conveyance systems.

3305.5 Spoils piles. All spoils piles shall be utilized on site or removed from construction sites as soon as possible. While onsite, all piles must be minimized in height, volume and footprint, and in no case shall piles exceed eight feet in height. Seeding or covering of undisturbed portions of spoils piles is required if the piles will not be

increased or decreased for more than 14 calendar days, as specified in TPDES construction stormwater pollution prevention plan regulations, regardless of the size of the site and/or pile. In no case shall a site final inspection be approved until all spoils piles have been removed from construction sites.

3305.6 Jobsite Management. The Building Official shall have approval of all staging areas for jobsites where there are site constraints that may affect the surrounding areas.

3305.7 Truck Routes. The Building Official shall have approval of all truck routes within the City Limits, used for construction purposes such as excavation transport, ready-mix pour, etc.

(Ord. No. 2015-21, § 1, 7-7-15 ; Ord. No. 2018-04 , § 7, 4-17-18)

ARTICLE 3. RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

Sec. 14.041. Amendments.

Section 101.5.1 Any project located in the Extraterritorial Jurisdiction that will be provided water, wastewater or electric utilities by the City of San Marcos is required to obtain a building permit and comply with all applicable building code requirements.

Section R103 is deleted.

Section R105.2 Building Exemption #2 is removed.

Section R105.2 Building Exemption #11 is added to read:

Roof covering replacement permits are not required unless the weight of the replacement roof is heavier than the existing roof covering.

Section R106.1.1.1 is added to read as follows:

R106.1.1.1 All foundations shall be designed by a Licensed and Registered Engineer. The Engineer shall cause all necessary inspections to be performed to insure compliance and submit a scaled letter of conformance stipulating the foundation has been built to his or her design specifications and further that the foundation is compliant with all related provisions of the technical code and related design standards.

Exception: Single family residential room additions and single family residential detached accessory structures may be constructed utilizing the City of San Marcos Residential Room Addition concrete slab foundation design. Use of this design is limited to structures that are one story in height "500" five hundred square feet or less and not attached to a post tension designed slab or foundation.

Section R109.1.1 is amended to read as follows:

R109.1.1 Foundation inspection. Form surveys shall be performed prior to placement of plumbing piping and the report shall be approved for code compliance prior to the foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. In Flood Plain areas additional requirements exist in Section R109.1.3.

Section R313.2 is deleted.

Section R703.7.3.2 is deleted.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.042. Regulation of single-family and duplex industrialized housing.

- (a) Single-family or duplex industrialized housing must comply with all local permit and license requirements that are applicable to other single-family or duplex dwellings.
- (b) Industrialized housing has the same meaning as in Section 1202.002 of the Texas Occupations Code or as that section may be amended.

(Ord. No. 2015-21, § 1, 7-7-15)

Secs. 14.043—14.060. Reserved.

ARTICLE 4. RESERVED

Secs. 14.061—14.075. Reserved.

ARTICLE 5. MECHANICAL CODE

Sec. 14.076. Amendments.

The 2021 International Mechanical Code adopted by section 14.002 is amended as follows:

Section 103 is deleted.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.077. Permits; licensing.

- (a) A person applying for a building (mechanical) permit shall be:
 - (1) A licensed air conditioning and refrigerator contractor under state law, or
 - (2) Exempt under state law from the licensing requirement.
- (b) A state licensed air conditioning and refrigeration contractor shall register with the city once a year and show proof of the state license and insurance before any work is performed within the city.
- (c) If a building owner is claiming an exemption under state law because he or she is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he or she owns and occupies the building as his or her home.

(Ord. No. 2015-21, § 1, 7-7-15 ; Ord. No. 2018-12 , § 2, 5-15-18)

ARTICLE 6. PLUMBING CODE

DIVISION 1. GENERALLY

Sec. 14.101. Applicability.

All City plumbing regulations apply throughout the city limits, and also apply to all plumbing work, regardless of location, performed on pipes connected to the City water or wastewater system.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.102. Amendments.

The 2021 International Plumbing Code adopted by section 14.002 is amended as follows:

Section 103 is deleted.

Section 109 is deleted.

Section 603. is amended as follows.

Section 606.1 is amended by adding 606.1.1 to read as follows:

606.1.1. Water Supply Control. A customer shutoff valve shall be provided on the customer's premises immediately following the water service meter. The shutoff valve shall be located and accessible in a valve box with a readily removable access cover which extends to grade level. When drain valves are provided on the distribution piping or other portion of the water supply system, the drains shall be above grade or otherwise located to prevent the possibility of backflow into the piping system after the system has been drained.

Section 703 is amended by adding 703.6 to read as follows:

703.7 Minimum building sewer size. Any building sewer pipe which extends five feet from the structure and is connected to the sewer tap, shall be four inches in diameter.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.103. Permits; licensing.

(a) A person applying for a building (plumbing) permit shall be:

- (1) A licensed master plumber under state law, or
- (2) Exempt from the state licensing law.

(b) A state licensed master plumber shall register with the city once a year and show proof of the license and insurance before any work is performed within the city or on pipes connected to the city's water or wastewater service; or

(c) If a building owner is claiming an exemption under state law because he or she is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he or she owns and presently occupies the building as his or her homestead.

(Ord. No. 2015-21, § 1, 7-7-15 ; Ord. No. 2018-12 , § 3, 5-15-18)

DIVISION 2. WATER CONSERVATION

Sec. 14.120. Definitions.

Terms in this division have the following meanings unless otherwise specified:

Adjustable flow control means a mechanism that can be adjusted to restrict water flow through a valve, thus reducing discharge pressure.

Check valve means a device that allows water to flow in one (1) direction only and prevents flow through the system unless a pre-set pressure has been achieved.

