

ORDINANCE NO. 2015_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN MARCOS, TEXAS REVISING AND UPDATING
CHAPTER 14, BUILDINGS AND BUILDING
REGULATIONS, OF THE CITY CODE; INCLUDING
PROCEDURAL PROVISIONS; AND PROVIDING FOR
PENALTIES.

RECITALS:

1. The City currently uses the 2009 edition of the International Building Code as its authority for regulating construction.
2. The nation's major building code agencies have merged their codes into one set of international codes so that regulatory authorities and builders will have one set of codes to follow, regardless of the project location.
3. In the 2001⁷ Texas legislative session, the Texas Legislature adopted the International Residential Code, the International Energy Code, and the National Electric Code as state standards.
4. The City wishes to adopt these codes, and to make changes to the codes to reflect the unique needs of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 14, Buildings and Building Regulations, of the City Code is repealed, and the following is adopted in its place:

**Chapter 14
BUILDINGS AND BUILDING REGULATIONS**

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.

SBCCI means the Southern Building Code Congress International, Inc.

Sec. 14.002. - Adoption of codes.

- (a) The following codes are adopted to govern construction and construction-related activities:
- (1) International Building Code ~~2009-2015~~ Edition, including Appendices C, E, F, I.
 - (2) International Property Maintenance Code ~~2009-2015~~ Edition, including Appendix A.
 - (3) International Mechanical Code ~~2009-2015~~ Edition.
 - (4) International Plumbing Code ~~2009-2015~~ Edition.
 - (5) International Fuel Gas Code ~~2009-2015~~ Edition.
 - (6) International Residential Code for One- and Two-Family Dwellings ~~2009-2015~~ Edition.
 - (7) National Electrical Code ~~2008-2014~~ Edition.
 - (8) International Energy Conservation Code 2009 Edition.

(9) International Fire Code ~~2009-2015~~ Edition, including Appendices B, D, E, F, G, I and J.

(10) International Swimming Pool and Spa Code 2015 Edition.

(11) International Existing Building Code 2015 Chapter 4

- (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. Otherwise, all structures shall be designed, built, and maintained in accordance with these adopted codes.
- (c) Local amendments to these adopted codes are contained in Articles 2, 3, 5, 6, 7 8, 9, 10, 11, ~~and~~ 12 and 13 which are attached to the ordinance from which this article was derived and incorporated herein by reference. ^[2]
- (d) Any reference to the existing building code should be considered to mean the 2015 International Building Code with Appendices and local amendments adopted herein.

Sec. 14.003. - Building inspection division.

The building inspection division is established within the ~~p~~Planning and ~~d~~Development ~~s~~Services ~~d~~Department. This division will be supervised by the building official. The building official is appointed by the ~~d~~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.

Sec. 14.004. - Restrictions on employees.

- (a) In addition to the restrictions contained in the Ceity 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 interest in a residence owned and occupied by the employee as a homestead. An employee may not be involved in the plan review, permit issuance or inspections of any construction work on the employee's homestead.

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 Ceity record retention requirements, and will be subject to public inspection under the Ceity's open records policy.

Sec. 14.006. - Fees and exemptions from fees.

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

- (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 Ceity 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
 - (3) Such person, ~~rather than another third party or contractor,~~ directly performs all work on the repairs or improvements independently with the his/her own hands or uses other persons to perform the construction work requiring the issuance of a permit by the Ceity. Such persons performing work for the property owner shall, however, be subject to applicable licensing requirements under state law.

This subsection (c) will expire on December 31, 20194.

Sec. 14.007. - Display of company name and license number.

All contractors doing business in the Ceity shall permanently display the company name and license number in letters not less than two inches in height, with a three-quarter-inch stroke, on both sides of all vehicles used by the contractor. For purposes of this section, a magnetic sign on a vehicle is not a permanent display.

Sec. 14.008. - Permit application—Filing; fees.

- (a) All permit applications shall be made upon forms provided by the building official.
- (b) Once a permit application is determined by the building inspection division to be complete, the division will inform the applicant of the amount of the permit fee. An application will not be considered to be filed with the building inspection division unless and until this completeness is verified and the full amount of the permit fee is paid. A permit fee may be wholly or partially waived in a written development incentive agreement with the Ceity as approved by City Council.
- (c) The building official may require that a plan review fee be paid by a permit applicant at the time an application is submitted. The payment of the plan review fee will not be deemed to constitute the filing of the application, and the application will not be considered to be filed with the building inspection division unless and until the application is verified to be complete and the full amount of the permit fee is paid.
- (d) 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.

~~.(e) Permit fees are established by city council.~~

Sec. 14.009. - Certificate of insurance required for contractors.

- (a) A licensed building contractor performing construction work in the Ceity 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; and
- (3) Be in a coverage amount of not less than \$~~1,03~~00,000.00 for all claims arising in any one-year period.
- (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 Ceity nor any Ceity 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. 14.010. - Building accessibility.

- (a) Building accessibility standards and requirements are governed by the Americans with Disabilities Act, the Texas Accessibility Standards, and Appendix E of the International Building Code, 200159 Edition.
- (b) 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.

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 ~~midnight or between midnight and~~ 7:00 a.m. if the noise can be heard from any public street or from a residence on private property in the Ceity other than the property on which the noise is made.
- ~~(b) It is unlawful for a person to whom a construction permit is issued by the city to cause or allow construction noise to be made in connection with the performance of work under the permit between 9:00 p.m. and midnight or between midnight and 7:00 a.m. if the noise can be heard from any public street or from a residence on private property in the Ceity other than the property on which the noise is made.~~
- (c) 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.
- (d) A person who violates this section commits a misdemeanor and is subject to a fine of not less than \$250.00 upon conviction.

ARTICLE 2. - BUILDING CODE

Sec. 14.026. - Amendments.

The International Building Code 20155 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 103 is deleted.

Section 104.7 is deleted.

