

**ORDINANCE NO. 2090**

**AN ORDINANCE REPEALING ARTICLES I, II, AND III OF  
CHAPTER 5, BUILDING AND BUILDING REGULATIONS, OF  
THE CODE OF ORDINANCES AND ADOPTING NEW  
ARTICLES I, II, AND III OF CHAPTER 5**

**WHEREAS**, the City of Alamo Heights desires to update Chapter 5 of the Code of Ordinances to enhance the regulation of property maintenance and building activities based on best management practices; and

**WHEREAS**, it's imperative for the City of Alamo Heights to maintain current and up-to-date regulations for the protection of its citizens and efficient city operations; and

**WHEREAS**, the City of Alamo Heights desires to comply with all state regulations; and

**WHEREAS**, the City of Alamo Heights desires to protect the public health, safety, and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF ALAMO HEIGHTS, TEXAS:**

**THAT** Articles I, II and III of Chapter 5, of the Code of Ordinances are repealed and new Articles I, II and III of Chapter 5 of the Code of Ordinances attached in Exhibit A are hereby adopted. Ordinance #2035 adopted on October 26, 2015 is also repealed.

That this Ordinance shall become effective five (5) days after its publication.

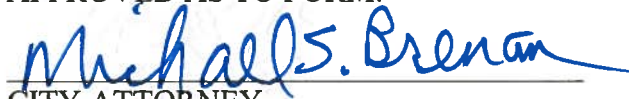
**PASSED AND APPROVED**, on the 9<sup>th</sup> day of October, 2017 at a regular meeting of the City Council of the City of Alamo Heights, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

# Exhibit A

## ARTICLE I. - GENERAL

### Sec. 5-1. - Administration.

The provisions of this chapter shall be administered by the director, the directors' authorized designee, or the fire chief where applicable.

(Ord. No. 1860, 4-12-10)

### Sec. 5-2. - Penalty.

- (a) Any person or entity who 1) violates any of the provisions of this chapter, or fails to comply therewith, 2) commits any act in violation of any code adopted by reference, 3) constructs, alters, repairs, excavates, demolishes, or demolishes by neglect in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, or 4) commits, takes part, directs, or assists in any such violation or who maintains or uses any structure or premises or part thereof in which any violation exists, from which no appeal is taken, shall severally for each and every such violation and noncompliance be guilty of a misdemeanor, punishable by a fine as provided in section 1-5 of this Code. Each day any violation or noncompliance continues shall constitute a separate offense.
- (b) Any owner or owners of any buildings, premises, or any part thereof, who participates in or knowingly or willingly permits any violation of this chapter, and any architect, engineer, builder, contractor, tenant or agent of any person or corporation employed in connection therewith who assists in the commission of any such violations, shall be guilty of a separate offense punishable by a fine as provided in section 1-5 of this Code.

(Ord. No. 1860, 4-12-10)

### Sec. 5-3. - Injunctive relief.

Any person or entity who shall fail to comply with any provision of this chapter, or who shall commit any of the acts described by this chapter, or be guilty of any of the omissions thereof, shall be liable to injunctive action prohibiting the violation of this chapter and shall be subject to being mandatorily enjoined and shall be liable and responsible for any and all expenses that may be incurred by the city in connection with any such action, omission or other violation, including reasonable attorneys' fees.

(Ord. No. 1860, 4-12-10)

### Sec. 5-4. - Notice of violation.

The director may give notice to any person or entity who violates this chapter, and such person or entity who receives such notice shall correct all violations alleged in the notice. Failure to correct any such alleged violations shall be subject to penalties under section 5-2 and injunctive relief under section 5-3.

(Ord. No. 1860, 4-12-10)

Sec. 5-5. - Stop work orders, revocation, suspension, or denial of permit.

Notwithstanding other sanctions set forth in this chapter, if any of the provisions of this chapter are not complied with, a stop work order in accordance with the adopted codes may be placed on the property and the permit may be revoked or suspended by the director. If a person has not followed the terms, conditions or specifications of this chapter in work done pursuant to a prior permit and such work has not been corrected, new permits may be denied or additional requirements may be imposed.

(Ord. No. 1860, 4-12-10)

Sec. 5-6. - Authorized hours of construction.