Commercial water customer means a city water customer that uses water for service-related uses such as restaurants, hotels/motels, retail stores, car washes, laundromats/dry cleaners, physician's offices and office buildings.

Conveyor carwash means a commercial car wash that uses a conveyor belt to move vehicles through various washing stations.

Cooling system means a heating, ventilation and air conditioning system that uses water for cooling purposes.

Cycles of concentration means a measure of the number of times the solids content of recirculating water has been increased over that of the make-up water. Example: If the circulating water has four (4) times the solids concentration compared to that of the make-up water, then the cycles of concentration is four (4).

Decorative water features means features such as fountains, waterfalls, landscape lakes or ponds, and other aesthetic features where the use is entirely ornamental and serves no other functional purpose.

Director means the director of the Public Services Department, or a person designated by the director to act in his or her behalf, including the water conservation coordinator.

Existing means in existence before September 30, 2006.

Flow sensor means a device that monitors, measures, and/or records the rate of flow of water, and shuts off the system when flows exceed a specified rate.

Flow restrictor means a device which limits the flow of water through an opening.

ICI means an industrial water customer, a commercial water customer, or an institutional water customer.

In-bay automatic carwash means a commercial car wash in which the vehicle remains stationary within a wash bay while automatic arms move back and forth over the vehicle to clean it.

Industrial water customer means a City water customer that uses water for manufacturing and/or fabrication of goods.

Institutional water customer means a City water customer that uses water for institutional facilities such as hospitals, nursing care facilities, child day care facilities, correctional institutions, college/professional schools, elementary/secondary schools, and places of religious assembly.

Irrigation system means an assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location other than agricultural operations as defined by Texas Agricultural Code § 251.002, and/or to reduce dust or control erosion.

Irrigation system evaluation means an inspection of a landscape irrigation system, including a review of design appropriateness for current landscape requirements, proper functioning of sprinkler heads, valves and other components, precipitation rates, irrigation schedules, and maintenance plan.

Irrigation technician means a person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30 TAC Chapter 30 (relating to Occupational Licenses and Registrations).

Irrigator means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30 TAC Chapter 30 (relating to Occupational Licenses and Registrations).

Low-angle spray heads means spray heads that direct water droplets closer to the surface of the ground, thus reducing losses to wind drift and evaporation.

Low-head drainage means a condition in which water drains partially or completely out of a lateral line through a sprinkler head after an irrigation cycle is completed.

Master valve means a remote control automatic valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

Mobile carwash means a commercial business equipped with a vehicle or trailer-mounted self-contained washing system with water or detergent solution, storage tank, high pressure/low flow pumping equipment, hoses, spray wand and related appurtenances.

New means installed on or after September 30, 2006.

On-premises laundry facility means a laundry facility located on the premises of a commercial or institutional business, and serving only the customers or residents of that facility. Examples of on-premises laundry facilities include those found at hospitals, nursing homes, and hotels.

Positive shutoff device means a device which permits water to flow through it only when an outside force or pressure is applied to it.

Pre-rinse spray valve means a high-pressure spray attachment used in commercial and institutional kitchens to pre-rinse dishes before loading them into a dishwasher.

Self-service carwash means a commercial car wash in which the vehicle is washed manually within a wash bay by the customer using high-pressure sprayers and brushes.

Shrub riser means a device that elevates a sprinkler head several feet above the ground surface so that water is applied over the top of shrubs and other tall landscape plants.

Single-pass water cooling means a process in which water is circulated only once through a piece of equipment to cool it before being discharged to the waste stream. Single-pass cooling, also known as once-through cooling, is often used for CAT scan, x-ray equipment, degreasers, hydraulic equipment, condensers, air compressors, welding machines, vacuum pumps, ice machines and air conditioners.

Solenoid shutoff valve means a device which opens a valve only when an electrical current is applied, and closes the valve when no current is present.

Static water pressure means the pressure of water when it is not moving.

Subsurface drip means the slow application of water, usually under low pressure, beneath the soil surface.

Surface drip means the slow application of water, usually under pressure, at the soil surface.

Swing joint means a flexible joint or pipe connecting a sprinkler head to a lateral pipe.

Water budget means a feature on a landscape irrigation system controller which allows the user to set a monthly or seasonal water schedule based on evapotranspiration and/or rainfall amounts.

Water recirculating system means a system of pumps, tanks, and treatment components used to treat and reuse water continuously for a single purpose.

Zone valve means an automatic valve that controls a single zone of a landscape irrigation system.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.121. Car washes.

- (a) New conveyer car washes must be equipped with a water recycling system.
- (b) New in-bay automatic car washes must use water recycling systems, ultra-low-flow spray nozzles or alternative means to achieve fresh water usage of no more than fifty-five (55) gallons per vehicle.
- (c) New and existing self-service and mobile car washes must utilize positive shutoff device spray wands with a flow rate of no more than three (3) gallons per minute.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.122. Cooling systems.

- (a) New cooling systems may not utilize single-pass water cooling for any purpose.
- (b) New cooling systems must be designed and operated to achieve a minimum off four (4) cycles of concentration.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.123. Decorative water features.

- (a) New decorative water features must be equipped with a water recirculating system.
- (b) Existing decorative water features must be retrofitted with a water recirculating system.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.124. Dining facilities.

- (a) New commercial and institutional garbage disposals must be equipped with flow restrictors and solenoid shutoff valves.
- (b) Existing commercial and institutional garbage disposals must be retrofitted with flow restrictors and solenoid shutoff valves.
- (c) New commercial and institutional ice machines should be equipped with air-cooled, instead of water-cooled, condensers. If a water-cooled model is used, the cooling system must be equipped with a water recycling system.