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 or provide the appropriate third party inspection approval prior to connection including:

- Water connection – Require a customer service inspection;
- Wastewater connection – Require a third party inspection by a licensed plumbing inspector;
- Electric connection – Require a third party inspection by approved certified inspector;

The City will develop and maintain a list of certified inspectors for each of the appropriate disciplines. Any individual or firm may submit their qualifications to be added to this list.

Section 105.8 is added to read as follows:

105.8 *Homestead Permits.* Only one and two detached family residence shall qualify for a homestead permit.

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: 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 107.2 is added to read as follows:

107.2.1.1 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 107.3.4.1.2 is added to read as follows:

107.3.4.1.2 In addition to the state law and adopted Building Code certain types of buildings shall be designed by a registered design professional, privately owned buildings with classifications A, E, and I occupancies shall be designed by registered design professionals.

Section 107.3.4.1.3 is added to read as follows:

107.3.4.1.3 The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed, and upon completion of the structure, electrical, gas, mechanical, and plumbing systems, a certification that the structure, electrical, gas, mechanical, and plumbing system has been erected in accordance with the requirements of the city's adopted codes. Where the building official relies upon such affidavit, the architect or engineer assumes full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances. Plumbing installed in compliance with the adopted code must be inspected by a plumbing inspector or qualified plumbing inspection business, as determined by the political subdivision that is paid directly by the political subdivision. The plumbing inspector must be licensed as required by 1301.255, 1301.351(b) and 1301.551 of the State of Texas Plumbing License Law.

~~Section 108 is amended by adding the following:~~

~~108.5 Donation collection facilities. This section is to become effective December 1st, 2010 and remain in effect thereafter. A donation collection facility, whether conducted as a primary or accessory use, shall not be permitted on any property, public or private, within the city. Temporary governmental collection and distribution points can be established in times of emergency.~~

Section 111 is amended by adding the following:

111.2.13 No certificate of occupancy will be issued until the Ccity has been ~~fully~~ 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.

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

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 Ccity Council.

113.1.1 *Applicability.* The ~~Board of~~ 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 1/3 of the Bboard 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, ~~not less than~~ four affirmative votes are required.

113.5 Appeals. The Bboard will hear appeals and render decisions upon interpretations and rulings by the building official when allowed by this chapter. In deciding an appeal, the Bboard 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 Bboard determines that the ruling or interpretation is not correct, the building official will not enforce or implement it. If the Bboard 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 Bboard.

113.6 Variances. The Bboard may grant a variance which establishes and maintains effective safety. A variance may be granted when the Bboard finds, upon presentation of adequate ~~evidence, that~~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 Bboard may promulgate rules governing its meetings and proceedings, subject to this article. The Bboard will meet as necessary to hear appeals and variances. The Bboard 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 Bboard may be placed on the agenda by ~~notifying-providing a written request to~~ the building official. The meeting will be held ~~no more than~~within 10 days from the date the written request was received.

Section 116 is deleted.

~~Section 202 is amended by adding the following:~~

~~DONATION COLLECTION FACILITY. A box, bin, container, trailer, accessory structure or similar facility outside of an enclosed building used for the collection of donated materials, including, but not limited to: household goods and clothing, and not used exclusively for the collection of recyclables such as paper or plastic.~~

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).

Section ~~709~~708 is amended as follows:

~~708~~ 708.4, exception 5 is deleted.

Section ~~709~~708.10 is added to read as follows:

~~709~~708.10 Fire partitions shall be installed in R-2 occupancies in roof-ceiling spaces and floor-ceiling spaces. Irrespective of section 708.4, each tenant space shall be protected by no less than ~~one~~1/2-hour fire resistance protection extending to the underside of the floor or roof deck above. There will be no roof penetrations within 4 feet of either side of the fire partition.

Section ~~709~~8.14 is added to read as follows:

~~709~~8.14-Fire6. *Fire partitions.* In a building or portion of a building of a mixed use B or M occupancy classification, when enclosed spaces are provided for separate tenants, such spaces shall be separated by not less than 1-hour fire resistance.

Section 903.1 is amended by adding the following:

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:

903.2.12.6 *Other occupancy classifications.* An automatic sprinkler system shall be provided throughout all buildings classified as Group B or Group F-2 having a fire area exceeding 18,000 square feet.

903.2.13.6 *Additions and Expansions.* Any building constructed after April 1, 2002, that exceeds 18,000 sq. ft. or any attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 18,000 sq. ft. ~~f~~For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

Section 903.4 Exception 3 is deleted.

Sections 1507.8 and 1507.9 are deleted and replaced with the following:

1507.8. Wood shingles and shakes are prohibited as new or replacement roofing material, except that ~~would~~ wood shingles and shakes as the primary roofing surface in existence on January 1, 2001, may be replaced with UL listed fire retardant shingles or shakes that are approved by the fire marshal.

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 Trash Containment. Contractors shall ensure that every construction, remodel, repair, or renovation site has a method of containment for trash and debris. The contractor shall ensure that the trash and debris is 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.

~~Section~~ 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.

3305.5 Spoils piles. Visible (full or partial) spoils piles located within fifty feet of a public ROW, shall not exceed eight feet in height. The City maintains discretion in the management of spoils pile volume and foot print, which shall be minimized. Seeding undisturbed portions of the pile is required in accordance with all applicable TPDES regulations.

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.

~~Section 3403 is amended by adding the following exception:~~

~~3403.1.1 The building need not comply with this section if a supervised fire sprinkler system complying with 903.3.1 is installed and not otherwise required by this code for the use or classification. An existing building plus additions shall comply with the height and area provisions of Chapter 5. Nothing in this section permits the reduction or elimination of Life Safety systems or subsystems. To meet this requirement, a sprinkler system must be installed throughout the tenant space or occupancy.~~

~~3406 is amended by adding the following exception: The building need not comply with this section if a supervised fire sprinkler system complying with 903.3.1 is installed and not otherwise required by this code for new use or classification. Nothing in this section permits the reduction or elimination of Life Safety systems or subsystems.~~

~~3409.1 Historic Buildings shall be amended as follows:~~

~~Historical buildings shall be constructed under the requirements of this code. Every historical building that cannot be made to conform to the construction requirements specified under the International Building Code for the occupancy or use shall be deemed to be in compliance if provided with an approved automatic fire extinguishing system. Nothing in this section permits the reduction or elimination of Life Safety systems or subsystems. To meet this requirement, a sprinkler system must be installed throughout the tenant space or occupancy.~~

~~(Ord. No. 2010-48, 9-7-10)~~

Secs. 14.027—14.040. - Reserved.

