

**ORDINANCE NO. 2181**

**AN ORDINANCE REPEALING ARTICLES II AND III (EXCEPT SECTION 5-25) OF CHAPTER 5, BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES AND ADOPTING NEW ARTICLES II AND III (EXCEPT SECTION 5-25) WHICH INCORPORATE THE 2021 INTERNATIONAL CODE SERIES-ICC AND THE 2020 NATIONAL ELECTRICAL CODE AND AMENDING ARTICLE V OF CHAPTER 5, BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETINGS CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alamo Heights is a Home Rule Municipality located in Bexar County, Texas, established in accordance with provisions of its Charter, the Texas Constitution and statutes, including the Texas Local Government Code; and

**WHEREAS**, Chapter 54.001 of the Texas Local Government Code provides the general authority for the City of Alamo Heights to enforce each rule, Ordinance, or police regulation of the City of Alamo Heights and to punish a violation of an Ordinance; and

**WHEREAS**, Chapter 214, Subchapter G of the Texas Local Government Code provides the general authority for the City of Alamo Heights to adopt certain Building and Regulatory Codes and to enact local amendments to same; and

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

**WHEREAS**, the City Council hereby declares that all local code amendment regulations and standards are in furtherance of the City's public safety departments and are not enacted to hinder development and construction; 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:**

**SECTION 1:** Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2:** Articles II and III (except Section 5-25) of Chapter 5 of the Code of Ordinances are repealed, and new Articles II and III (except Section 5-25) of Chapter 5 of the Code of Ordinances and amendments to Article V of Chapter 5 of the Code of Ordinances are hereby adopted as follows:

## **ARTICLE II. CODES ADOPTED BY REFERENCE**

- Sec. 5-26 2021 International Building Code, 2021 International Residential Code for One- and Two-Family Dwellings, 2021 International Existing Building Code, and 2021 International Energy Conservation Code adopted
- Sec. 5-28. 2021 International Property Maintenance Code adopted
- Sec. 5-29. 2021 International Mechanical Code adopted.
- Sec.5-30 2020 National Electrical Code adopted.
- Sec. 5-31. 2021 International Plumbing Code and 2021 International Fuel Gas Code adopted.
- Sec. 5-32. 2021 International Fire Code adopted, 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.
- Sec. 5-33. References and terms.
- Secs. 5-34 - 5-39. Reserved.

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.

## **ARTICLE III. AMENDMENTS TO ADOPTED CODES**

- Sec. 5-40. - Amendments to the International Building Code, International Residential Code for One- and Two-Family Dwellings
- Sec. 5-41. - Amendments to the International Existing Building Code, and International Energy Conservation Code
- Sec. 5-42. - Amendments to the International Property Maintenance Code
- Sec. 5-43. - Amendments to the International Mechanical Code
- Sec. 5-44. - Amendments to the National Electrical Code.
- Sec. 5-45. - Amendments to the International Plumbing Code and International Fuel Gas Code.
- Sec. 5-46. - Amendments to the International Fire Code.
- Secs. 5-47 - 5-49. Reserved.

## **ARTICLE V. INSPECTIONS**

- Sec. 5-74. - Required Inspections
- Sec. 5-78. - Foundation Inspections

**ARTICLE III. AMENDMENTS TO ADOPTED CODES**

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

a) *International Building Code*

1) Section 101.1

These regulations shall be known as the *Building Code* of City of Alamo Heights, hereinafter referred to as “this code.”

2) 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.

3) Section 105.2

Work exempt from permit is hereby deleted but deletion does not include sections 105.2.1 Emergency Repairs or 105.2.2 Public service agencies.

4) Section 112

Section 112 Service Utilities is amended by adding Sec. 112.4 Utility identification to read as follows: Sec. 112.4 Utility identification. The fire code official requires gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it services. Identification shall be made in an approved manner, readily visible and shall be maintained. The exterior of the electrical service panel shall clearly and legibly identify all power sources to the structure.

5) Section 1009

Section 1009 Accessible means of egress is amended to add the following: 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.

6) Chapter 11

Chapter 11 Accessibility is amended to add the following: 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.

7) Section 1503.1

Section 1503.1 General shall be amended to read as follows: Roof decks shall be covered with approved roof coverings secured to the building or structure in accordance with the provisions of this chapter. Roof coverings shall be designed in accordance with this code and installed in accordance with this code and the manufacturer's approved instructions, or over steel-jacketed foil, Underwriters' laboratories rated and designed specifically for such purpose, or over a solid wood deck of at least one-half inch thickness.

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

1) Section R103.1

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

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) Section R111

Section R111 Service Utilities is amended by adding Sec. R111.4 Utility identification to read as follows: R111.4 Utility identification. The fire code official requires gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it services. Identification shall be made in an approved manner, readily visible and shall be maintained. The exterior of the electrical service panel shall clearly and legibly identify all power sources to the structure.

4) Section R903.1

Section R903.1 General is amended as follows: Roof decks shall be covered with approved roof coverings secured to the building or structure in accordance with the provisions of this chapter. Roof assemblies shall be designed and installed in accordance with this code and the approved manufacturer's instructions, or over steel-jacketed foil, Underwriters' laboratories rated and designed specifically for such purpose, or over a wood deck of at least one-half inch thickness, such that the roof assembly shall serve to protect the building or structure.

5) Section R903.4

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.

6) Section M1305.1.3

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, 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.