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- (d) Pre-rinse spray valves must be equipped with positive shutoff devices and must meet the 1.6 gallons per minute performance standard established under Texas Health and Safety Code Section 372.005.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.125. On-premises laundry facilities.

New commercial, industrial and institutional on-premises laundry facilities must be equipped with a water recycling system.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.126. Landscape irrigation systems.

- (a) Landscape irrigation rule. The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Subchapter A, § 344.1, Subchapter C, §§ 344.30—344.38, Subchapter D, §§ 344.40—344.43 and Subchapters E and F, §§ 344.50—344.65, Texas Administrative Code (effective January 1, 2009), as the same may be from time to time amended, are hereby adopted by reference as the landscape installation irrigation rules of the city.
- (b) P2609 Landscape irrigation. The International Residential Code, 2015 Edition, as adopted by the International Code Council, Inc., in cooperation with the International Conference of Building Officials and with all local amendments as previously adopted by the City of San Marcos is hereby amended to add Section P2610 to Chapter 26, General Plumbing Requirements and to read as follows.
- (c) Minimum standards for landscape irrigation systems. The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Subchapter A, § 344.1, Subchapter C, §§ 344.30—344.38, Subchapter D, §§ 344.40—344.43 and Subchapters E and F, §§ 344.50—344.65 Texas Administrative Code (effective January 1, 2009), as the same may be from time to time amended, are hereby adopted by reference as the landscape installation irrigation rules of the city.
- (d) Valid license required and exemptions.
- (1) Any person who connects an irrigation system to the water supply within the City or the City's extraterritorial jurisdiction (ETJ), must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903, Subchapter F of the Texas Occupations Code, or as defined by Title 22, Chapter 365 of the Texas Administrative Code and required by Chapter 1301 of the Texas Occupations Code.
- (2) A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, § 1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344, Sections:
- 344.50 (Backflow Prevention Methods),
- 344.51 (Specific Conditions and Cross-Connection Control),
- 344.52 (Installation of Backflow Prevention Device),
- 344.60 (Water Conservation),
- 344.61 (Minimum Standards for the Design of the Irrigation Plan, except (c)(1)) and,
- 344.62 (Minimum Design and Installation Requirements, except (o)).

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- (3) Upon completion of the irrigation system, the home or property owner must prepare and retain an irrigation plan that shows the actual installation of the system.
 - (4) As provided in the Texas Occupations Code § 1903.002 for other exemptions to the licensing requirement.
 - (e) Permit required and exemptions.
 - (1) Any person installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the City is required to obtain a permit from the City. Any plan approved for a permit must be in compliance with the requirements of this chapter. The permit will be issued by the permit center a division of Planning and Development Services.
 - (2) The permitting requirements do not apply to:
 - a. An irrigation system that is an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code; or
 - b. An irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or
 - c. An irrigation system connected to a groundwater well used by the property owner for domestic use.
 - (f) Backflow prevention methods and devices. All irrigation systems must comply with the adopted City of San Marcos Article 9 - Cross Connection Control and Backflow Prevention Requirements.
 - (g) Water conservation. All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.
 - (h) Design and installation.
 - (1) Irrigation plan design and installation shall meet the minimum standards and rules of the Texas Administrative Code.
 - (2) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by Chapter 1301 of the Texas Occupations Code, shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not on-site, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.
 - (3) Completion, maintenance, alteration, repair, or service of irrigation systems shall comply with the landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Subchapter A, § 344.1, Subchapter C, §§ 344.30—344.38, Subchapter D, §§ 344.40—344.43 and Subchapters E and F, §§ 344.50—344.65 Texas Administrative Code (effective January 1, 2009), as the same may be from time to time amended.
 - (i) In addition to the requirements under 30 TAC Chapter 344, all new landscape irrigation systems must be designed, installed and operated in accordance with the following requirements:
 - (1) A separate metered water service must be utilized for the landscape irrigation system.
 - (2) Above-ground emission devices must be attached to lateral lines with flexible pipe or swing joints.
 - (3) Use of shrub risers is prohibited. Surface or subsurface drip irrigation, or low-angle spray heads that direct water to the base of the plant may be used in lieu of shrub risers.

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- (4) Irrigation controllers must be capable of providing multiple irrigation programs, with at least three start times per program.
 - (5) Irrigation controllers must be capable of limiting irrigation frequency to once every seven days and once every 14 days as per drought restrictions.
 - (6) Irrigation controllers must have a water budgeting feature.
 - (7) Landscape irrigation systems must have a master valve.
 - (8) Zone valves must be equipped with an adjustable flow control.
 - (9) Zone valves must be enclosed in an accessible valve box.
 - (10) Check valves are required where elevation differences may result in low-head drainage. Check valves may be located at the sprinkler head(s) or on the lateral line.
- (j) All new ICI and multi-family residential landscape irrigation systems must also be designed, installed and operated in accordance with the following requirements:
- (1) Landscape irrigation systems must be equipped with a flow sensor that will automatically shut down the irrigation system during excessive water flows.
 - (2) Landscape irrigation systems must be equipped with a freeze sensor that will automatically shut down the irrigation system when ambient temperatures fall below 32 degrees F.
 - (3) An irrigation system evaluation must be conducted at least once per year, and the results of the evaluation shall be provided to the director.
- (k) All existing landscape irrigation systems must be retrofitted with a rain shutoff device or soil moisture shutoff device.
- (l) Existing ICI and multi-family residential landscape irrigation systems must have an irrigation system evaluation conducted at least once per year, and the results of the evaluation shall be provided to the director.
- (m) Reclaimed water. Reclaimed water may be utilized in landscape irrigation systems if:
- (1) There is no direct contact with edible crops, unless the crop is pasteurized before consumption;
 - (2) The irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;
 - (3) The irrigation system is installed using purple components;
 - (4) The domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i) (relating to Appendices);
 - (5) A minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER — DO NOT DRINK" and "AGUA DE RECUPERACION NO BEBER"; and
 - (6) Backflow prevention on the reclaimed water supply line shall be in accordance with the regulations of the City's water provider.
- (n) Items not covered by this article. Any item not covered by this article and required by law shall be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, City of San Marcos Plumbing Code and any other applicable state statute or Texas Commission on Environmental Quality rule.
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(o) Enforcement.

