

**ORDINANCE NO. \_\_\_\_-\_\_**

**AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING CHAPTER SIX, ARTICLES 6.01, 6.02 AND 6.03 AND CHAPTER 10, ARTICLE 10.03; ADOPTING CERTAIN INTERNATIONAL CODES AND MAKING AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and,

**WHEREAS**, the regulation of building and building construction by the City of Buda is necessary to protect the public health and welfare; and,

**WHEREAS**, the City of Buda deems it necessary to adopt such codes and regulations;

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

**Section 1:** The facts and recitations set forth in the preamble of this ordinance are hereby found to be true and correct.

**Section 2:** The City of Buda Code of Ordinances is hereby amended by deleting article 6.01 of chapter 6 thereof and substituting therefor new article 6.01 of chapter 6 to provide as follows:

**CHAPTER 6 BUILDING REGULATIONS**

**ARTICLE 6.01 GENERAL PROVISIONS**

**DIVISION 1. GENERALLY**

### **Sec. 6.01.001 Enforcement and Orders**

- (a) *City manager authority.* The city manager or his designee shall be charged with enforcing the provisions of this chapter.
- (b) *Building and code officials.* When the terms "building official" or "code official" are used in this chapter or any technical code as adopted and amended herein, such terms shall mean the building official, except when used in the Property Maintenance Code of the City of Buda, Texas, such terms shall mean the code official.
- (c) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the building official or code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the building official or code official, as applicable.
- (d) It shall be unlawful for the owner of any building, dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage lease or otherwise dispose of such building, dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the building or code official and shall furnish to the building or code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation.

### **Sec. 6.01.002 Appointments**

- (a) The building official shall be appointed by the city manager. The city manager or his/her designee shall have the sole discretion without cause to reconfigure, reassign re-delegate or dissolve the position of the building official.
- (b) The city manager shall have the authority to appoint technical officers, inspectors, plan examiners and other employees as may be necessary to enforce the provisions of this chapter. Such employees shall have powers as delegated by the city manager.

### **Sec. 6.01.003 Fees**

The amount of any fee created in this chapter or referenced in the technical codes shall be in the amount specified in the schedule of fees adopted by the city council and attached to this code as appendix A.

### **Sec. 6.01.004 Violation and penalty**

- (a) Any person who violates any provision of this chapter, including any technical code or any amendment thereto as adopted herein, or who fails to comply with any order, decision or determination of the city manager, the building official, the code official or the construction board of appeals, or any person who owns, occupies or operates, as applicable, any real or personal property, or improvement, fixture or appurtenance thereto, in or on which a violation of this chapter exists, or any architect, builder, contractor, vendor or agent of such owner, occupier, or operator who may have committed or assisted in the commission of any violation of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine in an amount as set forth in section 1.01.009(b), and each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.
- (b) Except as provided in section 6.01.004(c), an offense under this chapter is punishable by a fine of not less than:

- (1) \$250.00 for a first conviction;
- (2) \$500.00 for a second conviction of the same violation within any 12-month period;
- (3) \$1,000.00 for a third or subsequent conviction of the same violation within any 12-month period.

(c) Any person who shall perform any work regulated by this chapter after having been served with a stop work order to discontinue such work, excluding work the person is directed to perform by the building official to remove a violation or unsafe condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$500.00.

#### **Sec. 6.01.005 Stop work orders**

If the building official determines that any work regulated by this chapter is performed in violation of the provisions of this chapter or in a dangerous or unsafe manner, the building official may issue a stop work order to the owner of the property involved, to the owner's agent, or to the person doing the work. Any such stop work order shall be in writing and shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official may issue a verbal stop work order. Upon delivery of a stop work order to the owner of the property subject to the stop work order, to such owner's agent or to a person performing work subject to the stop work order, work covered by the order shall immediately cease. No person shall perform any work subject to a stop work order, except to cure a violation or to correct an unsafe condition.

#### **Sec 6.01.006 Restrictions on employees**

In addition to the restrictions contained in the City Code of Ethics and employee handbook, employees of the building inspection division may not have a financial interest in any construction activity within the city limits or the city's extraterritorial jurisdiction. The term "construction activity" includes:

- (1) The preparation of plans, specifications or cost estimates for any construction work;
- (2) The furnishing of labor, materials or supplies for any construction work;
- (3) The provision of maintenance or repair services, or replacement parts, supplies, equipment or appliances for any existing structure;
- (4) The provision of construction consulting or project management services; and
- (5) The provision of real estate inspection services.

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 6.01.007 Certificate of insurance required for contractors**

A licensed contractor performing construction work in the city shall provide the City a copy of his or her State of Texas license, where applicable, along with a certificate of insurance that meets the requirements

of this subsection. The City will not issue the applicable permit(s), until it receives the certificate of insurance. 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 \$300,000 for all claims arising in anyone (1) year period.

This subsection of this ordinance does not alter the responsibility of any person performing any construction activity for damages to anyone or for performance of a contract. Neither the City nor any city officer or employee assumes any liability on the basis of an inspection activity or a license, certificate or permit issued pursuant to this ordinance.

### **Sec 6.01.008 Building Accessibility**

Building accessibility standards and requirements are governed by the Americans with Disabilities Act (ADA), the Texas Accessibility Standards (TAS), and any provisions set forth in the codes as adopted herein. Unless otherwise noted herein, the minimum building accessibility standards shall be as provided in the ADA and/or TAS.

Before a contractor applies for a permit for a building or structure subject to section 469.101 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.

## **DIVISION 2. APPEAL**

### **Sec. 6.01.050. Appeal right and procedures**

A person shall have the right to make an appeal of orders, decisions or determinations made pursuant to this chapter, except as otherwise provided herein. Such appeals shall be made to the construction board of appeals created pursuant to division 5 of chapter 1 of this Code in accordance with the procedures set forth therein.

### **Sec. 6.01.051. Administration**

The building official shall take immediate action in accordance with the decision of the construction board of appeals.

**Section 3:** The City of Buda Code of Ordinances is hereby amended by deleting article 6.02 of chapter 6 thereof and substituting therefore new article 6.02 of chapter 6 to provide as follows:

## **CHAPTER 6 BUILDING REGULATIONS**

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## **ARTICLE 6.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS**

### **Division 1. Generally**

#### **Sec. 6.02.001 References to electrical code**

Any reference in any of the technical or construction codes adopted and amended by the city that refers to or mentions an electrical code other than the National Electrical Code is hereby amended to refer to the National Electrical Code adopted and amended by the city.

#### **Sec. 6.02.002 Adoption of codes by reference**

All of the regulations, provisions, penalties, conditions and terms of the codes adopted by this article, as revised and amended herein, are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

#### **Sec. 6.02.003 Public availability of adopted codes**

The city manager shall purchase one copy of the codes adopted by this article, which he/she shall keep on file in the city hall and make available to the public for inspection and copying, subject to all applicable copyright laws.

#### **Sec. 6.02.004 Conflict**

Unless otherwise noted, any adopted technical and construction codes and amendments thereto shall be subordinated to any City of Buda Code of Ordinance(s), state and/or federal law(s). Should any area or provision come under conflict, the stricter shall prevail. Should any City of Buda Code of Ordinance be silent on any area or provision related to designing, building, constructing, or maintaining of any and all applicable structures, the technical and construction codes shall prevail.