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

Sec. 14.041. - Amendments.

The International Residential Code for One and Two-Family Dwellings, adopted in section 14.002, is amended as follows:

Section R101.2 Scope

Exception(s):

1. Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the International Building Code.
2. Congregate living facilities shall conform with the International Building Code.

Section R 101.2.1 For the purpose of this section the term Lodging Houses shall have the meaning of congregate living facilities.

Section R 103 is deleted.

Section R 104.7 is deleted.

Section R106.1.2 is added to read as follows:

R106.1.2 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: 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 R 109.1.1 is amended to read as follows:

R109.1.1 Foundation inspection. Form surveys shall be performed prior to ~~p~~Placement of plumbing piping and the report shall be on site at the time of foundation inspection and provide a copy to the inspector. 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 R112 is amended to read as follows:

R112 Board of Appeals. Means of Appeal. The Construction Board of Appeals is designated to hear all appeals regarding this code following procedures and process identified in the International Building Code and its amendments.

Section R202 Definitions

Congregate Living Facility: A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

Section R 313.2 is deleted

Sections R905.7 and R905.8 are deleted and replaced with the following:

R905.7. Wood shingles and shakes are prohibited as new or replacement roofing material except that wood shingles and shakes as the primary roofing surface in existence on January 1, 2001, may be replaced with UL listed fire retardant shingles or shakes that are approved by the fire marshal.

Section R905.10 is amended by adding the following:

R905.10.1.1. Any metal roof covering, gauge 26 or smaller gauge, shall be installed over a solid deck sheathing 26 gauge metal roofing may be installed where on 2×4 lathing is provided or it is installed per manufacturers specifications

Table P3002.1 (2) is amended by deleting the following.

Table P3002.1 (2), Underground building drainage and vent pipe; is hereby amended to delete all references cellular core pipe.

Table P3002.2 is amended by deleting the following.

Table P3002.2 Building Sewer Pipe; is hereby amended to delete all references to cellular core pipe.

Section P 290306.4.1.11 is ~~added~~ amended as follows:

~~P2903.1106.4.1~~ P2906.4.1 Water service installation. Trenching, pipe installation and backfilling shall be in accordance with Section P2604. Where water service piping is located in the same trench with the building sewer, such sewer shall be constructed of materials listed in table P3002.1 (2). Where the building sewer piping is not of materials indicated in Table P 3002.1. (2), the water service pipe shall be horizontally separated by not less than 5 feet (1524 mm) of undisturbed or compacted earth. The separation distance shall not apply where the service crosses a sewer pipe, provided the water service is sleeved to a point not less than 5 feet (1524 mm) horizontally from the sewer pipe centerline on both sides of such crossing. The sleeve shall be of pipe materials indicated in Table P2906.4, P3002.1 (2) or P3002.2. The required separation distance shall not apply where the bottom of the water service pipe that is located within 5 feet (1524 mm) measured horizontally of the sewer is placed on a solid ledge of undisturbed or compacted earth not less than 12 inches (305mm) above and to one side of the highest point in the sewer line. The water service pipe shall be separated from the building sewer by a minimum of 5 feet (1524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305mm) above and to one side of the highest point in the sewer line.

E 3401.1.1 is amended to add as follows:

E 3401.1.1 Local Requirements. Local addendum Section 14.291 shall be used for the purposes of this code in addition to this section.

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) Any industrialized housing shall:~~

- ~~(1) Have a value equal to or greater than the median taxable value for each single family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located;~~
- ~~(2) Comply with applicable building setbacks, side and rear yard offsets, square footage, and other site requirements applicable to single family dwellings;~~
- ~~(3) Be securely fixed to a permanent foundation; and~~
- ~~(4) Have exterior siding or treatment, roofing materials, roof pitch, and foundation fascia compatible with the single family dwellings located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located if fifty one (51) per cent of the single family dwellings located within that five hundred foot area share an architectural style encompassing the above listed exterior features.~~

(eb) In this section:

~~(1) Industrialized housing has the same meaning as in Section 1202.002 of the Texas Occupations Code or as that section may be amended.~~

~~(2) Permanent foundation means one of the following:~~

~~a. Pier and beam foundation:~~

- ~~1. Where all footings will be twenty four (24) inches × twenty four (24) inches and shall extend into undisturbed soil twelve (12) inches deep. A minimum of four (4) pieces of re-bar will be required. Blocks used as piers will be solid or filled with concrete. A connecting strap or piece of re-bar will need to extend from the footing up to the bottom of the structure.~~
- ~~2. A combination pier and footing. It must be no less than a round column eighteen (18) inches in diameter and placed twenty four (24) inches into the soil containing four (4) pieces of re-bar with stirrups. A connecting strap or piece of re-bar will need to be attached to bottom of structure from this column.~~
- ~~3. An outside perimeter beam will be required that is a minimum of twelve (12) inches in width and eighteen (18) inches deep, twelve (12) inches of which must be in undisturbed soil and eight (8) inches or more above ground. This will allow for attachment of skirting or loading of structure. If a wider beam is required to accept the weight of structure, that will be allowed [exp. two and three story structures require wider footings]. A beam and footer design in this situation would be allowed. This perimeter beam could be extended to the bottom of the structure.~~
- ~~4. An engineered pier and beam system will be accepted but must also include the outside perimeter beam as noted above; or,~~