- (a) Work activity including, but not limited to, erection, excavation, demolition, construction, alterations or repairs on any building or other structure, is restricted to the hours of 7:00 a.m. to 8:00 a.m. for work preparation activities, 8:00 a.m. to 5:00 p.m. for actual work activities and 5:00 p.m. to 6:00 p.m. for work cleanup activities and vacation of the site, Monday through Friday.

*Exceptions:* This subsection shall not apply to the following: (1) Any work performed by the homeowner or business owner without contracted labor or contracted assistance; (2) interior painting and exterior painting performed by a contractor that does not generate noise audible to neighbors; (3) work of any kind performed in an enclosed building by a contractor that does not generate noise audible to neighbors; (4) the servicing of restaurant grease traps and (5) landscaping related activities (excluding earthmoving and structural improvements) performed by a contractor are not subject to this provision, except as subsection 10-8(e) of the Code of Ordinances may apply to such activities.

- (b) Limitation on weekend and holiday work activity:

- (1) There shall be no work activity on weekends or city holidays (see section 2-1 [Official holidays—Listed] or as modified by the city council), save and except for those types of work activity specifically exempted in subsection (a) above.
- (2) Work activity exempted in subsection (a) above shall not take place on the city holidays of the Fourth of July, Thanksgiving, Christmas and New Year's Day.
- (3) Hours of work activity set out in subsection (a) above shall apply to said exempted work activity when such work is performed on weekends and permitted holidays.
- (4) Work that is permissible on weekends and holidays may otherwise be limited by the inability to secure inspections from the city on such days.

- (c) Unless work activities are specifically exempted in subsections (a) and (b) above, there shall be no work prior to or after the hours listed in subsections (a) or on prohibited days without written permission issued by the director. Permission may be given for work that cannot be performed during the allowed hours and days of construction due to extenuating circumstances that might be detrimental to the property, or for work that would, if delayed, be or create a hazard to public health and safety. Requests for exemption to the authorized hours of construction beyond what is already permitted must be submitted in writing at least three (3) days prior to proposed work request. Requests shall include 1) reason for requested exemption, 2) specific hours/days being requested, 3) number of workers proposed, 4) number of vehicles proposed, and 5) complete scope of the proposed exempted work and tools to be utilized. If granted, a copy of the approved notice must be posted on the property next to the approved building permit and be clearly visible from the public right-of-way.
- (d) This section of the Code of Ordinances in no way limits or overrides the prohibitions against other violations noted elsewhere in said Code, such as the prohibition against the creation of noise nuisances [section 10-8].

see that all matters, things and acts to which this chapter and such permit or certificate relates shall conform to the regulations of the city.

(Ord. No. 1860, 4-12-10)

Sec. 5-10. - Preservation of ordinances.

The provisions of this chapter shall take precedence over those of any other code provision, except chapter 3 zoning, which may contain provisions that are less restrictive than those specified in this chapter. However, nothing contained in this chapter shall mitigate, interfere with, alter or repeal any provisions of any other ordinance of the City of Alamo Heights not in conflict with the provisions of this chapter.

(Ord. No. 1860, 4-12-10)

Sec. 5-11. - Validity.

If any section, paragraph, subdivision, clause, phrase or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any other provision thereof other than the part so decided to be invalid or unconstitutional.

(Ord. No. 1860, 4-12-10)

Sec. 5-12. - Fees.

- (a) Fees for the processing and issuance of plan reviews, permits, inspections, registrations, licenses or certificates shall be reviewed and adopted annually by city council and listed in the schedule of development fees. A copy of the schedule of development fees shall be kept on file in the director's office.
- (b) All plan review fees and administrative fees shall be due upon receipt of applications.
- (c) All remaining balances, if applicable, shall be due upon issuance of any permits, inspections, registrations, licenses, or certificates.
- (d) The total valuation used to compute the permit fee shall be: (a) the cost of the project to the owner if the work is contracted for, with a copy of a builder's quote or contract being presented to document such cost, or (b) the cost of the project to the owner as though the work was contracted for, with an accurate estimate being presented to document such cost. In the case that neither a builder's quote, contract or accurate estimate is presented to document the cost of the work, the director shall seek alternative estimates or may use the R.S. Means Construction Estimating Guide, adjusted for the San Antonio area, as a guide in determining the building fee.
- (e) In the event that the work for which a permit has been issued as authorized in this chapter has not been started, the director may, upon written request from the applicant to cancel the permit, refund the permit fee, less an administrative charge equivalent to fifteen (15) percent of the permit fee but not less than seventy-five dollars (\$75.00).
- (f) The director shall have the authority to waive or reduce any fees provided for in the adopted schedule of development fees for public agencies, licensees, franchisees, certificated telecommunications providers and contractors which provide the city with construction or other permitted services.
- (g) Certain substantial or complex commercial and multi-family projects may require outside review of plans by engineers, architects, surveyors, attorneys and other professional experts. If the director determines that such outside review is necessary or appropriate, the applicant for a project shall