#### **Sec 6.02.009 Applicability**

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

### **Division 2. Building Code**

#### **Sec. 6.02.051 Adopted**

The International Building Code, 2015 edition, and Appendices A, C, D, G, H, I, J and K as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.052.

#### **Sec. 6.02.052 Amendments**

The International Building Code, 2015 edition and appendices as adopted in section 6.02.051 are hereby amended as follows:

- (1) *Subsection 101.1* is hereby deleted and replaced with the following:

*101.1 Title.* These regulations shall be known as the Building Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (2) *Subsection 101.4.3* is hereby deleted and replaced with the following:

*101.4.3 Plumbing.* The provisions of the Plumbing Code of the City of Buda, Texas, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

- (3) *Section 103* is hereby deleted.

- (4) *Subsection 105.1* is hereby deleted and replaced with the following:

*105.1 Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy classification of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. If the owner is to do the work him or herself, then the owner shall provide proof to the building official stating that he or she owns and presently occupies the building as his or her homestead.

An application for a building permit is required for property within the City limits, for property located in the City's extraterritorial jurisdiction that is part of a development agreement, or for property connected to the City's water or wastewater system, prior to placement, construction or alteration of a building or structure. Approval of an application for a building permit authorizes the property owner to construct, alter or place a structure on the lot, tract or parcel. Approval of an application for a building permit also authorizes the property owner, upon completion of a structure intended for human occupancy, to make application for a certificate of occupancy.

- (5) *Subsection 105.2* is hereby deleted and replaced with the following:

*105.2 Work exempt from permit.* Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

*Building:*

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 251 square feet.
2. Fences not over 7 feet (2134mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (91219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ration of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

*Electrical:*

*Repairs and maintenance:* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

*Radio and television transmitting stations:* The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and to the installation of towers and antennas.

*Temporary testing systems:* The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

*Gas:*

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

*Mechanical:*

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (0.75 kW) or less.

*Plumbing:*

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes

necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphon-age such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

*105.2.1 Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

*105.2.2 Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

*105.2.3 Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

- (6) New *Subsection 105.8* is hereby added to read as follows:

*105.8 Homestead.* A permit shall not be required for work on a homestead, provided the owner provides proof to the building official stating that he/she owns and presently occupies the existing building as his/her homestead and certifies he/she will do the work with his/her own hands; however, in no circumstance shall work create or constitute a danger to life or safety.

- (7) New *Subsection 107.2.1.1* is hereby 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." "Registered Architect" or "Certified Professional Building Designer."

- (8) New *Subsections 107.3.4.2, 107.3.4.3, and 107.3.4.4* are hereby added to read as follows:



*107.3.4.2* 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, as applicable.

*107.3.4.3* In addition to the state law that requires certain types of buildings to be designed by a registered design professional, privately owned buildings with classifications A, B, F, S, E, H, M, R-1, R-2, R-4, I and U occupancies shall be designed by registered design professionals. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional or waive requirements.

Exceptions. The following shall not require design by a registered design professional:

1. A new application for a certificate of occupancy, provided the new occupancy is remaining in the same risk category of the previous use or changing to lower risk category from the previous use.
2. A finish-out occupancy with an occupant load under 50 persons for any classification except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
3. Any occupancy under 750 square feet except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
4. A low hazard building classification of S-2 or F-2 under 2,000 square feet.

The above exceptions to the requirements for professionally prepared and sealed plans do not apply to projects which have been rejected by the building official three times. The fourth and all subsequent submittals for such projects shall be designed by registered design professionals and shall bear such registered professional's seal.

*107.3.4.4* 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 assures and assumes full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(9) *Subsection 108.2* is hereby deleted and replaced with the following:

*108.2 Conformance.* Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code and any and all applicable ordinances, regulations and technical codes adopted by the city, as necessary to ensure the public health, safety and general welfare.

(10) *Subsection 109.6 is hereby deleted and replaced with the following:*

*109.6 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Fifty percent (50%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

(11) *Subsection 111.1 is hereby deleted and replaced with the following:*

*111.1 Use and occupancy.* A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

111.1.1. No certificate of occupancy will be issued until the city 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.

111.1.2. 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.

111.1.3 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. Occupancy without an active certificate of occupancy will be subject to the penalty provisions of this charter.

(12) *New Subsection 112.1.1 is hereby added:*

*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 City based upon the issuance of a certificate of occupancy for the structure, occupancy or use.

(13) *Section 113 is hereby deleted.*

(14) *Subsections 114.2, 114.3, and 114.4 are hereby deleted.*

(15) *Section 115* is hereby deleted.

(16) *Section 116* is hereby deleted.

(17) *Subsection 905.8* is hereby deleted and replaced with the following:

*905.8 Dry standpipes.* Dry standpipes are prohibited unless approved by the fire code official. The fire code official is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

(18) New *Subsection 907.5.3* is hereby added to provide as follows:

*907.5.3 Evacuation.* Upon activation of a fire alarm notification system, all occupants of the structure for which such activation occurred shall evacuate and shall remain outside the structure until the appropriate fire official has determined that no fire or danger exists.

(19) *Section 1612.3* is hereby deleted and replaced with the following:

*1612.3 Establishment of flood hazard areas.* To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for City of Buda, Texas,” dated October 5, 2004, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

*1612.3.1 Design flood elevations.* Where design flood elevations are not included in the flood hazard areas established in Section 1612.3, or where floodways are not designated, the building official is authorized to require the applicant to:

1. Obtain and reasonably utilize any design flood elevation and floodway data available from a federal, state or other source; or
2. Determine the design flood elevation and/or floodway in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice.

*1612.3.2 Determination of impacts.* In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed work will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction of the applicable governing authority.

(20) *Sections G104 and G105 of Appendix G* are hereby deleted.

### Division 3. Energy Conservation Code

#### Sec. 6.02.101 Adopted

The International Energy Conservation Code, 2015 edition, and all Appendices thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.102.

#### Sec. 6.02.102 Amendments

The International Energy Conservation Code, 2015 edition and appendices as adopted in section 6.02.101 are hereby amended as follows:

- (1) *Subsection C101.1* is hereby deleted and replaced with the following:

*C101.1 Title.* The commercial provisions of the International Energy Conservation Code shall be known as the Commercial Energy Conservation Code of the City of Buda, Texas, hereinafter referred to as “this code.”

- (2) *Subsection C101.5* is hereby deleted and replaced with the following:

*C101.5 Compliance.* Residential buildings, except single-family residential construction, shall meet the provisions of the Residential Energy Conservation Code of the City of Buda, Texas. The energy efficiency chapter of the Residential Code for One- and Two-family Dwellings of the City of Buda, Texas applies to single-family residential construction. Commercial buildings shall meet the provisions of the Commercial Energy Conservation Code of the City of Buda, Texas.

*C101.5.1 Compliance materials.*

The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code.

- (3) *Subsection C104.2* is hereby deleted and replaced with the following:

*C104.2 Required approvals.* Work shall not be done beyond the point indicated in each successive inspection as set forth in Sections C104.2.1 through C104.2.6 without first obtaining the approval of the code official. The holder of the permit shall obtain an inspection of such work by a person qualified to inspect such work. Such person qualified to inspect such work shall prepare a report that shall indicate the portion of the construction that is satisfactory as completed or shall indicate wherein the same fails to comply with this code. Such report shall be submitted to the code official. The code official shall notify the permit holder or his agent of such satisfactory construction or of such construction that fails to comply with this code. Any portions of the work that do not comply with this code shall be corrected, and such portions shall not be covered or concealed until authorized by the code official.