- (1) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any knowing violation of the elements of this [article] as codified in the San Marcos Code is declared to be a nuisance.
 - (2) The City water purveyor can suspend utility service for any violation of this article.
 - (3) Any person who knowingly violates any provision of this section shall, upon conviction, be fined a sum as provided in chapter 1, subsection 1.015(a) of the San Marcos Code.
 - (4) An offense under this section is a Class C misdemeanor.
 - (5) Nothing in this section shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this section, or any other building code violation, and to seek remedies as allowed by law, including, but not limited to the following:
 - a. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
 - b. Other available relief.
 - (6) Whenever a corporation or association violates any provision of this section, the president, vice-president, secretary, treasurer, manager or any agent or employee of the corporation or association who is responsible for the violation shall be subject to the penalty prescribed for the violation.
- (p) Fees. The City Council, by separate ordinance, may create a schedule of fees for obtaining and renewing an irrigation permit. These fees will be in amounts sufficient to cover the City's costs in issuing and renewing the permits, including, but not limited to, staff time and other costs.

(Ord. No. 2015-21, § 1, 7-7-15 ; Ord. No. 2021-06 , § 1, 3-16-21)

ARTICLE 7. FUEL GAS CODE

Sec. 14.131. Amendments.

The 2021 International Fuel Gas Code adopted by section 14.002 is amended as follows:

Section 103 is deleted.

(Ord. No. 2015-21, § 1, 7-7-15)

ARTICLE 9. UNSAFE BUILDING ABATEMENT

Sec. 14.236. Definitions.

In this article:

Building includes all or any part of a building or structure.

Building official means the building official or the official's designated representative.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.237. Scope.

This article applies equally to all buildings, regardless of the date of their construction.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.238. Purpose.

This article is remedial in purpose and shall be construed to secure the prevention and abatement of hazards incident to the construction, alteration, repair, removal, use and maintenance of buildings.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.239. Prohibited acts.

- (a) It is unlawful for the owner of a building to maintain the building in a manner that allows the building to become or remain an unsafe building in whole or in part.
- (b) It is unlawful for any person to remove any form of unsafe building notice attached to a building by the building official.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.240. Unsafe building.

If a building fails to meet the following minimum standards for continued use and occupancy, it is considered an "unsafe building," and whenever that term is used in this article, it means:

- (1) The building is dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety and welfare, more specifically defined as follows:
 - a. The foundation or the vertical or horizontal supporting members are damaged or deteriorated to the extent that the building may collapse from its own weight or from the effects of wind, rain or other natural forces;
 - b. The exterior roof, walls or flooring is damaged, dilapidated or decayed to the extent that the elements and vermin, are not sealed out from the building's occupants or contents;
 - c. The means of egress are manifestly unsafe or unusable;
 - d. Any part of the building is so attached that, from its own weight or from the effects of wind, rain or other natural forces, it may fall and injure occupants of the building, other persons or other property;
 - e. The condition of the electrical, gas, mechanical or plumbing system serving the building poses a manifest hazard to the building's occupants, other persons or other property; or
 - f. The building has been damaged by fire, wind, water, vandalism or other causes to the extent that it poses a hazard to the occupants of the building, other persons or other property;

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- (2) Regardless of its structural condition, if the building is unoccupied by its owner, lessee or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
 - (3) If the building is boarded up, fenced or otherwise secured in any manner but:
 - a. The building constitutes a danger to the public even though secured from entry; or
 - b. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (2) of this section.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.241. Inspection and initial notice.

- (a) The Building Official will respond to all complaints that a building is in violation of this article by inspecting the building.
- (b) After initially determining that a building is unsafe, or portions of the building are unsafe, the Building Official will issue an initial notice of unsafe building to the owner of the building. The City will use its best efforts to determine the identity and address of any owner, lienholder or mortgagee of the building through the records of county clerks and other sources available to the City.
- (c) An initial notice of unsafe building will contain the following information:
 - (1) The street address of the building;
 - (2) A description of the conditions that make the building an unsafe building;
 - (3) A request that the building be vacated within ten (10) days if it is occupied and cannot be repaired within that time;
 - (4) A request that the owner obtain a permit within ten (10) days for the repair or demolition of the building; and
 - (5) A statement that the owner may request a public hearing on whether the building is unsafe by submitting a written request to the Building Official within ten (10) days.
- (d) The initial notice will be given to the owner in one (1) of the following ways:
 - (1) By personally serving the owner with a copy;
 - (2) By certified mail, return receipt requested, addressed to the owner at the owner's post office address; or
 - (3) By U.S. Post Office signature confirmation service at the owner's post office address; or
 - (4) If personal service cannot be obtained and the owner's post office address is unknown:
 - a. By publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located; or
 - b. By posting the notice on or near the front door of the building.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.242. Public hearing—Notice.