reimburse the city for such outside review prior to the issuance of any certificate of occupancy, license, registration or certificate. Examples of a substantial or complex project would be an apartment project, a shopping center or a multi-story building in which architectural review, engineering review, FEMA review and/or the sale of public property are components of the project.

(Ord. No. 1860, 4-12-10; Ord. No. 2008, 10-27-14)

#### Sec. 5-13. - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Accessory building or structure(s)* shall mean a structure which is built, constructed, or placed and which is detached from a principal structure on the same tract of land, and customarily incidental and subordinate to the principal structure or use and which does not contain a postal address. Accessory structures include but are not limited to arbors, detached garages, garden utility sheds, decks, detached gazebos, temporary storage facilities, and swimming pools.

*Administrative review* is the formal process of reviewing proposed projects through city staff to ensure compliance with all applicable adopted city codes and ordinances.

*Authority having jurisdiction* as referenced within the adopted National or International Codes shall refer to the City of Alamo Heights.

*Block* shall mean a length of street right-of-way along one side of the street from one intersection to the next adjoining intersection.

*Building* : See *structure*.

*Building official* shall refer to the officer or other designated authority charged with the administration, interpretation and enforcement of this chapter.

*Building shell* means the architecture of the exterior enclosure of a building, including the framework, the perimeter/exterior walls, the building core and columns, and other structural, load-bearing elements of the building but does not include installation of typical finish out materials such as interior wiring, interior plumbing, mechanical equipment, sheetrock, paint, drop-ceilings, other finish materials not listed.

*Certified arborist* means an individual certified by the Certified Arborist Program of the International Society of Arboriculture (ISA).

*City* shall refer to the City of Alamo Heights.

*City inspector* shall refer to the city's building official, fire inspector, or their designee.

*Compatibility* shall mean harmony with the existing neighborhood, site configurations, development patterns, and the character of the development envelope found within the adjacent and immediate block area, as demonstrated in the demolition review application, including roof pitch, scale, massing, garage and driveway location and setbacks. Adjacent and immediate block area shall include but not be limited to all properties along:

1. The specific block where the project is proposed,
2. The block to the each side of the project's block, and
3. The blocks directly across the street of the three blocks identified above.

*Contractor* , whether general or tradesman, means any person who sells, constructs, or supervises or manages the construction of, or contracts for the construction of or the supervision or management of the construction of any work as regulated by this chapter.

*Critical root zone* means the area measured as one (1) foot of radial distance outward from the trunk for every inch of tree diameter at DBH.

*Demolition* shall mean any intentional or unintentional act of dismantling, pulling down, destroying, removing, razing or moving a structure or any structural portion thereof, or commencing the work of moving or of total or substantial destruction of a structure or portion thereof. For the purposes of demolition review as described in article IX, demolition is defined quantitatively as:

- (1) Removal or encapsulation of more than twenty-five (25) percent of the framed structure of exterior walls facing public streets, or a street-facing elevation if the tract of land is landlocked; or,
- (2) Removal or encapsulation of more than fifty (50) percent of the framed structure of all exterior walls and/or roofs.

*Exception:* Minor repair and routine maintenance.

Those activities which constitute ordinary repair and maintenance include but are not restricted to:

- a) Repair using the same material and design as the original;
- b) Repainting, using the same color; and
- c) Reroofing, using the same type and color of material.

*Demolition review* shall mean the public process of presenting proposed demolition and/or replacement projects to the architectural review board and/or city council. (See also definitions for demolition, significance, and compatibility).