*C104.2.1 Footing and foundation inspection.* Inspections associated with footing and foundations shall verify compliance with the code as to R-value, location, thickness, depth of burial and protection of insulation as required by the code and approved plans and specifications.

C104.2.2 Framing and rough-in inspection. Inspections at framing and rough-in shall be made before application of interior finish and shall verify compliance with the code as to types of insulation and corresponding R-values and their correct location and proper installation; fenestration properties (U-factor, SHGC and VT) and proper installation; and air leakage controls as required by the code and approved plans and specifications.

C104.2.3 Plumbing rough-in inspection. Inspections at plumbing rough-in shall verify compliance as required by the code and approved plans and specifications as to types of insulation and corresponding R-values and protection; required controls; and required heat traps.

C104.2.4 Mechanical rough-in inspection. Inspections at mechanical rough-in shall verify compliance as required by the code and approved plans and specifications as to installed HVAC equipment type and size; required controls, system insulation and corresponding R-value; system and damper air leakage; and required energy recovery and economizers.

C104.2.5 Electrical rough-in inspection. Inspections at electrical rough-in shall verify compliance as required by the code and approved plans and specifications as to installed lighting systems, components and controls; and installation of an electric meter for each dwelling unit.

C104.2.6 Final inspection. The building shall have a final inspection and shall not be occupied until approved. The final inspection shall include verification of the installation and proper operation of all required building controls, and documentation verifying activities associated with required building commissioning have been conducted and findings of noncompliance corrected. Buildings, or portions thereof, shall not be considered for a final inspection until the code official has received a letter of transmittal from the building owner acknowledging that the building owner has received the Preliminary Commissioning Report as required by Section C408.2.4.

- (4) *Subsection 107.5 is hereby deleted and replaced with the following:*

*107.5 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Fifty percent (50%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

- (5) *Sections C108 and C109* are hereby deleted.

- (6) *New Subsection C407.4.1.1* is hereby added:

*C407.4.1.1.* Such reports shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner) or 77 (Commercial Energy Inspector)
  2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
    - a. Reports will be required to bear a digital seal and signature or wet seal and signature.
  3. RESNET or BPI certified individual.
  4. Any other representative approved by the AHJ or Code Official.
- (7) *Subsection C501.6* is hereby deleted and replaced with the following:
- C501.6 Historic buildings.* No provisions of this code relating to the construction, *repair, alteration*, restoration and movement of structures, and *change of occupancy* shall be mandatory for *historic buildings* provided a report has been submitted to the *code official* and signed by a *registered design professional*, a representative of the State Historic Preservation Office or of the historic preservation authority having jurisdiction, or the City of Buda Historic Preservation Officer, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.
- (8) *Subsection R101.1* is hereby deleted and replaced with the following:
- R101.1 Title.* The residential provisions of the International Energy Conservation Code shall be known as the Residential Energy Conservation Code of the City of Buda, Texas, hereinafter referred to as "this code."
- (9) *Subsection R101.2* is hereby deleted and replaced with the following:
- R101.2 Scope.* This code applies to residential buildings, except for single-family residential construction, and their building sites and associated systems and equipment. The energy efficiency chapter of the Residential Code for One- and Two-family Dwellings of the City of Buda, Texas applies to single-family residential construction.
- (10) *Subsection R101.5* is hereby deleted and replaced with the following:
- R101.5 Compliance.* Residential buildings, except single-family residential construction, shall meet the provisions of the Residential Energy Conservation Code of the City of Buda, Texas. The energy efficiency chapter of the Residential Code for One- and Two-family Dwellings of the City of Buda, Texas applies to single-family residential construction. Commercial buildings shall meet the provisions of the Commercial Energy Conservation Code of the City of Buda, Texas.
- (11) *Subsection R104.2* is hereby deleted and replaced with the following:
- R104.2 Required approvals.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The holder of the permit shall obtain an inspection of such work by a person qualified to inspect such work. Such person qualified to inspect such work shall prepare a report that shall indicate the portion of the construction that is satisfactory as completed or shall indicate wherein the same fails to comply with this code. Such

report shall be submitted to the code official. The code official shall notify the permit holder or his agent of such satisfactory construction or of such construction that fails to comply with this code. Any portions of the work that do not comply with this code shall be corrected and such portions shall not be covered or concealed until authorized by the code official.

(12) *Sections R108 and R109 are hereby deleted.*

#### **Division 4. Fuel Gas Code**

##### **Sec. 6.02.151 Adopted**

The International Fuel Gas Code, 2015 edition, and Appendices A, B, C and D thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.152.

##### **Sec. 6.02.152 Amendments**

The International Fuel Gas Code, 2015 edition and appendices as adopted in section 6.02.151 are hereby amended as follows:

(1) *Subsection 101.1* is hereby deleted and replaced with the following:

*101.1 Title.* These regulations shall be known as the Fuel Gas Code of the City of Buda, Texas, hereinafter referred to as "this code."

(2) *Section 103* is hereby deleted.

(3) New *Subsection 106.3.3* is hereby added:

##### *106.3.3 Permits; licensing*

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

(1) A State of Texas licensed master plumber; or

(2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master plumber shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

If a building owner is claiming an exemption under state law because he or she is planning to do the work him or herself, then the owner shall provide proof to the building official stating he or she owns the building as his or her homestead.

(4) *Subsection 106.6.2* is hereby deleted and replaced with the following:

*106.6.2 Fee schedule.* The fees for work shall be as indicated the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (5) *Subsection 106.6.3* is hereby deleted and replaced with the following:

*106.6.3 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Fifty percent (50%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- (6) *Subsections 108.2, 108.3, 108.4 and 108.5* are hereby deleted.

- (7) *Section 109* is hereby deleted.

## **Division 5. Mechanical Code**

### **Sec. 6.02.201 Adopted**

The International Mechanical Code, 2015 edition, and Appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.202.

### **Sec. 6.02.202 Amendments**

The International Mechanical Code, 2015 edition and appendices as adopted in section 6.02.201 are hereby amended as follows:

- (1) *Subsection 101.1* is hereby deleted and replaced with the following:

*101.1 Title.* These regulations shall be known as the Mechanical Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (2) *Section 103* is hereby deleted.
- (3) New *Subsection 106.3.4* is hereby added:

*106.3.4 Permits; licensing*

- (a) A person applying for a mechanical permit shall be:

- (1) A State of Texas licensed air conditioning and refrigeration contractor; or
- (2) Exempt under state law from the licensing requirement.



- (b) A state licensed air conditioning and refrigeration contractor shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.
- (c) If a building owner is claiming an exemption under state law because he or she is planning to do the work him or herself, then the owner shall provide proof to the building official stating he or she owns the building as his or her homestead.

(4) *Subsection 106.5.2* is hereby deleted and replaced with the following:

*106.5.2 Fee schedule.* The fees for work shall be as indicated the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) *Subsection 106.5.3* is hereby deleted and replaced with the following:

*106.5.3 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Fifty percent (50 %) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50 %) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee no later than 180 days after the date of fee payment.