- (a) If the owner of a building fails to comply with a request in an initial notice to vacate or obtain a permit for a building under this article, the Building Official may schedule a public hearing on the building or pursue other enforcement action regarding the building. If the owner of a building responds to an initial notice by requesting a public hearing, the Building Official will schedule a public hearing on the building.
- (b) Notice of a public hearing will be given to the owner of the building and to each mortgagee and lienholder having an interest in the building or in the property on which the building is located, in a manner described in subsection 14.241 (d).
- (c) The notice will contain the following:
 - (1) The street address of the building;
 - (2) A description of the conditions that make the building an unsafe building;
 - (3) A statement that the issues at the hearing will be whether the building is an unsafe building and, if so, whether the building should be vacated, secured, repaired or demolished and, if so, within what time periods these activities should be completed;
 - (4) A statement that if the building is not vacated, secured, repaired or demolished in accordance with an order entered after the hearing, the city may vacate, secure, repair or demolish the building and assess a lien for expenses incurred; and
 - (5) A statement that the owner, lienholder or mortgagee is required to submit, at the hearing, proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
- (d) The City may file notice of the hearing in the official public records of real property in the county in which the property is located. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of interest in the property, who acquire the interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of notice. The notice will contain the following:
 - (1) Name and address of the owner of the affected property, if that information can be determined from a reasonable search of the instruments on file in the county clerk's office;
 - (2) A legal description of the affected property; and
 - (3) A description of the hearing.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.243. Same—Orders.

- (a) Public hearings under this article will be held before a municipal court judge.
- (b) The issues at a hearing will be limited to those described in subsection 14.242(c)(3). The Building Official, the owner and any mortgagee or lienholder of the building and other interested persons may address these issues at the hearing.
- (c) Disputed fact issues will be determined by a preponderance of the evidence.
- (d) If a building is found to be an unsafe building, the judge will order that the building be vacated, secured, repaired or demolished.

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- (e) The judge will require the owner, lienholder or mortgagee of the building to, within thirty (30) days:
 - (1) Secure the building from unauthorized entry; or
 - (2) Repair, remove or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.
 - (f) If the judge allows the owner, lienholder or mortgagee more than thirty (30) days to repair, remove or demolish the building, the judge will establish specific time schedules for the commencement and performance of the work and will require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
 - (g) The judge may not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:
 - (1) Submits a detailed plan and time schedule for the work at the hearing; and
 - (2) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
 - (h) If the judge allows the owner, lienholder or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building, the judge will require the owner, lienholder or mortgagee to regularly submit progress reports to the City to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the municipal court judge or the judge's designee.
 - (i) A copy of the order will be given to the owner and any lienholder or mortgagee of record of the property in a manner described in subsection 14.241(d).
 - (j) Within ten (10) days after the date the order is issued, the City will:
 - (1) File a copy of the order in the city clerk's office; and
 - (2) Publish in a newspaper of general circulation in the city a notice containing:
 - a. The street address or legal description of the property;
 - b. The date of the hearing;
 - c. A brief statement indicating the results of the order; and
 - d. Instructions stating where a complete copy of the order may be obtained.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.244. Failure to comply with order—Public hearing.

- (a) If any part of an order issued under section 14.243 is not complied with by the owner or by any lienholder or mortgagee, the Building Official will schedule a public hearing on the issue of failure to comply with the court order.
- (b) Notice of the public hearing will be given in accordance with subsections 14.242(b) and (d).
- (c) The notice will contain the following:
 - (1) The street address of the building;
 - (2) The date and content of the court order;

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- (3) A statement that the issue at the hearing will be limited to whether the owner of the building complied with the court order;
 - (4) A statement that if the court finds that the building owner did not comply with the court order, the court will order the Building Official to vacate, secure, repair or demolish the building and may assess a lien for expenses incurred.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.245. Same—Orders.

- (a) Public hearings under this article will be held before a municipal court judge.
- (b) The issues at the hearing will be limited to those described in subsection 14.244(c)(3). The Building Official, the owner and any mortgagee or lienholder of the building and other interested persons may address these issues at the hearing.
- (c) Disputed fact issues will be determined by a preponderance of the evidence.
- (d) If the court finds that the building owner did not comply with the previous court order, the court will order that the Building Official will take, or cause to be taken, the previously ordered remedial action.
- (e) Any repairs caused by the Building Official will be limited to the removal or correction of hazardous conditions and the securing of the building against unauthorized entry.
- (f) The Building Official will certify the amount of the City's expenses for remedial action to the finance director for billing to the owner.
- (g) The finance director may assess the expenses as a lien against the property on which the building is or was located, on a form approved by the city attorney. The lien is a privileged lien, subordinate only to tax liens.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.246. Guidelines for remedial action.

- (a) The criteria within this section are guidelines for the municipal court judge to use in determining the remedial action to be ordered for an unsafe building.
- (b) If the condition of a building poses a manifest hazard to the occupants of the building, it shall be vacated.
- (c) If the cost of repairing an unsafe building to meet all applicable standards equals or exceeds the value of the building, the building shall be demolished.
- (d) If the cost of repairing an unsafe building to meet all applicable standards is less than the value of the building, the building shall be repaired or demolished.
- (e) If an unsafe building is to be repaired and is vacant, it shall be secured against unauthorized entry.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.247. Certification of authorized receivers.

Pursuant to Section 214.0031 of the Texas Local Government Code, the following entities have been certified to act as receivers of real property authorized by state law and city ordinance:

- (1) San Marcos Housing Authority.

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- (2) Southside Community Centers, Inc.

Nothing in this provision prevents other qualified entities from applying for certification under this section.

(Ord. No. 2015-21, § 1, 7-7-15)

Secs. 14.248—14.270. Reserved.

ARTICLE 10. ELECTRICAL CODE

DIVISION 1. GENERALLY

Secs. 14.271—14.290. Reserved.

DIVISION 2. STANDARDS

Sec. 14.291. Applicability.

- (a) This article controls over all other parts of this chapter if a conflict occurs between this article and the electrical code or the code for one- and two-family dwellings, which are adopted in section 14.002.
- (b) This article applies:
 - (1) Throughout the city limits regardless of the electrical provider; and
 - (2) To all property, regardless of location, connected to the City electric utility system.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.292. Amendments.