*Department of community development* shall refer to the department which administers 1) permits, 2) plan reviews, 3) building, trade, and health inspections, 4) applications and processes for boards and commissions review, and 5) special events. This department shall act as the department of building safety as described in the adopted building codes.

*Diameter at breast height (DBH)* means diameter (diameter = circumference divided by pi or approximately 3.142) at breast height of a tree trunk measured at a height of four (4) feet and six (6) inches above natural grade.

*Director* shall refer to any director, chief, or their designee as assigned by the city manager.

*Drainage type* shall mean the following:

Type A means all drainage flow for a property is designed to flow towards the front property line and to a point of discharge at the street or right-of-way.

Type B means all drainage flow for a property is designed to split and flow both to the front property line and the rear property line and to points of discharge at the street, alley, or right-of-way.

Type C means all drainage flow for a property is design to flow towards the rear property line and to a point of discharge at the street, alley, or right-of-way.

*Earth fill* shall mean raising grade by means of filling in excess of three (3) feet above natural ground level at any point. Maximum slope for earth fills shall not exceed a ratio of three (3) to one (1), a rise of one (1) foot height to three (3) foot horizontally.

*Encapsulation* shall mean to enclose, cover up, or build over the top of an existing structure whether the existing structure to be covered is removed or not.

*General contractor* shall refer to any person who shall oversee, supervise, manages, or aids in construction as regulated by this chapter and who is responsible for multiple tradesman.

*Heritage tree* shall mean any tree or shrub which meets the minimum trunk size requirements as defined in section 5-152 of this chapter.

*Improvement* shall mean any of those things which require a permit, such as buildings (either permanent or temporary), land development, concrete or asphalt paving, swimming pools, fences, retaining walls, earth fill, or excavation and landscaping.

*Main building or structure(s)* shall mean a principal structure(s) which contains the primary occupancy or use and includes a postal mailing address.

*Material improvement* shall mean a modification to an existing building that either increases or decreases the building's total square footage or modifies a building's foundation, exterior walls, or structural roof components.

*Minor repairs* shall include but not be limited to improvements which do not pose a potential hazard to the general public, or occupants of a structure and which do not require verification through inspection for compliance with any adopted code or this chapter.

*Municipality* as referenced within the adopted National or International Codes shall refer to the City of Alamo Heights.

*Oak wilt* means a fungus that attacks oak trees by plugging water-conducting vessels, reducing flow of water up the stem of the tree, often causing leaves to wilt and fall prematurely and can travel up to seventy-five (75) feet in every direction to affect other oak trees.

*Owner*: Any person, agent, operator, firm, trust, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Permanent foundation* shall refer to any underlying or substructure for a framed structure above which support the exterior walls.

*Person* shall include any contractor, business, corporation, partnership, owner, or other entity as well as an individual.

*Premises* shall mean a lot, plot or parcel of land including any structure thereon.

*Reactive complaint investigation* shall mean an investigation in which the city conducts in reaction to a complaint.

*Registered tree service vendors* - Private businesses that provide tree services to property owners and are registered with the City of Alamo Heights.

*Routine maintenance* shall mean simple, small-scale activities associated with regular (daily, weekly, monthly, etc.) maintenance and general upkeep of a building (reference subsection 5-50(c)).

*Significant structure* shall mean any structure or portion thereof that in whole or in part meets one (1) or more criteria in subsection 5-134(h), and has been so determined by the city council.

*Storm water and drainage plan (SDP)* : The drainage and storm water management plan which provides all necessary plan sheets, profiles, hydraulic calculations, culvert pipe size and locations, detention basin, and all other necessary information which has been prepared, sealed and signed by a registered professional engineer for a particular residential, commercial, or industrial development.

*Structure, main or accessory* , shall mean anything built or constructed, whether above or below grade, which is occupied or intended for supporting or sheltering any use or occupancy.

*Tradesman* shall refer to any person who shall oversee, supervise, manage, or aid in construction, as regulated by this chapter, but who shall act under a single function such as mechanical, electrical, plumbing, landscaping, roofing, and general maintenance work but does not include individual laborers.

(Ord. No. 1860, 4-12-10)

Secs. 5-14—5-24. - Reserved.