(6) *Subsections 108.2, 108.3, 108.4 and 108.5* are hereby deleted.

(7) *Section 109* is hereby deleted.

(8) *Subsection 507.2* is hereby deleted and replaced with the following:

*507.2 Type I hoods.* Type I hoods shall be installed where cooking appliances produce grease vapors. In addition, the following specified locations shall require a Type I hood:

1. Group E and I occupancies where commercial cooking appliances are used for any purpose; and
2. Group A occupancies, with an occupant load over 49 persons, where commercial cooking appliances are used for any purpose.

*Exceptions:*

1. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains five mg/m<sup>3</sup> or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m<sup>3</sup>/s) in accordance with UL 710B.
2. A Type I hood shall not be required where domestic or residential cooking appliances are installed and not used for commercial purposes.

- (9) *Subsections 507.2.1 through 507.2.9* are retained and included in the Mechanical Code of the City of Buda, Texas.

## **Division 6. Plumbing Code**

### **Sec. 6.02.281 Adopted**

The International Plumbing Code, 2015 edition, and Appendices B, C, D, and E thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.282.

### **Sec. 6.02.282 Amendments**

The International Plumbing Code, 2015 edition and appendices as adopted in section 6.02.281 are hereby amended as follows:

- (1) *Subsection 101.1* is hereby deleted and replaced with the following:

*101.1 Title.* These regulations shall be known as the Plumbing Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (2) *Section 103* is hereby deleted.

- (3) New *Subsection 106.3.4* is hereby added:

#### *106.3.4 Permits; licensing*

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

- (1) A State of Texas licensed master plumber; or
- (2) Exempt under state law from the licensing requirement.

- (b) If applicable, a state licensed master plumber shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

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

- (4) *Subsection 106.6.2* is hereby deleted and replaced with the following:

*106.6.2 Fee schedule.* The fees for work shall be as indicated the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (5) *Subsection 106.6.3* is hereby deleted and replaced with the following:

*106.6.3 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Fifty percent (50%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee no later than 180 days after the date of fee payment.

(6) *Subsections 108.2, 108.3, 108.4 and 108.5* are hereby deleted.

(7) *Section 109* is hereby deleted.

(8) *Subsection 305.4.1* is hereby deleted and replaced with the following:

*305.4.1 Sewer depth.* Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches below grade.

(9) *Subsection 312.2* is hereby deleted and replaced with the following:

*312.2 Rough plumbing.* DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 5 feet above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.
2. Hydrostatic test. The portion under test shall be maintained at a gauge pressure of 3 pounds per square inch (psi) using a 0–15 psi air test gauge assembly with 1/10th lb. increments. This pressure shall be held without introduction of additional air for a period of 15 minutes. The pipes shall be filled with water and the air portion is only used to achieve test pressure.

(10) *Subsection 903.1* is hereby deleted and replaced with the following:

*903.1 Roof extension.* Open vent pipes that extend through a roof shall be terminated at least six inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet above the roof.

(11) *Chapter 13* is hereby deleted.

(12) *Chapter 14* is hereby deleted.

## **Sec. 6.02.283 Fire sprinkler and irrigation system installation**

- (a) It shall be unlawful for a person to perform any service as a fire sprinkler installer or irrigation system installer without first registering and obtaining the necessary permits prior to installation.
- (b) Backflow prevention assembly shall be installed on all irrigation systems and in accordance with the specifications as set forth by the Building Department.

### **Division 7. Property Maintenance Code**

#### **Sec. 6.02.331 Adopted**

The International Property Maintenance Code, 2015 edition, and Appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.332.

#### **Sec. 6.02.332 Amendments**

The International Property Maintenance Code, 2015 edition and appendix as adopted in section 6.02.331 are hereby amended as follows:

- (1) *Subsection 101.1* is hereby deleted and replaced with the following:  
*101.1 Title.* These regulations shall be known as the Property Maintenance Code of the City of Buda, Texas, hereinafter referred to as "this code."
- (2) *Subsection 102.2* is hereby deleted and replaced with the following:  
*102.2 Maintenance.* Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment, or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.
- (3) *Subsection 102.3* is hereby deleted and replaced with the following:  
*102.3 Application of other codes.* Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of all codes adopted by the City of Buda, Texas.
- (4) *Section 103* is hereby deleted.
- (5) *Subsections 106.2, 106.3, and 106.4* are hereby deleted.
- (6) *Sections 107, 108, 109, 110, 111, and 112* are hereby deleted.

- (7) *Section 202* is hereby amended by deleting the definition of "inoperable motor vehicle."
- (8) *Subsection 301.2* is hereby deleted and replaced with the following:  
*301.2 Responsibility.* The owner and occupant are each responsible for maintaining the structures and exterior property in compliance with these requirements except as otherwise provide for in this code. The owner and occupant are each responsible for keeping in a clean sanitary and safe condition the interior of any dwelling unit, rooming unit, housekeeping unit or premises.
- (9) *Subsection 302.4* is hereby deleted.
- (10) A new *Subsection 302.7.1* is hereby added to read as follows:  
 302.7.1 Fences. All fences shall be maintained structurally sound and in good repair. Any of the following conditions shall be constitute a violation of this Code:
1. Any fence, or any portion thereof, out of vertical alignment by more than fifteen (15) degrees.
  2. Rotted, fire damaged or broken wooden support posts or cross members.
  3. Broken, fire damaged or missing wooden slats.
  4. Broken or bent metal posts or torn, cut or ripped metal fencing materials.
  5. Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or similar materials.
- (11) *Subsection 302.8* is hereby deleted and replaced with the following:  
*302.8 Motor vehicles.* Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- (12) *Subsection 303.1* is hereby deleted and replaced with the following:  
*303.1 Swimming pools, spas and hot tubs.* Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.
- (13) *Subsection 304.14* is hereby deleted and replaced with the following:  
*304.14 Insect screens.* Outside openings, including, but not limited to, doors and windows, required for the ventilation of habitable rooms, food preparation areas, food service areas, or areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.  
  
*Exception:* Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (14) *Section 308* is hereby deleted and replaced with the following:

SECTION 308  
 UNSANITARY OR UNSIGHTLY CONDITIONS

*308.1 Declaration of nuisance.* Each condition prohibited by this section 308 is specifically declared to be a public nuisance, and as such, may be abated.

*308.2 Places where water may accumulate.* It shall be unlawful for any person who shall own or occupy any lot or parcel of real property in the city to permit or allow holes or places on said lots or parcels of real property where water may accumulate and become stagnant, or to permit same to remain.

*308.3 Accumulations of stagnant water.* It shall be unlawful for any person who shall own or occupy any lot or parcel of real property in the city to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

*308.4 Carrion, filth and other impure or unwholesome matter.* It shall be unlawful for any person who shall own or occupy any house, building, establishment, lot, yard or parcel of real property in the city to permit or allow any carrion, filth, or other impure or unwholesome matter to accumulate or remain thereon.

*308.5 Rubbish.* It shall be unlawful for any person who shall own or occupy any lot or parcel of real property in the city to permit or allow the accumulation of rubbish unless such rubbish is completely enclosed in a building or not visible from a public street.