The following rules take precedence over and supersede any portion of the electrical code adopted in section 14.002 where conflicts occur:

- (1) GFCI protection is not required at air conditioning condensers or heat pumps.
- (2) All services shall have disconnecting means located outside of the building served. Exceptions are allowed for upgrades to existing installations or where special permission is granted by the Building Official and the Fire Code Official.
- (3) Overhead service entrance conductors shall be in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing. Service entrance cable (article 338) will not be authorized unless protected by approved conduit. If the service entrance conduit is a service mast, only two-inch or larger rigid metal conduit or intermediate metal conduit will be used.
- (5) Labeling:
 - a. Meter sockets shall be labeled with the business address, house number, apartment number, lot number or duplex number of the unit to which the meter socket is connected.

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- b. At the time of final inspection, the meter sockets shall be labeled with permanent labels that are of such a quality that the readability of the labels will not be affected by the environment. A list of acceptable marking and labeling devices is available at the San Marcos Electrical Utility Department.
 - (6) The service mast shall have at least two points of attachment to the building. One point of attachment must be within twelve (12) inches of the service equipment. The service equipment may not be used to meet this requirement.

(Ord. No. 2015-21, § 1, 7-7-15)

Secs. 14.293—14.369. Reserved.

Sec. 14.370. Permits; licensing.

- (a) A person applying for a building (electrical) permit shall be:
 - (1) A licensed electrical contractor under state law; or
 - (2) Exempt under state law from the licensing requirement.
- (b) A state licensed electrical contractor shall register with the city once a year and show proof of the state license and insurance before any work is performed within the city.
- (c) If a building owner is claiming an exemption under state law because he or she is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he or she owns and resides in the dwelling.

(Ord. No. 2015-21, § 1, 7-7-15 ; Ord. No. 2018-12 , § 4, 5-15-18)

ARTICLE 11. LICENSING AND REGISTRATION OF RESIDENTIAL, GENERAL AND TRADE CONTRACTORS

DIVISION 1. LICENSING AND REGISTRATION OF RESIDENTIAL, GENERAL AND TRADE CONTRACTORS

Sec. 14.370.1 Definitions.

Abandonment Pursuant to 105.5 of the International Building Code or R 105.5 of the International Residential Code a permit becomes expired through inactivity of the construction work for 180 days. A lack of scheduled building inspections demonstrating progress is evidence of abandonment.

Perform To cause to be completed with one's own hands, or with help from employees or subcontractors.

Sec. 14.371. Prohibited acts.

A person who violates this section commits a misdemeanor and is subject to a fine of not less than \$250.00 upon conviction per occurrence. The Building Official may issue a Notice of Violation for any of the unlawful acts listed below:

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- (1) Display or cause a permit to be displayed or to have in one's possession any license for doing any construction work, knowing it to be fictitious or to have been canceled, suspended, expired, altered or revoked;
 - (2) Lend or permit the use of any license for doing any construction work to any person not entitled to it;
 - (3) Display or to represent as one's own any license for any construction work when the license has not been lawfully issued to the person displaying it;
 - (4) Fail or refuse to surrender to the Building Official any license for any construction work that has been suspended, canceled or revoked;
 - (5) Apply for or have in one's possession more than one current City construction license of the same type;
 - (6) Use a false or fictitious name or address in any application for any license or permit provided for in this chapter or any renewal or duplicate or make a false statement or conceal a material fact or otherwise commit fraud in making any application;
 - (7) Perform any construction work for which a license is required without having the license or while the license is suspended, expired, canceled, revoked or the license holder becomes unable to supervise the permitted work or dies;
 - (8) Perform any construction work for which a permit is required without having the permit issued or after the permit has been canceled;
 - (9) Perform any plumbing, mechanical or electrical work where a license or registration is required from the Texas Board of Plumbing Examiners or Texas Department of Licensing without having the required license or registration;
 - (10) Fail or refuse to make the necessary repair or changes as provided in a written notice issued by the inspections division. A separate offense is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected;
 - (11) Permit any construction work covered by this article to be performed by any person not properly licensed, while owning or in control of premises covered by this article;
 - (12) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the building inspection division;
 - (13) Continue to work after a Stop Work Order has been posted;
 - (14) Use the design of a Registered Architect or Engineer without his or her permission.
 - (15) To fill a swimming pool that is part of a building permit without obtaining a passed pool barrier inspection.
 - (16) Place or leave the property in such condition that it injures or endangers persons or property;
 - (17) Abandonment of a project by the licensed contractor;
 - (18) To install a foundation without obtaining an engineer's acceptance letter; or
 - (19) The contractor allows a building to be occupied without obtaining a Certificate of Occupancy.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.371.1 Certificate of insurance required for contractors.

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- (a) A licensed Residential Contractor or General Contractor performing construction work in the City shall provide the inspection division a certificate of insurance that meets the requirements of subsection (b) of this section. The building inspections division will not issue a license until it receives the certificate of insurance.
 - (b) A certificate of insurance shall:
 - (1) Be written by a company licensed to do business in the State of Texas;
 - (2) Provide for commercial general liability insurance coverage for the builder for claims for property damage or bodily injury;
 - (3) Be in a coverage amount of not less than \$1,000,000.00 for all claims arising in any one-year period; and
 - (4) Residential contractors will not be required to carry liability insurance.
 - (c) This article and article 12 of this chapter do not alter the responsibility of any person performing any construction activity for damages to anyone or for performance of a contract. Neither the City nor any City officer or employee assumes any liability on the basis of an inspection activity or a license, certificate or permit issued pursuant to this article or article 12.

Sec. 14.372. License required; exception.