~~b. A monolithic poured in place slab will be allowed for all industrialized housing. It will consist of exterior beams eight (8) inches wide and twenty four (24) inches thick that extent into undisturbed soil one foot. All load bearing beams will be eight (8) inches wide or wider and twenty four (24) inches thick or thicker as required for load and soil conditions. The minimum thickness of the slab will be five (5) inches. This slab will extend no less than eight (8) inches above of the surrounding soil and positive drainage away from the slab will be provided as per building code. Permanent tie down connections will be placed in this slab to be attached to the industrialized structure; or,~~

~~c. An inverted monolithic slab will be allowed using the same criteria as in subsection (c)(2)b. This would allow for a crawlspace under the structure. Venting of crawlspace will need to be provided for along with any addition provisions required by the code; or,~~

~~d. An inverted monolithic slab will be allowed using the same criteria as in subsection (c)(2)b. No blocking up above the poured concrete foundation will be allowed. Minor shimming is allowable.~~

~~(3) Value means the taxable value of the industrialized housing and lot after installation of the housing.~~

~~(d) Any person who intends to construct, erect, install, or move any industrialized housing into the city shall first submit all required applications to the building inspection division and obtain all required permits. In addition to any other information otherwise required for the permits, a building permit application for industrialized housing shall:~~

~~(1) Identify by address each single family or duplex dwelling located within five hundred (500) feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located;~~

~~(2) Be accompanied by at least one photograph, with identifying address, of the front of each single family or duplex dwelling located within five hundred (500) feet of the lot on which the industrialized housing is to be located;~~

~~(3) Show proof of the value of the improved property by providing;~~

~~a. A copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, including the value of the lot, if the lot is included in the sale; or~~

- ~~b. — A copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, and documentation showing the taxable value of the lot as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located, if the lot is not included in sale of the housing unit or if the value of the lot is not included on the sales receipt; and,~~
- ~~(4) — State which of the permanent foundations specified in subsection (c)(2) will be used for the industrialized housing to which the application applies.~~
- ~~(e) — Failure to provide any documentation required in subsection 14.042(d) will be considered grounds to deny a permit application.~~
- ~~(f) — A person commits an offense if the person:~~
- ~~(1) — Causes or permits any industrialized housing to be constructed, erected, installed, or moved into the city without first submitting applications to the building inspection division and obtaining all required permits;~~
- ~~(2) — Causes or permits any industrialized housing which does not comply with this section to be constructed, erected, installed, or moved into the city; or~~
- ~~(3) — Violates any provision of this section.~~
- ~~(Ord. No. 2010 48, 9 7 10)~~

Secs. 14.043—14.060. - Reserved.

ARTICLE 4. - RESERVED

Secs. 14.061—14.075. - Reserved.

ARTICLE 5. - MECHANICAL CODE

Sec. 14.076. - Amendments.

The 2009~~15~~ International Mechanical Code adopted by section 14.002 is amended as follows:

Section 103 is deleted.

Section 104.7 is deleted.

Section 109 is deleted.

Section 101.2 is amended to read:

101.2 all buildings in the Ccity or adoption area will be regulated by this code. The only exception is one and two family and multiple dwellings not more than 3 stories. The R1 — R4 along with all I1 — I3 are covered under this code.

Section 202 General Definitions is amended to add:

202 "Residential Cooking Equipment". This is cooking or food heating equipment used and designed primarily for residential use. The intended use of residential cooking equipment in a commercial setting shall be approved by the Building Official. It shall require the same protection given to commercial cooking and food heating equipment.

~~*Section 604.1* is amended to read as follows:~~

~~604.1 General. Duct insulation shall conform to the requirements of Sections 604.2 through 604.13 and the International Energy Conservation Code. However, in no case will the minimum duct insulation value be less than R6.~~

~~Appendix B is deleted.~~

Sec. 14.077. ~~—~~ Permits; Licensing.

- (a) A person applying for a mechanical permit shall be:
 - (1) A licensed air conditioning and refrigeration 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 Ccity 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 is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he owns and occupies the building as his homestead.

Secs. 14.078—14.100. - Reserved-

ARTICLE 6. - PLUMBING CODE

DIVISION 1. - GENERALLY

Sec. 14.101. - Applicability.

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

Sec. 14.102. - Amendments.

The ~~2009-2015~~ International Plumbing Code adopted by section 14.002 is amended as follows:

Section 103 is deleted.

Section 106.3 is deleted.

Section 106.6 Fees, is deleted.

Section 109 is deleted.

Section 501 is amended by adding 501.9 to read as follows:

501.9. Before any water heater is installed, the person installing the water heater must receive a permit from the building inspections department.

Section 603.2 ~~is~~ amended ~~by deleting exception 2,~~ as follows.

Section 603.2. Where water service piping is located in the same trench with the building sewer, such sewer shall be constructed of materials listed in table 702.2. Where the building sewer piping is not of materials indicated in Table 702.2, the water service pipe shall be horizontally separated by not less than 5 feet (1524 mm) of undisturbed or compacted earth. The separation distance shall not apply where the service crosses a sewer pipe, provided the water service is sleeved to a point not less than 5 feet (1524 mm) horizontally from the sewer pipe centerline on both sides of such crossing. The sleeve shall be of pipe materials indicated in Table 605.3, 702.2 or 702.3. The required separation distance shall not apply where the bottom of the water service pipe that

is located within 5 feet (1524 mm) measured horizontally of the sewer is placed on a solid ledge of undisturbed or compacted earth not less than 12 inches (305mm) above and to one side of the highest point in the sewer line.

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.

Table 702.2 is amended by deleting the following.

Table 702.2 Underground building drainage and vent pipe, is hereby amended to delete all references cellular core pipe.

Table 702.3 is amended by deleting the following.

Table 702.3 Building Sewer Pipe, is hereby amended to delete all references to cellular core pipe.

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

~~703.6-7~~ *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, schedule 40 PVC or SDR 26 gasket joint pvc.