*308.6 Weeds.* Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

*308.7 Notice; removal or correction by city.*

- (a) Should any owner of a lot or parcel of real property that has places thereon where stagnant water may accumulate or which are not properly drained, or should any owner of any premises upon or building in which carrion, filth or other impure, or unwholesome matter may be, fail to drain or fill such hole or place in which water may accumulate or fail to remove such carrion, filth, or other impure or unwholesome matter, or fail to remove such rubbish, as the case may be, within ten (10) days after notice to said owner to do so, the city may do such draining, filling or removal, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or other parcel of real property or real estate, and if such work is done or improvements made at the expense of the city, such expense or expenses shall be assessed on such real property upon which such expense was incurred.
- (b) Should any owner of any lot or parcel of real property within the city, who shall allow weeds to grow or accumulate thereon, fail to cut down and/or remove such weeds, within ten (10) days after notice to said owner to do so, the city may do such cutting down and/or removing of such weeds, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or parcel of real property or real estate, and if such work is done or improvements made at the expense of the city then such expense shall be assessed on such real property upon which such expense was incurred.
- (c) Such notice referenced above shall be given:
  - (1) Personally to the owner in writing;
  - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district's records; or
  - (3) If personal service cannot be obtained, notice may be given by:
    - (A) Publication at least once;

- (B) Posting the notice on or near the front door of each building on the property to which the violation relates; or
- (C) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (4) If a municipality mails a notice to a property owner in accordance with this subsection (b) and the United States Postal Service returns the notice as “refused” or “unclaimed”, the validity of the notice is not affected, and the notice is considered as delivered.
- (d) Annual notice. After a property owner has been given one (1) notice of violation on a lot, tract, or parcel of land, annual notice may be given to the property owner. If the city opts to provide annual notice, such notice shall be mailed to the owner at the address recorded with the appraisal district and posted on the property. Once the city has given such annual notice, no further notice shall be required prior to abatement for that lot, tract, or parcel of land for a one-year period. If the city does not receive notice in a change of ownership, the city may abate any nuisance contained on the property covered by this article without further notice and assess expenses to the owner.
- (e) Contents of notice. The notice of violation shall at a minimum contain the following:
  - (1) The name of the owner, if known, of the premises proposed to be entered upon by the city;
  - (2) The address or legal description of the premises proposed to be entered upon by the city;
  - (3) The offending conditions existing on the lot, tract or parcel of land;
  - (4) A statement that the recipient has ten (10) days from the date of notice to correct the violation, that if he/she fails to do so, the city will enter the premises and remedy the same, and that the city is entitled to attach a lien to the property to secure payment for services rendered; and
  - (5) A statement that the recipient is entitled to a hearing.
- (f) If annual notice is given, it shall state, in addition to the foregoing, that the city may enter upon the premises to remedy any violation at thirty-day intervals during the year.
- (g) Owner requested work. In the event the owner of any such property requests that the city do such work as is necessary in order to abate or prevent a violation of this article, then such request will negate the requirement for notification of violation by the city, and the city will have the same remedies as hereinafter set forth.
- (h) Exception. Notwithstanding the foregoing provisions, the city may abate, without prior notice, any weeds that have grown to a height of forty-eight (48) inches and are an immediate danger to health, life, or safety of any person. In the event that the city abates weeds pursuant to this subsection, the requirements set forth in the Texas Health and Safety Code for such abatement shall govern.

*308.8 Filing of statement of city’s expenses; lien.* The mayor or building official of the city shall file a statement of such expenses incurred under this section, giving the amount of such expenses, and the date on which said work was done or improvements made, with the county clerk, and the city shall have a privileged lien on such lot or other parcel of real property or real estate upon which said work was done or improvements made to secure the expenditures so made, in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 342, which lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent (10%) interest from the date said statement was filed. It is further provided that for any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(15) *Subsections 309.3, 309.4, and 309.5* are hereby deleted.

- (16) *Section 309.2* is hereby deleted and replaced with the following:

*309.2 Extermination Prior to Occupancy.* Where an insect or rodent infestation exists in a structure or on a premises, the owner of such structure or premises shall be responsible for the extermination of the infestation prior to renting or leasing the structure.

- (17) New *Section 310* is hereby added to provide as follows:

SECTION 310  
PROHIBITED LIVING AND RESIDENTIAL USES

*Section 310.1 Prohibited use of recreational vehicles and utility equipment.* No recreational vehicle or utility equipment shall be used for living, sleeping, or housekeeping purposes. For purposes of this section, a recreational vehicle is defined as a motorized dwelling, travel trailer, boat, or similar vehicle. For purposes of this section, utility equipment is defined as a horse trailer, portable storage unit, or similar equipment.

*Section 310.2 Prohibited Conversion of structure into residence.* It shall be unlawful for a person to convert a structure into a residence, or use a non-residential structure for residential purposes, without first meeting the requirements of the International Residential Code for One and Two-Family Dwellings.

- (18) *Subsection 401.2* is hereby deleted and replaced with the following:

*401.2 Responsibility.* A person shall not occupy, or permit another person to occupy, any *premises* that does not comply with the requirements of this chapter.

- (18) *Subsection 501.2* is hereby deleted and replaced with the following:

*501.2 Responsibility.* A person shall not occupy, or permit another person to occupy, any *premises* that does not comply with the requirements of this chapter.

- (20) *Subsection 601.2* is hereby deleted and replaced with the following:

*601.2 Responsibility.* A person shall not occupy, or permit another person to occupy, any *premises* that does not comply with the requirements of this chapter.

- (21) *Subsection 602.3* is hereby deleted and replaced with the following:

*602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

*Exceptions:*

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Plumbing Code of the City of Buda, Texas.



2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(22) *Subsection 602.4* is hereby deleted and replaced with the following:

*602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during to maintain a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

*Exceptions:*

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(23) *Subsection 701.2* is hereby deleted and replaced with the following:

*701.2 Responsibility.* A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

## **Division 8. Residential Code**

### **Sec. 6.02.381 Adopted**

The International Residential Code, 2015 edition, and Appendices A, C, D, E G, H, I, J, M, N, P, and T as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.382.

### **Sec. 6.02.382 Amendments**

The International Residential Code, 2015 edition and appendices as adopted in section 6.02.381 are hereby amended as follows:

(1) *Subsection R101.1* is hereby deleted and replaced with the following:

*R101.1 Title.* These regulations shall be known as the Residential Code for One- and Two-family Dwellings of the City of Buda, Texas, hereinafter referred to as "this code."

(2) *Section R103* is hereby deleted.

(3) *Subsection R105.1* is hereby deleted and replaced with the following:

*R105.1 Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy classification of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. If the owner is to do the work him or herself, then the owner shall provide proof to the building official stating that he or she owns and presently occupies the building as his homestead.

(4) *Subsection R105.2* is hereby deleted and replaced with the following:

*R105.2. Work exempt from permit.* Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

*Building:*

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 251 square feet.
2. Fences not over six feet high.
3. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, not over any basement or story below and not containing four or more risers.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 251 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

*Electrical:*

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

*Gas:*

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

*Mechanical:*

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

*Plumbing:*

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of pipes, valves or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphon-age such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

*R105.2.1 Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

*R105.2.2 Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

*R105.2.3 Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

- (5) New *Subsection R105.10* is hereby added:

*R105.10 Homestead.* A permit shall not be required for work on a homestead, provided the owner provides proof to the building official stating that he/she owns and presently occupies the existing building as his/her homestead and certifies he/she will do the work with his/her own hands; however, in no circumstance shall work create or constitute a danger to life or safety.