7) Section M2005.2

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.

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

a) *International Existing Building Code.* No amendments adopted.

b) *International Energy Conservation Code.* No amendments adopted.

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

a) Section 111.2

Section 111.2 Closing of vacant structures shall be amended to include section 111.2.2 Standards for securing buildings to read as follows: 111.2.2 Standards. 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 × 4 or 4 × 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-eighth (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.

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

a) Section 306.3.2

Section 306.3.2 is amended by adding Section 306.3.2 Access for cooling or heating appliance, as follows: 306.3.2 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.

b) Section 903

Section 903 Unvented gas log heaters is amended as follows: 903 Unvented gas log heaters. An unvented gas log heater shall not be installed in a factory-built fireplace unless the fireplace system has been specifically tested, listed and labeled for such use in accordance with UL 127, and permitted by the fire code official.

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

a) Section 210.24

Section 210.24 Branch-Circuit Requirements is amended as follows: 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.

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

a) *International Plumbing Code*

1) Section 502.3

Section 502.3 Water Heaters installed in attics is amended as follows: 502.3 Water heaters installed in attics. 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.*

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

a) Section 509.1.1

Section 509.1.1 Utility identification shall be amended as follows: 509.1.1 Utility identification. The fire code official requires gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it services. Identification shall be made in an approved manner, readily visible and shall be maintained. The exterior of the electrical service panel shall clearly and legibly identify all power sources to the structure.

b) Section 5601.1

Section 5601.1 Explosive & Fireworks shall be amended to delete all listed exceptions and shall be amended to read as follows:

- (1) Non-aerial, non-explosive fireworks for commercial use and residential assembly requires permit by the fire code official or designee.
- (2) Non-aerial, non-explosive fireworks for residential assembly requires permit by the code official or designee.
- (3) Non-aerial, non-explosive fireworks for individual use in residential setting.

(4) Aerial and/or explosive fireworks, as part of a city-organized fireworks display, require approval and coordination in execution by fire code official or designee.

c) Section 5704

Section 5704 Storage Tanks shall be amended to read as follows:

(1) There shall be no flammable or combustible liquids stored in storage 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.

d) Section 6106.1

Section 6106.1 Liquefied Petroleum Gasses (LPG) 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.

e) Chapter 20, Chapter 25, Chapter 27, Chapter 29 and Chapter 36

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.

## ARTICLE V. INSPECTIONS

1. Sec. 5-74. – Required inspections.

a) Section 5-74 (l) Pool inspections shall be added to read as follows, with Section 5-74

(l) Certificate of occupancy to become Section 5-74 (m):

(l) Pool inspections:

- (1) Steel bonding;
- (2) Deck bonding;
- (3) Final

2. Sec. 5-78. – Foundation inspections.

a) Section 5-78 (b) Foundation inspections shall be amended to read as follows:

(b) For new commercial and residential foundations, after the foundation forms or perimeter piers are set for any new structures, including forms for any accessory



buildings 600 square feet or greater, or for the expansion of existing foundations, and prior to or at the plumbing rough-in inspection (where required) and pouring of any concrete or setting of any beams, a certified foundation survey shall be required to be submitted to the director's office, and a copy of the approved survey left at the job site for pre-pour inspection. The purpose of the survey is to ensure that the placement of any structures shown on the approved plans is in keeping with the approved plans and that all setbacks and lot coverage percentages are correct, and that the form dimensions or pier layouts are consistent with the dimensions shown on the approved plans. Incidental uses such as driveways, swimming pools, gazebos, etc., that can readily be determined to be in conformance with the approved plans, by referencing them to the main and accessory buildings, will not require a certified foundation survey.

b) Section 5-78 Foundation inspections shall be amended by adding Sec. 5-78 (c) to read as follows:

(c) A pool located less than ten feet from the main residence or any extension to the foundation will require a feasibility study by the registered professional engineer of record, certifying the design. Items to be investigated are stable soil condition, possibility of seepage and damage to the structure.

3. Sec. 5-81. – Persons authorized to conduct foundation and other structural-related inspections.

a) Section 5-81 (a) Persons authorized to conduct foundation and other structural-related inspections shall be amended to read as follows:

(a) A Texas licensed professional engineer with an appropriate specialty may, at the option of the owner, shall inspect foundation and, at the discretion of the director, other structural-related construction. In addition, foundation and framing components must be requested of and approved through inspection by the city inspector prior to placing of concrete or proceeding with construction.

b) Section 5-81 (b) Persons authorized to conduct foundation and other structural-related inspections shall be amended to read as follows:

(b) The inspection shall be reported to the director in the form of a letter bearing the signature and professional seal of the engineer, stating the basis of the inspection and the results of the inspection, prior to the required framing inspection, and made part of the building records file.

**SECTION 3: Conflicting Ordinances or Resolutions.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 4: Severability.** If any section, subsection, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5: Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**SECTION 6: Penalty.** Any violation of any provision of this Ordinance shall be subject to the penalty prescribed in Section 5-2 of the City of Alamo Heights' Code of Municipal Ordinances.

**SECTION 7: Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 8<sup>TH</sup> DAY OF NOVEMBER 2021.**

  
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BOBBY ROSENTHAL, MAYOR

**ATTEST:**

  
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ELSA T. ROBLES, CITY SECRETARY

**APPROVED AS TO FORM:**

  
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FRANK J. GARZA, CITY ATTORNEY