Section 916.1 is amended by adding 916.1.1 to read as follows:

916.1.1 At least one vent in the venting system shall have a three inch diameter extending from the building drain through the roof.

Sec. 14.103. - Permits; licensing.

- (a) A person applying for a 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 is planning to do the work him or herself owns and presently occupies the building as his or her homestead and is planning to do the work himself, then the owner shall provide an affidavit to the building official stating that he owns and presently occupies the building as his homestead.

Secs. 14.104—14-119. - Reserved.

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 ~~P~~ublic ~~S~~ervices ~~D~~epartment, 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 ~~e~~City water customer that uses water for manufacturing and/or fabrication of goods.

Institutional water customer means a ~~C~~eity 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.

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.

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 of four (4) cycles of concentration.

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.

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.
- (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.

Sec. 14.125. - On-premises laundry facilities.

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

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, 2009~~15~~ 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 P2609~~10~~ 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 ~~C~~city or the ~~C~~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).

- (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 Ccity is required to obtain a permit from the Ccity. 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 eDevelopment sServices.
 - (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 aAnd 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) Above-ground emission devices must be attached to lateral lines with flexible pipe or swing joints.
 - (2) 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.
 - (3) Irrigation controllers must be capable of providing multiple irrigation programs, with at least three (3) start times per program.

- (4) Irrigation controllers must be capable of limiting irrigation frequency to once every seven (7) days and once every fourteen (14) days as per drought restrictions.
 - (5) Irrigation controllers must have a water budgeting feature.
 - (6) Landscape irrigation systems must have a master valve.
 - (7) Zone valves must be equipped with an adjustable flow control.
 - (8) Zone valves must be enclosed in an accessible valve box.
 - (9) 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) A separate metered water service must be utilized for the landscape irrigation system.
 - (2) Landscape irrigation systems must be equipped with a flow sensor that will automatically shut down the irrigation system during excessive water flows.
 - (3) 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.
 - (4) 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 Ceity'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.
- (o) Enforcement.
- (1) The Ceity 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 Ceity 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 Ceity'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 Ceity Ceouncil, 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 Ceity's costs in issuing and renewing the permits, including, but not limited to, staff time and other costs.

Secs. 14.127—14.130. - Reserved.

ARTICLE 7. - FUEL GAS CODE

Sec. 14.131. - Amendments.

The 200915 International Fuel Gas Code adopted by section 14.002 is amended as follows:

Section 103 is deleted.

Section 104.7 is deleted.

Section 106 is deleted.

Secs. 14.132—14.185. - Reserved.

ARTICLE 8. - PROPERTY MAINTENANCE CODE

Sec. 14.186. - Amendments.

The International Property Maintenance Code adopted by section 14.002 is amended as follows:

Section 103 is deleted.

Section 104.6 Department Records is amended to read as follows:

104.6 Departmental Records are to be maintained in accordance with Ceity policy.

Section 108.1 through Section 108.1.5 (1-11) is deleted and replaced with Article 9 UNSAFE BUILDING ABATEMENT of the local amended code.

Section 109 is amended by adding the following:

109.1.1 Closing of Vacant Structures. Where boarding or other coverings are exposed to the elements for a period of 90 days or more, they must be seal coated. The seal coat shall not be applied unless it is approved by the Building Official. The seal coat shall:

- (1) provide protection to the boarding or other covering to protect from weather, and
- (2) maintain or enhance the existing aesthetic appearance of the structure through color, application and use.

109.1.2 Placarding. The Building Official is authorized to post a notice to prevent occupancy or unauthorized entry to an unsafe structure. The content of the notice can be as prescribed by the Building Official.

Section 111 is amended to read as follows:

111 Means of Appeal. The Construction Board of Appeals is designated to hear all appeals regarding this code following procedures and process identified in the ~~b~~**B**uilding code and its amendments.

Section 113 Permits Required is added as follows:

113.1 Any water heater installation is required to have a permit. For purposes of this section, the permitting rules established in section 106 of the plumbing code shall apply.

Section 304.1.1 is deleted.

Section 305.1.1 is deleted.

Section 306 is deleted.

Secs. 14.187—14.235. - Reserved.

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.

Sec. 14.237. - Scope.

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

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.

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.
- (b) It is unlawful for any person to remove any form of unsafe building notice attached to a building by the building official.

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;
- (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.

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, the building official will issue an initial notice of unsafe building to the owner of the building. The ~~C~~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 ~~C~~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.

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.

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.
- (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 Ceity 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 Ceity 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.

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;
 - (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.

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.

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.

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.
- (2) Southside Community Centers Inc.

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

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 ~~C~~city electric utility system.

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) The following minimum wire sizes shall be used for the type of circuit indicated:
 - a. No branch circuit will have wire smaller than #12 AWG. This does not prohibit smaller wire sizes for circuits 90 volts and lower or for control circuits.
 - b. Built-in ovens shall have a minimum wire size of #10 AWG copper.
 - c. Ranges shall have a minimum wire size of #8 AWG copper or equivalent aluminum.
 - d. Window air conditioners shall have a minimum wire size of #10 AWG copper.
 - e. Water heaters shall have a minimum wire size of #10 AWG copper.
- (2) No aluminum wire smaller than #6 AWG will be used.
- (3) No copper-clad wire will be used.
- (4) Certain wiring methods permitted under the NEC are not allowed, except where existing prior to adoption of this article, specifically:
 - a. Article 398 —Open Wire On Insulators.
 - b. Article 394 —Concealed Knob-and-Tube Wiring.
 - c. Article 320 —Armored Cable.
- (5) Nonmetallic-sheathed cable (Article 334) is permitted to be used only in dwellings, as defined in article 100. These cable types will not be used in hotels, motels, bed and breakfasts with more than two rental sleeping rooms, rooming houses with more than two tenant sleeping rooms, fraternity and sorority houses, or buildings located in the central business area district as defined in chapter 114 pertaining to zoning.
- (6) In residences, the following additional rules apply:
 - a. Separate dedicated branch circuits shall be provided for each refrigerator, dishwasher, and garbage disposal unit. These appliances shall be cord connected, and the garbage disposal shall be switched by a snap switch located above or adjacent to the kitchen sink. ~~Where desired, the garbage disposal and dishwasher circuits may share a split-wired receptacle, provided all other code conditions for this use are followed.~~ The dishwasher circuit will have no other outlets on the circuit.
 - b. Where provisions are made for a microwave oven, a separate branch circuit is required, and no other outlet will be on the circuit.
 - c. No more than twelve (12) outlets will be installed per circuit serving general lighting circuits. No more than six (6) outlets will be installed on each GFCI circuit. Outlets serving the small appliance branch circuit for counter tops are limited to three (3) outlets per circuit.