## ARTICLE II. - CODES ADOPTED BY REFERENCE

### Sec. 5-25. - Resolution of conflicts.

Whenever any conflict shall occur between the international codes and the national code, the most restrictive shall apply. When a conflict exists between any adopted code and this Code, this Code shall prevail.

(Ord. No. 1860, 4-12-10)

### Sec. 5-26. - International Building Code, International Residential Code for One- and Two-Family Dwellings, International Existing Building Code, and International Energy Conservation Code adopted.

There are hereby adopted by reference the International Building Code (I.B.C.), 2015 edition, inclusive of ANSI A117.1 current edition as indicated in Chapter 11 Accessibility, the International Residential Code for One- and Two- Family Dwellings (I.R.C.), 2015 edition, inclusive of Appendix G Swimming Pools, Appendix H Patio Covers, and Appendix K Sound Transmission, the International Existing Building Code (I.E.B.C.), 2015 edition, and the International Energy Conservation Code (I.E.C.C.), 2015 edition, all as published by the International Code Council, Inc., save and except such portions of such codes as are hereinafter deleted, modified or amended, or inconsistent with or in conflict with any other provisions of this Code of Ordinances or any statute of the State of Texas, and the same are hereby adopted and incorporated herein as fully as if set out verbatim herein.

(Ord. No. 1860, 4-12-10)

**State Law reference—** International Building Code applicable statewide as municipal commercial building code, V.T.C.A., Local Government Code § 214.216, International Residential Code as statewide municipal residential building code, V.T.C.A., Local Government Code § 214.212; residential and building codes not applicable to electrical wiring and components, V.T.C.A. Local Government Code § 214.213

### Sec. 5-27. - Same—Purpose.

The purpose of the codes, as adopted by reference in section 5-26, 5-28, 5-29, 5-30, 5-31, and 5-32, shall be to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, height, area and maintenance of buildings, or other structures, including, but not limited to, signs, within the city, and provide for the issuance of permits and collection of fees therefor, and establish fire districts.

(Ord. No. 1860, 4-12-10)

### Sec. 5-28. - International Property Maintenance Code adopted.

There is hereby adopted by reference the International Property Maintenance Code (I.P.M.C.), 2015 edition inclusive of Appendix A Boarding Standard, as published by the International Code Council, Inc., save and except such portions of such code as are hereinafter deleted, modified or amended, or



inconsistent with or in conflict with any other provisions of this Code of Ordinances or any statute of the State of Texas, and the same is hereby adopted and incorporated herein as fully as if set out verbatim herein.

(Ord. No. 1860, 4-12-10)

**State Law reference**— Property rehabilitation code applicable statewide as municipal commercial building code, V.T.C.A., Local Government Code § 214.215.

Sec. 5-29. - International Mechanical Code adopted.

There are hereby adopted by reference the International Mechanical Code (I.M.C.), 2015 edition, and the International Fuel Gas Code (I.F.G.C.), 2015 edition, as published by the International Code Council, Inc., save and except such portions of such code as are hereinafter deleted, modified or amended, or inconsistent with or in conflict with any other provisions of this Code of Ordinances or any statute of the State of Texas, and the same are hereby adopted and incorporated herein as fully as if set out verbatim herein.

(Ord. No. 1860, 4-12-10)

Sec. 5-30. - National Electrical Code and the International Code Council Electrical Code, Administrative Provisions adopted.

There are hereby adopted by reference the National Electrical Code (N.E.C.), 2014 edition, as recommended by the National Board of Fire Underwriters, and the International Code Council Electrical Code - Administrative Provisions, 2014 edition, as published by the International Code Council, Inc., save and except such portions of such codes as are hereinafter deleted, modified or amended, or inconsistent with or in conflict with any other provisions of this Code of Ordinances or any statute of the State of Texas, and the same are hereby adopted and incorporated herein as fully as if set out verbatim herein.

(Ord. No. 1860, 4-12-10)

**State Law reference**— National electrical code applicable statewide for construction in municipalities, V.T.C.A., Local Government Code § 214.214.

Sec. 5-31. - International Plumbing Code adopted.