- (a) It is unlawful for any person to perform construction work subject to this article unless the person is licensed as a contractor or is exempt under one of the following:
 - (1) A maintenance person may perform maintenance work only upon property owned by the person's employer. A maintenance person who performs work upon the property of more than one property owner is deemed to be performing work for the general public and shall be licensed as a city residential or general contractor. A maintenance person need not hold a license.
 - (2) A property owner may perform construction work with the owner's own hands or use other persons to perform construction work in/on an existing residence owned by the owner or someone in their immediate extended family. Such other persons performing work for the property owner or work that is performed by the owner on a property that is not the owner's homestead shall, however, be subject to applicable licensing requirements under state law. All work is subject to permit, inspection and approval in accordance with this chapter. "Immediate extended family" for the purposes of this section is defined as children, parents or grandparents by blood or marriage.
 - (3) An approved authorized single representative of a political subdivision. Each subdivision is authorized to submit one person to serve as general representative for projects under \$8,000.00 for purposes of permitting. This exception does not authorize work outside the political subdivision unless the person holds a general contractors license under this section.
 - (4) A Specialist Contractor shall be required to register as a Specialist contractor and may perform work for the general public within the specifications and limitations of the registration.
 - (5) A person licensed by the State of Texas as a trade contractor, including the mechanical, plumbing or electrical trades.

(Ord. No. 2015-21, § 1, 7-7-15 ; Ord. No. 2018-12 , § 4, 5-15-18; Ord. No. 2021-23 , § 2, 4-6-21)

Sec. 14.373. Qualifications for license or registration.

- (a) *Residential Contractor.* This designation applies to construction limited to one- and two-family dwellings. A person applying for a residential contractor's license shall provide proof of passing the required examination for the license. A *Residential contractor* may be an employee of a company or organization.

Exception: A person can meet the requirements of this designation with a valid contractor's license with proof of passing grade where an examination of equal or greater rigor was taken, as determined by the Building Official. State registration certificates and licenses that do not require examination involving general building practices, codes and standards do not apply.

- (b) *General Contractor.* This designation applies to any building construction within our jurisdiction. A person applying for a general contractor's license shall provide proof of a passing grade for the required examination for the license. A *General contractor* may be an employee of a company or organization.

Exception: A person can meet the requirements of this designation with a valid contractor's license with proof of passing an examination of equal or greater rigor, as determined by the Building Official. State registration certificates and licenses that do not require examination involving general building practices, codes and standards do not apply.

- (c) *Specialist Contractor.* This designation applies to limited specific forms of construction such as awnings, retaining walls, stair repairs and similar types of work as determined by the Building Official. A person applying for a specialist contractor registration shall be able to demonstrate proficient knowledge in the area specified as determined by the Building Official. No testing is required for this category of license.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.374. Examination.

- (a) The Building Official may provide for testing of candidates for residential and general contractor's licenses through the use of International Code Council (ICC) National Contractor tests.
- (b) Examinations for ICC certifications are conducted by ICC or their affiliates.
- (b) Payment of an examination fee to the test provider is required each time a contractor must test.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.376. Examination fees.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.377. Issuance, renewal of license or registration.

- (a) Upon receiving a passing grade on the examination for a license or registration under this division, the Building Official can issue a license or registration to the successful candidate.

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- (b) No license will be issued for more than one (1) year. A license may be renewed from year to year upon application of the holder. All licenses issued under this division expire on the last day of December. Any new licenses issued in December of the current year will be valid through December of the following year. The building department has the ability to grant a sixty-day grace period for the purposes of continuing education. This section does not apply to individuals who have not held a license with the City in the previous six (6) months.
 - (c) Any licensee failing to make application for renewal of a license within sixty (60) days after its expiration is considered as an applicant for an original license. This section does not permit construction work by a contractor with an expired license.
 - (d) Each person who obtains a license shall register with the Building Official. The registration will include the information required by the Building Official. If any changes occur in the information provided, the licensee shall amend the registration to reflect the changes within ten (10) business days of the change.
 - (e) Prior to the renewal of any contractor's license, the contractor shall complete six (6) hours of continuing education approved by the Building Official.
 - (f) Maintenance and Specialist registrations expire on the last day of December and must be renewed annually.
- (Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.379. Suspension and revocation of license.

- (a) The Building Official may suspend the license or registration of a building contractor, specialist contractor or maintenance person who has been cited without case disposition or convicted two (2) times within one (1) year of a violation or three (3) times within two (2) years of violation of section 14.371, 14.372 of this chapter or subsection (i) of this section. The suspension will be for a period not to exceed twelve (12) months. For purposes of this section, deferred adjudication will be treated as a conviction.
- (b) If the Building Official decides to suspend a license, the official will notify the licensee of the suspension by first class mail to the licensee's last address on the Building Official's records, by electronic notification, or by hand delivery to the licensee. Notice by mail is deemed to be received three (3) days after posting or by non-returned delivered electronic correspondence.
- (c) The Building Official can refuse to issue permits while there are outstanding violations against a contractor until the violation(s) have been resolved by court disposition or arranging a court hearing.
- (d) The Building Official can refuse to issue permits while there are outstanding fees, unpaid fines or expired permits.
- (e) The licensee may appeal a suspension decision to the Construction Board of Appeals by filing a written request within ten (10) days of receiving notice of the suspension. The Board will hold a hearing to determine whether the suspension decision should be sustained or reversed and will follow the hearing procedures outlined in subsection 14.380(b).
- (f) If a licensee's license has been suspended twice in a three-year period, and the licensee then commits another violation under section 14.371 or 14.372, the Building Official will notify the Construction Board of Appeals. The Board will then hold a hearing under section 14.380.
- (g) Enforcement actions taken under this section are not exclusive, and do not affect any other remedies for violations of section 14.371 or 14.372.
- (h) Maintenance registration can be revoked upon charge or conviction of any code violation.
- (i) A person is subject to disciplinary action under this section if the person violates an order issued by the Board, a board rule, or any of the following:

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- (1) Obtaining a license, endorsement, or registration through error or fraud;
 - (2) Willfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;
 - (3) Making a misrepresentation of services provided or to be provided to a customer that causes financial harm to the customer; or
 - (4) Making a false promise with the intent to induce a person to contract for a service.
- (k) Retesting procedures may be used to determine whether grounds exist for suspension or revocation of a license, endorsement, or registration due to incompetence or a willful violation by a person licensed under this chapter.
- (Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.380. Hearing procedures for revocation of license; notice of revocation.