~~(7) Article 680 Swimming Pools, Fountains, and similar installations VII Hydro-massage bathtubs. In addition to this section, 680.41 shall apply.~~

~~680.41 Emergency Switch for Spas and Hot Tubs. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5ft.) away, adjacent to and~~

~~within sight of the spa or hot tub. This requirement shall apply to single family dwellings as well as commercial buildings.~~

- (8) Portable or temporary project offices or trailers will be allowed to be wired in type NM, NMC, or NMS cable during the construction phase of a project. However, the structure shall be removed prior to when a certificate of occupancy is issued for the building under construction.
- (9) Pre-manufactured portable offices or trailers are allowed to be wired in type NM, NMC or NMS cable, provided they are used as temporary buildings only. To be so considered, they may not be placed on permanent foundations or have the transport undercarriage removed or have the foundation enclosed to give a permanent appearance.
- (10) All services shall have disconnecting means located outside of the building served.
- (11) Electrical metallic tubing (article 358) will not be installed in concrete.
- (12) 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.
- (13) A minimum of one grounding conductor, sized according to the NEC, will be installed in any field-installed electrical conduit. This requirement is in addition to those prescribed by article 250.64.
- (14) Flexible metal conduit (article 348) will not be used in wet locations.
- (15) Color coding of conductors. Color coding of conductors will be as follows, with the exception of control circuits other than switches:

Single phase 120/240 volt wiring systems		
A	B	N
Red	Black	White

Three phase four wire 120/208 volt wiring systems			
A	B	C	N
Red	Black	Blue	White

Three phase three and four wire 120/240 volt delta wiring systems

A	B	C	N
Red	Orange	Black	White

277/480 volt or 480 volt delta wiring systems			
A	B	C	N
Brown	Yellow	Purple	Gray/White with 1 or more colored stripes

(16) Every light pole ten feet above adjacent grade shall have an eight-foot ground rod.

(17) 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.
- 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.

~~(18) Sub-metering of electrical service is prohibited except for portable food service locations.~~

(19) 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.

Secs. 14.293—14.370. - Reserved.

Sec. 14.371. – Permits; Licensing.

(a) A person applying for an 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 is planning to do the work him or herself, then the owner shall provide an affidavit to the building official stating that he owns and occupies the building as his homestead.

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

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

Sec. 14.371. - Prohibited acts.

It is unlawful for any person to:

- (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, ~~or 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, ~~or canceled~~ or revoked;
- (5) Apply for or have in one's possession more than one current Ceity 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, ~~revoked or~~ revoked;
- (8) Perform any construction work for which a permit is required without having the permit issued or after the permit has been canceled;
- (9) 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;
- (10) 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;
- (11) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the building inspection division; or
- (12) Place or leave the property in such condition that it injures or endangers persons or property.
- (13) Abandonment of a project by the licensed contractor.
- (14) If the contractor holding a permit dies or becomes unable to supervise the permitted work, all work under the permit shall cease immediately, and work shall not be resumed until the contractor's disability is remedied or a new permit is issued to a qualified contractor.

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.
- (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 and occupied by the owner as his homestead. Such other persons performing work for the property owner 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.
- (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-perform-work for the general public within the specifications and limitations of the registration.~~

~~(b) A contractor holding a license issued prior to January 1, 2003, may continue to perform construction work under that license until it expires. Upon expiration of a contractor license issued prior to January 1, 2003, an applicant shall comply with all licensing requirements of this article, except that a contractor may receive three permits after January 1, 2003, before the contractor is required to have passed the examination.~~

Sec. 14.373. - Qualifications for license or registration.

- (a) *Residential contractor.* This designation applies to construction limited to one- and two-family dwellings, swimming pools and residential accessory buildings. A person applying for a residential contractor's license shall provide verifiable documentation of five years or more experience in the construction of one- and two-family dwellings as a lead carpenter, construction foreman, or superintendent of construction in the home building industry, and pass the required examination for the license. ~~A person may obtain a residential contractor license without passing the examination if he has a license from a reciprocating jurisdiction under section 14.378, and has five years or more experience in the construction of one and two family dwellings as a lead carpenter, construction foreman, or superintendent of construction in the home building industry.~~

~~Exception: A person can meet the requirements of this designation with a valid state contractor's license with proof of passing where an examination of equal or greater rigor, as determined by the Building Official, was required. 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 construction limited to multi-family dwellings, office buildings, shopping centers, restaurants and similar structures in addition to construction specific of a residential contractor (Residential construction experience does not apply to this section):. A person applying for a general contractor's license shall provide verifiable documentation of five years or more experience in any of the above construction types or a combination thereof, as a job foreman, job superintendent, or project manager in the commercial building industry, and pass the required examination for the license. ~~A person may obtain a general contractor license without passing the examination if he has a license from a reciprocating jurisdiction under section 14.378 and five (5) years or more experience in any of the above construction types or a combination thereof, as a job foreman, job superintendent, or project manager in the commercial building industry.~~

~~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, was required. State registration certificates and licenses that do not require examination involving general building practices, codes and standards do not apply.~~

~~Exception: A person can meet the requirements of this designation with a valid state contractor's license where an examination was required. State registration certificates and licenses that do not require examination involving general building practices, codes and standards do not apply.~~

- (c) *Maintenance person.* This designation applies to maintenance of existing buildings or structures. A person applying for a property maintenance person registration shall pass the required Maintenance Person examination ~~to obtain~~ for this registration. ~~The examination is determined by the Building Official and serves as notification for the work that a maintenance person is and isn't allowed to complete without a permit.~~

Sec. 14.374. - Examination.