- (6) New *Subsection R106.1.5* is hereby added:

*R106.1.5.* 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". 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.

(7) New *Subsection R106.6* is hereby added:

*R106.6.* 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 assures and assumes full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(8) *Subsection 108.5* is hereby deleted and replaced with the following:

*108.5 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Fifty percent (50%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

(9) New *Subsections R110.1.1 and R110.1.2* are hereby added:

*R110.1.1.* No certificate of occupancy will be issued until the city 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.

*R110.1.2.* 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. Occupancy without an active certificate of occupancy will be subject to the penalty provisions of this charter.

- (10) *Section R112* is hereby deleted.
- (11) *Subsections R113.2, R113.3, R113.4, R113.4* are hereby deleted.
- (12) *Section 114* is hereby deleted.
- (13) New *Subsection R1004.6* hereby added:

*R1004.6 Factory-built fireplace air spaces and chases.* No electrical, mechanical, or plumbing, except for the combustion air vent and gas line feed associated with the firebox, shall intrude into the airspace enclosing the firebox or any chase for chimney components associated with the fireplace.

- (14) *Subsection N1103.3.4* is hereby deleted and replaced with the following:

*N1103.3.4 (R403.3.4) Duct leakage (Mandatory).*

The total leakage of the ducts, where measured in accordance with Section R403.3.3, shall be as follows:

1. Rough-in test: The total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cubic feet per minute (85 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area.
2. Postconstruction test: Total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area.
3. The ERI or Performance Path will not be utilized as a basis to reduce the stringency of duct testing provisions.

- (15) *Subsection N1105.4.2* hereby deleted and replaced with the following:

*N1105.4.2 (R405.4.2) Compliance report.* Compliance software tools shall generate a report that documents that the *proposed design* complies with Section N1105.3. A compliance report on the *proposed design* shall be submitted with the application for the building permit. Upon completion of the building, a compliance report based on the as-built condition of the building shall be submitted to the *code official* before a certificate of occupancy is issued. Batch sampling of buildings to determine energy code compliance for all buildings in the batch shall be prohibited.

Compliance reports shall include information in accordance with Sections N1105.4.2.1 and N1105.4.2.2. Where the *proposed design* of a building could be built on different sites where the cardinal orientation of the building on each site is different, compliance of the *proposed design* for the purposes of the application for the building permit shall be based on the worst-case orientation,

worst-case configuration, worst-case building air leakage and worst-case duct leakage. Such worst-case parameters shall be used as inputs to the compliance software for energy analysis. Such reports shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner), 77 (Commercial Energy Inspector), or 79 (Residential Energy Inspector / Plans Examiner)
2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
  - a. Reports will be required to bear a digital seal and signature or wet seal and signature.
3. RESNET or BPI certified individual.
4. Any other representative approved by the AHJ or Code Official.

*N1105.4.2.1 (R405.4.2.1) Compliance report for permit application.* A compliance report submitted with the application for building permit shall include the following:

1. Building street address, or other building site identification.
2. A statement indicating that the proposed design complies with Section N1105.3.
3. An inspection checklist documenting the building component characteristics of the proposed design as indicated in Table N1105.5.2(1). The inspection checklist shall show results for both the standard reference design and the proposed design with user inputs to the compliance software to generate the results.
4. A site-specific energy analysis report that is in compliance with Section N1105.3.
5. The name of the individual performing the analysis and generating the report.
6. The name and version of the compliance software tool.

*N1105.4.2.2 (R405.4.2.2) Compliance report for certificate of occupancy.* A compliance report submitted for obtaining the certificate of occupancy shall include the following:

1. Building street address, or other building site identification.
2. A statement indicating that the as-built building complies with Section N1105.3.
3. A certificate indicating that the building passes the performance matrix for code compliance and listing the energy saving features of the buildings.
4. A site-specific energy analysis report that is in compliance with Section N1105.3.
5. The name of the individual performing the analysis and generating the report.
6. The name and version of the compliance software tool.

(16) *Subsection G2408.2.1* is hereby deleted and replaced with the following:

*G2408.2.1 (305.3.1) Installation in residential garages.* In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air

is taken from the exterior of the garage. Gas fired appliances installed in open spaces in garages shall pull combustion air directly from the outside per G2407.6.1 (304.6.1). Two-permanent-openings method direct attic openings will not be permitted.

(17) *Subsection G2408.3* is hereby deleted and replaced with the following:

*G2408.3 (305.5) Private garages.* Appliances located in private garages shall be installed with a minimum *clearance* of 6 feet (1829 mm) above the floor.

Exception: The requirements of this section shall not apply where the *appliances* are protected by curbs, tires, bump stops or concrete bollards from motor vehicle impact and installed in accordance with Section G2408.2.

(18) *Subsection P2503.5.1* hereby deleted and replaced with the following:

*P2503.5.1 Rough plumbing.* DWV systems shall be tested on completion of the rough piping installation by water or hydrostatic with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 5 feet above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.
2. Hydrostatic test. The portion under test shall be maintained at a gauge pressure of 3 pounds per square inch (psi) using a 0–15 psi air test gauge assembly with 1/10th lb. increments. This pressure shall be held without introduction of additional air for a period of 15 minutes. The pipes shall be filled with water and the air portion is only used to achieve test pressure.

(19) *Subsection P2603.5.1* is hereby deleted and replaced with the following:

*P2603.5.1 Sewer depth.* Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches below grade.

(20) *Subsection P2903.10* is hereby deleted.

(21) *Subsection P2904.1.1* is hereby deleted and replaced with the following:

*P2904.1.1 Sprinklers not required.* Fire sprinklers are not required in Group R-3, One and Two-Family Dwellings. When sprinklers are installed in Group R-3 dwellings, they shall be installed in accordance with IRC Section P2904 and all applicable referenced standards.

(22) *Subsection P3008.1* is hereby deleted and replaced with the following.:

*P3008.1 General.* Fixtures on the first floor of a foundation where the foundation is located at or below the flood level rim of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures located on elevated floors of a building above the flood level rim of the next upstream manhole shall not discharge through the backwater valve. Backwater valves shall be provided with access.

(23) *Subsection P3104.1* is hereby deleted and replaced with the following:

*P3104.1 Connection.* All individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.

Exception: Individual, branch and circuit vents shall be permitted to terminate to an air admittance valve upon approval by the building official.

(24) *Subsection P3201.6* hereby deleted and replaced with the following:

*P3201.6 Number of fixtures per trap.* Each plumbing fixture shall be separately trapped by a water seal trap placed as close as possible to the fixture outlet. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches. The height of a clothes washer standpipe above a trap shall conform to section P2706.1.2. Fixtures shall not be double trapped.

(25) *Table E3702.14* is hereby deleted and replaced with the following:

*TABLE E3702.14*  
BRANCH-CIRCUIT REQUIREMENTS-SUMMARY <sup>a, b</sup>

	CIRCUIT RATING		
	15 amp	20 amp	30 amp
Conductors: Minimum size (AWG) circuit conductors	12	12	10
Maximum overcurrent- protection device rating Ampere rating	15	20	30
Outlet devices: Lampholders permitted Receptacle rating (amperes)	Any type 15 maximum	Any type 15 or 20	N/A 30
Maximum load (amperes)	15	20	30

a. These gages are for copper conductors.

b. N/A means not allowed.