- (a) When the Construction Board of Appeals is notified that a licensee's license or registration has been suspended twice in a three-year period under subsection 14.380(a), and that the licensee has committed another violation under section 14.371 or 14.372, the Board will set a license revocation hearing within thirty (30) days and will send a copy of the information to the licensee by certified mail or by hand delivery not less than ten (10) days before the date of the hearing.
- (b) The licensee may appear in person at the hearing and may be represented by an attorney or any other person. All hearings will be open to the public. The City and the licensee are entitled to present evidence and arguments at the hearing. The Board may, through its chair or secretary, administer oaths and compel the attendance of witnesses by subpoena issued by the chair. If the licensee does not appear, the Board may proceed to hear and determine whether to revoke the licensee's license.
- (c) If the licensee admits the truth of the charges, or if the Board, by vote of three (3) or more members, finds them to be true, the Board will revoke the license of the licensee. The decision of the Board in each revocation hearing will be entered into the meeting minutes of the Board.
- (d) Notice of the revocation will be given by the Board either in person at the hearing, by first class mail to the licensee's last address on the Building Official's records, or by hand delivery to the licensee. Notice by mail is deemed to be received three (3) days after posting.
- (e) A licensee whose license is revoked under this section may not apply for another license until two (2) years after the effective date of revocation.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.381. Surrender and return of suspended license or registration.

Any license suspended under this division shall be surrendered to the Building Official. At the end of the period of suspension, in the absence of further violations, the surrendered license or registration will be returned to the licensee and will again be valid. If the period of suspension extends beyond the normal expiration date, the licensee shall pay all license renewal fees in order for the Building Official to return the license.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.382. Appeals.

Under this division, any licensee who has been denied a license or whose license or registration has been suspended or revoked may file a petition with the municipal court within ten (10) days of the date of the denial, suspension, or revocation. The licensee shall also file a copy of the petition with the Building Official on the same day that the petition is filed with the municipal court. The municipal court will give all parties at least three (3) days notice of the hearing. The municipal court judge will determine whether there is a reasonable basis for the license denial, suspension, or revocation. The judge will determine factual issues by a preponderance of the evidence.

(Ord. No. 2015-21, § 1, 7-7-15)

Secs. 14.383—14.450. Reserved.***ARTICLE 12. PERMITS AND INSPECTIONS FOR CONTRACTORS******DIVISION 1. BUILDING CONTRACTORS*****Sec. 14.451. Building permit—Required.**

- (a) It is unlawful for a person to perform any work requiring a building permit under the terms of this chapter without first applying for and obtaining a building permit for the work.
- (b) Before a building permit is issued, all state regulations and laws shall be met, and a final plat, floodplain permit, and site development permit, if required, shall have been approved and filed for record.
- (c) If the scope of work is increased during the construction period relative to the work authorized to be done under the permit, the permit holder shall file an amended permit application and pay additional fees that are assessed based on the increase in scope prior to beginning any work not covered by the original permit.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.452. Permit applications; fees.

- (a) All building contractors or property owners who intend to perform work under this chapter shall apply for and obtain a permit from the building inspections office, unless the person or work meets the requirements of an exception in this article.
- (b) If the scope of work is increased during the construction period relative to the work authorized to be done under the permit, the permit holder shall file an amended permit application and pay additional fees that are assessed based on the increase in scope prior to beginning any work not covered by the original permit.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.453. Reserved.

Sec. 14.454. Permit cancellation.

- (a) When the holder of a permit issued under this division fails or refuses to complete work, in whole or in part, the building owner or person acting on behalf of the owner may submit a written request to the Building Official for the amendment of the original permit to allow another licensed contractor to secure a permit to complete the work.
- (b) Upon receipt of a request for an amendment in accordance with subsection (a) and a new contractor being assigned, the Building Official will amend the permit, and will notify the previous permit holder in writing of the amendment of the permit. Electronic communication with the registered electronic address of the permit holder may serve as proper notice.
- (c) A contractor change fee will be charged in accordance with the Fee schedule set forth by the City Council.

(Ord. No. 2015-21, § 1, 7-7-15)

Sec. 14.455. Inspections.

- (a) The building inspector will make inspections of all work and will enforce all sections of this article by entering any building or premises at reasonable times, after presentation of proper credentials to the owner or other person in control of the building or premises.
- (b) Where work is in a dangerous or unsafe condition, the building inspector will instruct the permit holder to
- (c) No work for which a visual inspection is needed may be concealed in any manner from access or sight until it has been inspected and approved by the building inspector.
- (d) If the work fails to meet the requirements of this article, the permit holder will be notified by the building inspector of the deficiencies. If the deficiencies are not corrected within thirty (30) working days from date of written notification, the Building Official may refuse to issue any further permits for that contractor until the defective work is corrected and approved in accordance with this article.
- (e) The building inspection division will keep a log of passed and failed inspections.
- (f) This section does not preclude the use of any other remedies provided by law.

(Ord. No. 2015-21, § 1, 7-7-15)