~~The building official, working in conjunction with the Construction Board of Appeals, may provide for testing of candidates for residential and general contractor's licenses through the use of ICC tests.~~

Sec. 14.375. - Application for examination.

- (a) Applications for license or registration examinations under this division will be made on a form furnished by the building official. The application shall specify the applicant's experience and shall state whether the applicant has ever been licensed as a contractor and, if so, when and by what jurisdiction; whether a license held by the applicant has ever been suspended or revoked; and whether the applicant has ever been refused a license and, if so, the date of and the reason for suspension, revocation or refusal.
- (b) To determine whether the applicant is eligible to take the examination, the building official will review each application to determine whether the applicant meets the qualifications described in section 14.373. An applicant who is denied eligibility by the building official may submit a written appeal to the ~~construction~~ Construction Board of ~~adjustments and a~~ Appeals. The ~~B~~board will hold a hearing and will make a final decision on the applicant's eligibility.
- (c) An ICC examination will be ~~given by ICC or the proctor of their choice~~ given by a third party administrator as determined by the City. ~~to the applicant at the next regularly scheduled testing date.~~ Tests will be offered not less than four (4) times per year. A passing grade of seventy (70) percent is required. If an applicant is unsuccessful in ~~a second~~ passing the examination attempt, the applicant must follow all rules set forth by the proctor for retesting. ~~will not be reexamined for a period of six (6) months from the date of the second testing. No applicant will be tested more than two (2) times in any twelve month period.~~

~~(d) Specialist Contractor. This designation applies to limited specific forms of construction such as awnings, retaining walls, sidewalks, stair repairs and similar types of work as determined by the chief bBuilding 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.~~

Sec. 14.376. - Examination fees.

Payment of an examination fee to the test provider is required each time a contractor must test. ~~applies for a license.~~

Sec. 14.376. - Examination.

~~The construction board of adjustments and appeals, working in conjunction with the city staff, may provide for testing of candidates for contractor's licenses through the use of ICC tests.~~

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.

- (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 60 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) A licensee shall have the appropriate license in his immediate possession at all times when doing any construction work, and shall display it upon demand by any peace officer, by the building inspector or building official, or by the owner or manager of the premises or property upon which the licensee is working, offers to work or has worked.~~
- ~~(e) If a license or permit issued under this article is lost or destroyed, the person to whom it is issued may obtain a duplicate upon furnishing proof satisfactory to the building official that the permit or license was lost or destroyed and upon payment of a fee.~~
- (f) Each person who obtains a license shall register with the building official. The registration will include the person's name, residential address, and business address 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.
- (g) Prior to the renewal of any contractor's license, the contractor shall complete six (6) hours of continuing education approved by the building official.
- (h) Maintenance and Specialist registrations expire on the last day of December and must be renewed annually. must be renewed annually from the date listed on the registration card application.

~~Sec. 14.378. Reciprocal agreements and licenses.~~

- ~~(a) The city may enter into agreements with other jurisdictions for residential and general contractors to obtain similar licenses in the city without taking the required examinations, provided the privilege is extended by the other jurisdictions to allow residential and general contractors licensed by the city to obtain licenses in those jurisdictions in a similar manner.~~
- ~~(b) Evidence shall be presented that the licensing jurisdiction issues licenses under conditions no less restrictive than those in this article.~~
- ~~(c) The applicant shall have obtained the license in the other jurisdiction through testing. Double reciprocating is not allowed.~~
- ~~(d) The process of obtaining the reciprocal license must be similar in both jurisdictions, with any constraints placed on an applicant in one jurisdiction applying equally in the other.~~
- ~~(e) All reciprocal agreements will be in writing and will detail the requirements and administrative procedures referred to in this section. A copy of these agreements will be kept available for public inspection in the building inspection division offices.~~
- ~~(f) Each agreement will state whether the board of adjustments and appeals~~Construction Board of Appeals ~~retains the right to rule individually on each applicant, or whether authority to issue licenses will be delegated to the building official.~~
- ~~(g) A residential or general contractor applying for a reciprocal license shall have held a residential or general contractor's license for not less than one (1) year in the reciprocating jurisdiction.~~
- ~~(h) A fee will be charged for each letter issued by the building inspection division to a locally licensed residential and general contractor to facilitate reciprocal licensing in another city.~~
- (i) The reciprocal requirements of this section shall not apply to a residential or general contractor that has held for not less than one (1) year a current and active State issued contractor's license from another State with requirements

~~equal to and or more restrictive than those specified for new licenses within this article. A contractor meeting these requirements shall be eligible to apply for licensing without taking the required examination. State registration certificates and licenses that do not require examination involving general building practices, codes and standards do not apply to this section.~~

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 ~~convicted three~~two (2) times within one (1) year of a violation or three (3) times within two (2) years of violation of section 14.371 or 14.372 of this chapter. The suspension will be for a period not to exceed six (6) 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 licensee may appeal a suspension decision to the ~~construction~~ Construction ~~board~~ Board of ~~adjustments and~~ a Appeals by filing a written request within ~~fifteen (15)~~ 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. ~~The board and~~ will follow the hearing procedures outlined in subsection 14.380(b).
- (e) 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 ~~adjustments and a~~ Appeals. The Board will then hold a hearing under section 14.380
- (f) 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
- (g) Maintenance registration can be revoked upon charge or conviction of any code violation.

~~1301.452. GROUNDS FOR DISCIPLINARY ACTION.~~

~~(a)~~

(h) A person is subject to disciplinary action ~~under~~ under this Section ~~1301.451~~ if the person violates ~~this chapter~~, an order issued by the Board, ~~or a board rule~~, or any of the following: ~~A violation of this chapter includes:~~

- (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;
- (4) making a false promise with the intent to induce a person to contract for a service; or
- (5) employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or registration is required under this chapter.;

(6) abandonment of a project.