There are hereby adopted by reference the International Plumbing Code (I.P.C.), 2015 edition, and the International Private Sewage Disposal Code, 2015 edition, as published by the International Code Council, Inc., save and except such portions of such codes as are hereinafter deleted, modified or amended, or inconsistent with or in conflict with any other provisions of this Code of Ordinances or any statute of the State of Texas, and the same are hereby adopted and incorporated herein as fully as if set out verbatim herein.

(Ord. No. 1860, 4-12-10)

**State Law reference**— Municipal authority concerning plumbing and house draining, V.T.C.A., Local Government Code § 214.012.

Sec. 5-32. - International Fire Code adopted.

There are hereby adopted by reference the International Fire Code, 2015 edition, inclusive of Appendix B Fire Flow for Buildings, Appendix C Fire Hydrant Location and Distribution, Appendix D Fire Apparatus Access Roads, and Appendix E Hazard Categories, as published by the International Code Council, Inc., save and except such portions of such codes as are hereinafter deleted, modified or amended, or inconsistent with or in conflict with any other provisions of this Code of Ordinances or any statute of the State of Texas, and the same are hereby adopted and incorporated herein as fully as if set out verbatim herein.

(Ord. No. 1860, 4-12-10)

Sec. 5-33. - References and terms.

- (a) Wherever the term "administrative authority" is used in the adopted codes, it shall be construed to mean the city's building official, fire chief, or their designee.
- (b) Whenever the term "assistants" is used in the adopted codes, it shall be construed to mean the city inspectors such as but not limited to the city's building official, fire inspector, or any private third party inspector.

(Ord. No. 1860, 4-12-10)

Secs. 5-34—5-39. - Reserved.

ARTICLE III. - AMENDMENTS TO ADOPTED CODES

Sec. 5-40. - Amendments to the International Building Code, International Residential Code for One- and Two-Family Dwellings.

(a) *International Building Code.*

- (1) Section 103.1 Creation of enforcement agency shall be amended to read as follows:

The Department of Community Development is hereby created and the official in charge of code administration, interpretation and enforcement shall be known as the building official.

- (2) Section 105.2 Work exempt from permit is hereby deleted but deletion does not include sections 105.2.1 Emergency Repairs, 105.2.2 Repairs, or 105.2.3 Public service agencies.
- (3) Section 1507.8 Wood Shingles shall be deleted in its entirety and replaced with section 1507.8 Wood Shingles Prohibited to read as follows:

Wood shingles and wood shakes shall not be used for the construction, alteration, addition, remodeling and renovation of the roofs of structures in the City of Alamo Heights, except that wood shingles and wood shakes may be used for the repair and replacement of existing wood shingle roofs and wood shake roofs.

- (4) Section 1507.9 Wood Shakes shall be deleted in its entirety and replaced with section 1507.9 Wood Shakes Prohibited to read as follows:

Wood shingles and wood shakes shall not be used for the construction, alteration, addition, remodeling and renovation of the roofs of structures in the City of Alamo Heights, except that wood shingles and wood shakes may be used for the repair and replacement of existing wood shingle roofs and wood shake roofs.

(5) Chapter 11

Accessibility. All buildings or portions of buildings must comply with the accessibility standards adopted by the State. Projects over \$50,000 shall be submitted to the Texas Department of Licensing and Regulation for review, inspection, and approval in accordance with State Law.

(6) Section 1009.

Accessible means of egress.

All buildings or portions of buildings must comply with the accessibility standards adopted by the State. Projects over \$50,000 shall be submitted to the Texas Department of Licensing and Regulation for review, inspection, and approval in accordance with State Law.

(b) *International Residential Code for One- and Two-Family Dwellings.*

(1) Section R103.1 Creation of enforcement agency shall be amended to read as follows:

The Department of Community Development is hereby created and the official in charge of code administration, interpretation and enforcement shall be known as the building official.