(26) Sections AE302, AE303, AE304, and AE402 of Appendix E are hereby deleted.

## **Division 9. Electrical Code**

### **Sec. 6.02.461 Adopted**

The National Electrical Code, 2014 edition, and all annexes thereto, as published by the National Fire Protection Association, Inc. is hereby adopted and made a part of this chapter, except as amended in Section 6.02.462.

### **Sec. 6.02.462 Amendments**

The National Electrical Code, 2014 edition as adopted in section 6.02.461 is hereby amended as follows:

(1) Sec 90.4 is amended to add the following:

Permits; licensing

(a) A person applying for an electrical permit shall be:

(1) A State of Texas licensed master electrician; or

(2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master electrician shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

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

Certificate of Occupancy

Permanent power shall not be released until a certificate of occupancy or temporary certificate of occupancy has been issued under the conditions as set forth in the City's Unified Development Code.

Violations of State and Local Laws will be subject to the established fines of the State as outlined in section 1305 Texas Electrical Safety and Licensing Act.

a. Insert: Misdemeanor, \$2,000 per offense maximum fine. 30 days

b. Insert: \$500 to \$2,000. Per offense.

- (2) Section 230.41 of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

230.41 Insulation of service-entrance conductors. Service-entrance conductors entering or on the exterior of buildings or other structures shall be insulated.

- (3) The exceptions set forth in 230.41 the National Electrical Code, 2014 edition adopted by the city, are hereby deleted.

- (4) Section 230.43 of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

230.43 Wiring methods for 600 volts, nominal, or less.

Service-entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring method used and shall be limited to the following methods:

- a. Rigid Metallic Conduit (RMC)
- b. Intermediate Metal Conduit (IMC)
- c. Electrical Metallic Tubing (EMT), or
- d. Rigid Nonmetallic Conduit (RNC) will be approved.

A service mast supporting the service drop must be a minimum of 2" diameter and shall be either rigid metallic conduit (RMC) or intermediate metal conduit (IMC). No couplings are to be installed above the roofline. The mast must penetrate a minimum of 18" above the high side of the roof deck. Any mast over 3' in length, measured from the high side of the roof deck, must be properly guyed so as to relieve the strain of the service drop.

- (5) Section 230.70(A)(1) of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

230.70(A)(1) Readily accessible location. The service disconnecting means shall be installed at a readily accessible location outside of a building or structure.

Exception: Services disconnecting means over 1200 amps shall be located a maximum of 25 ft. travel distance from the exterior entrance inside a commercial building. Disconnecting means shall be accessible to the exterior of the building at all times and shall not be located above the first floor of a multi-level building.

- (6) Section 310.106 of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

310.106 Minimum size of conductors.

Solid and stranded conductors may not be smaller than No. 12 copper or No. 6 aluminum or copper-clad aluminum.

Exception No. 1: Small conductor sizes 18 and 16 AWG as permitted by section 240.4(D)(1) and (2).

Exception No. 2: For flexible cords, as permitted by table 400.4.

Exception No. 3: For fixture wire as permitted by section 402.6.

Exception No. 4: For motors rated 1 hp or less, as permitted by section 430.22(F).

Exception No. 5: For cranes and hoists, as permitted by section 610.14.

Exception No. 6: For elevator control and signaling circuits, as permitted by section 620.12.

Exception No. 7: For class 1, class 2, and class 3 circuits, as permitted by article 725.49(A) and 725.127, exception.

Exception No. 8: For fire alarm circuits as permitted by section 760.49(A); 760.127, exception; and 760.179(B).

Exception No. 9: For motor-control circuits, as permitted by section 430.72.

Exception No. 10: For control and instrumentation circuits, as permitted by section 727.6.

Exception No. 11: For electrical signs and outline lighting as permitted in section 600.31(B) and 600.32(B).

- (7) Section 320.108 of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

320.108 Equipment grounding conductor. Type AC cable shall provide an adequate path for fault current as required by 250.4(A)(5) or (B)(4) to act as an equipment grounding conductor. In addition, only type AC cable containing an insulated grounding conductor is authorized.

- (8) Section 408.36, exception 1, of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

408.36 Overcurrent protection.

Exception No. 1: A main circuit breaker shall be required in all panelboards used as service equipment. This overcurrent protective device shall be located within or adjacent to the panelboard.

- (9) Section 410.36(B) of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

410.36(B) Suspended ceilings. Framing members of suspended ceilings shall not be used to support luminaries (fixtures). A fixture shall have a minimum of two support wires on opposite corners from each other. Support wires shall be the same gage as the ceiling support wire. Support wire shall be secured at both ends and shall be identified from any other support wires in ceilings. All electrical equipment installed to the suspended ceiling shall require additional support wires. Luminaries in fire rated ceilings shall be supported on all four corners.

- (10) Section 422.16(B) of the National Electrical Code, 2014 edition adopted by the city, is hereby amended to read as follows:

422.16(B)(1) Electrically operated in-sink waste disposers. Electrically operated in-sink waste disposers shall be cord-and-plug connected with a flexible cord identified as suitable for the purpose in the installation instructions of the appliance manufacturer, where all of the following conditions are met:

- i. The flexible cord shall be terminated with a grounding-type attachment plug.

Exception: A listed kitchen waste disposer distinctly marked to identify it as protected by a system of double insulation, or its equivalent, shall not be required to be terminated with a grounding-type attachment plug.

- ii. The length of the cord shall not be less than 18" and not over 36".
- iii. Receptacles shall be located to avoid physical damage to the flexible cord.
- iv. The receptacle shall be accessible.

422.16(B)(2) Built-in dishwashers and trash compactors. Built-in dishwashers and trash compactors shall be cord-and-plug connected with a flexible cord identified as suitable for the purpose in the installation instructions of the appliance manufacturer, where all of the following conditions are met:

1. The flexible cord shall be terminated with a grounding-type attachment plug.

Exception: A listed kitchen dishwasher or trash compactor distinctly marked to identify it as protected by a system of double insulation, or its equivalent, shall not be required to be terminated with a grounding-type attachment plug.

1. The length of the cord shall be 36" minimum and 48" maximum measured from the face of the attachment plug to the plane of the rear of the appliance.

2. Receptacles shall be located to avoid physical damage to the flexible cord.
3. The receptacle shall be accessible without having to remove the appliance served.

422.16(B)(3) Wall-Mounted Ovens and Counter-Mounted Cooking Units. Wall-mounted ovens and counter-mounted cooking units complete with provisions for mounting and for making electrical connections shall be permitted to be permanently connected or, only for ease in servicing or for installation, cord-and-plug-connected. A separable connector or a plug and receptacle combination in the supply line to an oven or cooking unit shall be approved for the temperature of the space in which it is located.

422.16(B)(4) Range hoods. Range hoods shall be cord-and-plug connected with a flexible cord identified as suitable for use on range hoods in the installation instructions of the appliance manufacturer, where all of the following conditions are met:

1. The flexible cord shall be terminated with a grounding-type attachment plug.

Exception: A listed kitchen waste disposer distinctly marked to identify it as protected by a system of double insulation, or its equivalent, shall not be required to be terminated with a grounding-type attachment plug.

2. The length of the cord shall not be less than 18" nor over 36".
3. Receptacles shall be located to avoid physical damage to the flexible cord.
4. The receptacle shall be accessible without removal of the range hood.
5. The receptacle is supplied by an individual branch circuit.