~~(b)~~

(i) 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.

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

- (a) When the ~~construction~~ Construction Bboard of ~~adjustments and a~~ Appeals is notified that a licensee's license 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 Bboard 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 Ccity and the licensee are entitled to present evidence and arguments at the hearing. The Bboard 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 Bboard 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 Bboard, by vote of three (3) or more members, finds them to be true, the Bboard will revoke the license of the licensee. The decision of the Bboard in each revocation hearing will be entered into the meeting minutes of the ~~board~~ Board.
- (d) Notice of the revocation will be given by the Bboard 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 ~~one-two~~ (+2) years after the effective date of revocation.

Sec. 14.381. - Surrender and return of suspended license.

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 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.

Sec. 14.382. - Appeals.

Under this division, any licensee who has been denied a license or whose license 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.

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.

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) ~~Applications for permits will only be accepted from the following persons:~~

~~(1) A contractor licensed under this article.~~

~~(2) An employee of a contractor designated by the contractor to obtain permits under his or her license. A letter of authorization must be on file with the building official and will be in effect for no more than one (1) year.~~

~~(3) A property owner who certifies that the work will be performed by the property owner's own hands, in a residence owned and occupied by the property owner as the property owner's for his/her own homestead. If the residence is also used as a business, then only a licensed contractor may apply for a permit.~~

~~(e) Once a permit application is determined by the building inspection division to be complete, the division will inform the applicant of the amount of the permit fee. An application will not be considered to be filed with the building inspection division unless and until this completeness is verified and the full amount of the permit fee is paid. A permit fee may be wholly or partially waived in a written development incentive agreement with the City and approved by City Council.~~

~~(d) The building official may require that a plan review fee be paid by a permit applicant at the time an application is submitted. The payment of the plan review fee will not be deemed to constitute the filing of the application, and the application will not be considered to be filed with the building inspection division unless and until the application is verified to be complete and the full amount of the permit fee is paid.~~

(e) 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.

~~(f) A minimum permit fee may be charged.~~

Sec. 14.453. - Issuance of permit.

~~(a) Only one (1) permit required under this division will be issued per proposed job.~~

~~(b) Upon receipt of a permit, the contractor may start the proposed job and perform the work described in the application, requesting inspections by the building official in the proper sequence as the work progresses.~~

~~(c) If the contractor holding a permit dies or becomes unable to supervise the permitted work, all work under the permit shall cease immediately, and work shall not be resumed until the contractor's disability is remedied or a new permit is issued to a qualified contractor.~~

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, ~~the owner's general contractor, or the person in charge of the construction~~ on behalf of the owner may submit a written request to the building official for the cancellation of the original permit to allow another licensed contractor to secure a permit to complete the work.

(b) Upon receipt of a request for cancellation in accordance with subsection (a) and a new contractor being assigned, the building official will cancel the permit, and will notify the previous permit holder in writing of the cancellation 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. Fees paid by the original permit holder will not be refunded or credited toward the cost of the subsequent permit.

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 remedy the situation.

- (c) The permit holder shall schedule inspections before the day the inspection is desired. The inspection will be made as soon as practical, but not more than two (2) business days~~48 working hours from the date the inspection was requested for logging of the inspection within the City's inspection system.~~
- (d) 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.
- (e) If the work fails to meet the requirements of this article, the permit holder will be notified at the jobsite by the building inspector of the deficiencies. If the deficiencies are not corrected within ten (10) working days from date of written notification, the building official will refuse to issue any further permits for that jobsite until the defective work is corrected and approved in accordance with this article.
- (f) The building inspection division will keep a written log of passed and failed inspections.
- (g) This section does not preclude the use of any other remedies provided by law.

Secs. 14.456—14.600. - Reserved.

ARTICLE 13 – INTERNATIONAL EXISTING BUILDING CODE CHAPTER 4

Section ~~3403~~402 is amended by adding the following exception:

~~3403~~402.1.1 The building need not comply with this section if a supervised fire sprinkler system complying with 903.3.1 is installed and not otherwise required by this code for the use or classification. An existing building plus additions shall comply with the height and area provisions of Chapter 5 of the Building Code. Nothing in this section permits the reduction or elimination of Life Safety systems or subsystems. To meet this requirement, a sprinkler system must be installed throughout the tenant space or occupancy.

~~3406~~Section 405 is amended by adding the following exception: The building need not comply with this section if a supervised fire sprinkler system complying with 903.3.1 is installed and not otherwise required by this code for new use or classification. Nothing in this section permits the reduction or elimination of Life Safety systems or subsystems.

Section~~3409~~408.1 Historic Buildings shall be amended as follows:

Historical buildings shall be constructed under the requirements of ~~this~~ The International Building Code. Every historical building that cannot be made to conform to the construction requirements specified under the International Building Code for the occupancy or use shall be deemed to be in compliance if provided with an approved automatic fire extinguishing system. Nothing in this section permits the reduction or elimination of Life Safety systems or subsystems. To meet this requirement, a sprinkler system must be installed throughout the tenant space or occupancy.

(Ord. No. 2010-48, 9-7-10)

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance, ~~and City Code Section 34.091,~~ are repealed.

SECTION 5. Any person violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

SECTION 6. This Ordinance will take effect ~~ten (10)~~ days after the date of its final passage, and the City Clerk will publish notice of its adoption in a newspaper of general circulation in the City.

PASSED AND APPROVED on first reading on June 16, 2015

PASSED, ~~AND~~ APPROVED AND ADOPTED on second reading on July 7, 2015

| ~~PASSED, APPROVED AND ADOPTED on~~

|
- _____
Daniel Guerrero, Mayor

ATTEST:

APPROVED:

Jamie Lee Pettijohn, City Clerk

Michael Cosentino, City Attorney