(2) Section R105.2 Work exempt from permit is hereby deleted but does not include sections R105.2.1 Emergency Repairs, R105.2.2 Repairs, or R105.2.3 Public service agencies,

(3) Table R301.2(1) of the International Residential Code is deleted and replaced with the following:


GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLA YMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects		Weathering	Frostline Depth	Termite					
5	115	No	A	Negligible	0	Moderate to heavy	30°	NO	See Ch. 7	16	68.7°

(4) Section R905.7 Wood Shingles shall be deleted in its entirety and replaced with section 905.7 Wood Shingles Prohibited to read as follows:

Wood shingles and wood shakes shall not be used for the construction, alteration, addition, remodeling and renovation of the roofs of structures in the City of Alamo Heights, except that wood shingles and wood shakes may be used for the repair and replacement of existing wood shingle roofs and wood shake roofs.

(5) Section R905.8 Wood Shakes shall be deleted in its entirety and replaced with section 905.7 Wood Shakes Prohibited to read as follows:

Wood shingles and wood shakes shall not be used for the construction, alteration, addition, remodeling and renovation of the roofs of structures in the City of Alamo Heights, except that

wood shingles and wood shakes may be used for the repair and replacement of existing wood shingle roofs and wood shake roofs.

- (6) Chapters 35—43 "electrical provisions" are hereby deleted in their entirety.
- (7) Section R313.2 One and two-family dwellings automatic fire systems. Shall be deleted in its entirety in compliance with Texas State Senate bill 1410 Sec. 12 Sec. 1301.551.
- (8) Section R903.4 Roof Drainage is amended by adding Section R903.4.2 Gutters and downspouts to read as follows: R903.4.2 Gutters and downspouts. Any Group R or Group U occupancy with roof edges less than three feet to any property line shall be provided with gutters and downspouts to direct roof water away from adjacent property.
- (9) Section M1305.1.3 is amended by adding Subsection M1305.1.2.2, Access for cooling or heating appliance, to read as follows: M1305.1.3.2 Access for cooling or heating appliance. For new residential applications, or substantial remodel, where the location of the cooling or heating appliance is installed or moved to the attic space, access shall be provided with a permanent ladder or fold-away ladder or a direct access door opening from the house on the same floor level.
- (10) Section M2005.2 Prohibited locations, is amended as follows: M2005.2 Prohibited locations. Fuel fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that combustion air will not be taken from the living space. Installation of direct-vent water heaters within an enclosure is not required. Storage type water heaters shall not be installed in an attic unless accessible from a door opening from the house on the same floor level. Exemption: replacement of existing storage type water heaters in attics shall be permitted.

(Ord. No. 1860, 4-12-10; Ord. No. 2001, 9-8-14)

Sec. 5-41. - Amendments to the International Existing Building Code, and International Energy Conservation Code.

- (a) International Existing Building Code
- (b) International Energy Conservation Code. R403.3.1 Insulation (Prescriptive), is amended by adding a second exception as follows: Supply and return ducts in attics shall be insulated to a minimum of R-6 where 3 inches (76 mm) in diameter and greater, where the seasonal energy efficiency ratio (SEER) of the installed cooling equipment is higher than the minimum required by federal law for climate zone 2.

(Ord. No. 1860, 4-12-10)

Sec. 5-42. - Amendments to the International Property Maintenance Code.

- (a) Section 108.2 Closing of vacant structures shall be amended to include section 108.2.2 Standards for securing buildings to read as follows:

To protect the health, safety and welfare of the general public, structures which are open and unsecured allowing for unauthorized access to the structure shall be secured according to this section. The boarding of the doors, windows or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the following minimum standards:

1) *Securing by boarding.* Windows and similar openings shall be boarded with exterior grade plywood of a minimum thickness of five-eighths ( 5/8 ) inch nominal or its equivalent. Vent holes may be required, as deemed necessary by the city. The plywood shall be secured in place by 2 x 4 or 4 x 4 cross members, secured to the plywood by three-eighths ( 3/8 ) inch plated carriage bolts with large washers at each end and with the cross member turned so that the carriage bolt goes through the larger dimension. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two (2) cross members shall be used on each window and, depending on the size of the opening, additional cross members may be required. Each cross member shall be a continuous piece of lumber, and each must extend at least one (1) foot past the window opening in each direction. Bolts and nuts used to secure the cross members to the plywood must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood and not give a surface for pliers or pry bars.

2) *Exterior doors.* Exterior doors shall be boarded with exterior grade plywood of a minimum thickness of five-eighths ( 5/8 ) inch nominal or its equivalent, fitted to the entry doorjamb with maximum one-eight ( 1/8 ) inch clearance for each edge. The existing door should be removed and stored inside the building. The plywood shall be attached to three (3) horizontal 2 x 4 wooden crossbars each with two (2) three-eighths ( 3/8 ) inch carriage bolts and matching hardware. The plywood shall be attached to the door entry with three case hardened strap hinges of the types specified by the building official and the plywood shall be secured by a case hardened steel hasp and minimum two-inch case hardened padlock also of the type specified by the city.

3) *Painting of boarded openings.* All boarded openings shall be painted with a minimum of one (1) coat of exterior paint, which is of a color compatible with the exterior color of the building or structure.

4) *Alternative methods of securing a building.* Upon written request submitted to the city, the building official may approve alternative methods of securing a vacant and unoccupied building or structure. In making the determination to approve any alternative method, the city shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

(Ord. No. 1860, 4-12-10)

Sec. 5-43. - Amendments to the International Mechanical Code.

- (a) Section 306.3.2 Access for cooling or heating appliance, as follows: Access for cooling or heating appliance. For new residential applications, or substantial remodel, where the location of the cooling or heating appliance is installed or moved to the attic space, access shall be provided with a permanent ladder or fold-away ladder or a direct access door opening from the house on the same floor level.

(Ord. No. 1860, 4-12-10)

Sec. 5-44. - Amendments to the National Electrical Code.

- (a) Section 210.24 Branch-Circuit Requirements - Summary inclusive of Table 210.24 is hereby amended to require the minimum size of conductors for branch circuits and feeder wiring to be minimum No. 12 AWG copper for 15 amp circuits.

(Ord. No. 1860, 4-12-10)

Sec. 5-45. - Amendments to the International Plumbing Code.

- (a) Section 502.3 Water Heaters installed in attics. Amended as follows: Storage type water heaters shall not be installed in an attic unless accessible from a door opening from the house on the same floor level. Attics containing a water heater shall be provided with an opening an unobstructed passageway large enough to allow removal of the water heater. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the water heater. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large enough to allow removal of the water heater. Exemption: replacement of existing storage type water heaters in attics shall be permitted.
- (b) International Fuel Gas Code – No amendments adopted

(Ord. No. 1860, 4-12-10)

Sec. 5-46. - Amendments to the International Fire Code.

- (a) Section 5601.1 Explosives & Fireworks shall be amended to delete all listed exceptions, except for the following:
- (1) The Armed Forces of the United States, Coast Guard or National Guard.
  - (2) Explosives in forms prescribed by the official United States Pharmacopoeia.
  - (3) The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
  - (4) The possession, storage and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
  - (5) The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
  - (6) Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg) of explosive materials .
  - (7) The possession, storage and use of blank industrial-power load cartridges when packaged in accordance with DOTn packaging regulations.
  - (8) Transportation in accordance with DOTn 49 CFR Parts 100-185.
  - (9) Items preempted by federal regulations.
- (b) Section 5704.2 Tank Storage shall be amended to read as follows:
- (1) There shall be no flammable or combustible liquids stored in above ground or below ground tanks within the City of Alamo Heights with the following exception(s):
    - a. For road construction projects, containers must be approved, in a secure location, and approved by the fire marshal. Each project shall be reviewed on a case by case basis but in no case shall the liquids stored exceed 500 gallons of capacity.
    - b. In the event of a large scale natural or man-made disaster with approval by the fire chief or his/her designee.

**c. At an approved commercial fuel dispensing/filling station.**

(c) Section 6106.1 shall be amended to read as follows:

(1) There shall be no dispensing/filling of LPG containers within the City of Alamo Heights with the following exception(s):

a. From an approved location (Service Station) by the city and only by a qualified attendant,

b. Local deliveries can be made via truck to fill approved tanks.

c. At an approved commercial Gasoline service station, as defined in the City's adopted zoning code.

(d) Chapters 20 Aviation Facilities, 25 Fruit and Crop Ripening, 27 Semiconductor Fabrication Facilities, 29 Manufacture of Organic Coatings, and 36 Marinas shall be deleted in their entirety and all such uses are hereby prohibited.

(Ord. No. 1860, 4-12-10)

Secs. 5-47—5-49. - Reserved.