## **Division 10. Existing Building Code**

### **Sec. 6.02.501 Adopted**

The International Existing Building Code, 2015 edition, and Appendices A and B as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in Section 6.02.502.

### **Sec. 6.02.502 Amendments**

The International Existing Building Code, 2015 edition and appendices as adopted in section 6.02.501 are hereby amended as follows:

- (1) *Subsection 101.1* is hereby deleted and replaced with the following:

*101.1 Title.* These regulations shall be known as the Existing Building Code of the City of Buda, Texas, hereinafter referred to as "this code."

(3) *Section 103* is hereby deleted.

(4) *Subsection 108.6* is hereby deleted and replaced with the following:

*108.6 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Fifty percent (50%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

(5) *Subsection 110.1* is hereby deleted and replaced with the following:

*110.1 Altered use and occupancy classification change.* Altered areas of a building and relocated buildings shall not be used or occupied, and a change in the existing use or occupancy classification of a building or portion thereof shall not be made until the code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

110.1.1. 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.

(6) New *Subsection 111.1.1* is hereby added:

*111.1.1* 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 City based upon the issuance of a certificate of occupancy for the structure, occupancy or use.

(7) *Section 112* is hereby deleted.

(8) *Subsection 113.2, 113.3 and 113.4* are hereby deleted.

(9) *Section 114* is hereby deleted.

## **Division 11. Swimming Pool and Spa Code**

### **Sec. 6.02.551 Adopted**

The International Swimming Pool and Spa Code, 2015 edition, as published by the International Code Council, Inc. is hereby adopted a made a part of this chapter, except as amended in Section 6.02.552.

**Sec. 6.02.552 Amended**

The International Swimming Pool and Spa Code, 2015 edition as adopted in section 6.02.551 is hereby amended as follows:

- (1) *Subsection 101.1* is hereby deleted and replaced with the following:

*101.1 Title.* These regulations shall be known as the Swimming Pool and Spa Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (2) *Section 103* is hereby deleted.

- (3) *Subsection 105.6.2* is hereby deleted and replaced with the following:

- (4) *105.6.2 Fee schedule.* The fees for work shall be as indicated the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (5) *Subsection 105.6.3* is hereby deleted and replaced with the following:

*105.6.3 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Fifty percent (50%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Fifty percent (50%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

- (10) Subsection 107.2, 107.3 107.4 and 107.5 are hereby deleted.

- (7) Section 108 is hereby deleted.

**Section 4:** The City of Buda Code of Ordinances is hereby amended by deleting article 10.03 of chapter 10 thereof and substituting therefor new article 10.03 of chapter 10 to provide as follows:

**CHAPTER 10 FIRE PREVENTION AND PROTECTION**

.....

**ARTICLE 10.03 FIRE CODE**

**Division 1. Generally**

**Sec. 10.03.001 Adopted**

The International Fire Code, 2015 edition, as published by the International Code Council, Inc. and the Appendices adopted in Section 10.03.002 are hereby adopted and made a part of this article, except as amended in Section 10.03.003.

**Sec. 10.03.002 Appendices**

The city adopts the appendices to the International Fire Code, 2015 edition, that are adopted by the Hays County Emergency Services District No. 8 in its Order No. 11-15-17-01.

**Sec. 10.03.003 Amendments adopted by district**

(a) The International Fire Code, 2015 edition, as adopted in Section 10.03.001 and the appendices to the International Fire Code, 2015 edition, as adopted in Section 10.03.002 are hereby amended in the same manner as the amendments provided in Order No. 11-15-17-01 of the Hays County Emergency Services District No. 8, and additionally shall be amended in the future in the same manner as any future amendments adopted by the Hays County Emergency Services District No. 8 , provided the following are hereby amended by the city:

(1) *Subsection 101.1* is hereby deleted and replaced with the following:

*101.1 Title.* These regulations shall be known as the Fire Code of the City of Buda, Texas, hereinafter referred to as "this code."

(2) *Subsection 110.4* is hereby deleted and replaced with the following:

*110.4 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable as set forth in section 1.01.009(b) of this Code. Each day that a violation continues after due notice has been serviced shall be deemed a separate offense.

*110.4.1 Abatement of violation.* In addition to the imposition of penalties therein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(3) *Subsection 112.4* is hereby deleted.

(b) Furthermore, all references in the order to the district shall be limited for purposes of this article to the city limits of the City of Buda, Texas.

**Sec. 10.03.004 Applicability**

This article and the code adopted by this article are applicable and in full force and effect within the corporate limits of the city.

**Sec. 10.03.005 Public availability of adopted codes**

The city manager shall purchase one copy of the code adopted by this article, which he/she shall keep on file in the city hall and make available to the public for inspection and copying, subject to all applicable copyright laws.

**Sec. 10.03.006 Adoption of code by reference**



Each and all of the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in this article.

**Sec. 10.03.007 References to electrical code**

Any reference in the code adopted by this article that refers to or mentions an electrical code other than the National Electrical Code that is adopted by the city is hereby amended to refer to the National Electrical Code adopted by the city.

**Division 2. Administration and Enforcement**

**Sec. 10.03.031 Definitions**

The following definitions are adopted as follows. When used in this division or in the International Fire Code, the following terms have the meaning indicated:

*District.* Hays County Emergency Services District No. 8.

*Fire code.* The International Fire Code, 2015 edition, published by the International Code Council, as appended and as amended by this article.

*Fire chief.* The fire chief of Hays County Emergency Services District No. 8, the city volunteer fire department, or his or her authorized designees.

*Fire marshal.* The fire chief of Hays County Emergency Services District No. 8, the city volunteer fire department, or his or her authorized designees.

**Sec. 10.03.032 Authority of fire chief**

The fire chief or the district's contracted service provider, together with such assistants and agents as the fire chief may designate, are authorized to enforce this article, to take all actions required or authorized in provisions incorporated in this article by reference, and to conduct all inspections, review all plans, and accept all applications for a permit or approval authorized or required by the terms of this article.

**Sec. 10.03.033 Interpretation; conflicts with fire code**

This article will, to the extent reasonable, be construed in a manner consistent with the fire. If there is a conflict between this article and the fire code, this article will prevail.

**Sec. 10.03.034 Enforcement actions**

The fire marshal shall be able to enforce criminal violations of this article in the municipal court of the city through the city attorney. Any civil violations of this article may be enforced by the city or the district by the city attorney in a court of competent jurisdiction.

**Sec. 10.03.035 Violation and penalty**

- (a) Any person who violates any provision of this article, including the fire code or any amendment thereto as adopted herein, or who fails to comply with any order, decision or determination of the city manager, the building official, the code official, the fire chief, the fire marshal or any applicable appellate authority, or any person who owns or operates any real or personal property, or improvement, fixture or appurtenance thereto, in or on which a violation of this article exists shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine in an

amount as set forth in section 1.01.009(b) of this Code, and each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

- (b) Any person who shall perform any work regulated by this chapter after having been served with a stop work order to discontinue such work, excluding work the person is directed to perform by the building official to remove a violation or unsafe condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$500.00.

**Sec. 10.03.036 Interlocal agreement for fire marshal and fire code enforcement services**

The city and the district have entered into an interlocal agreement for the provision of fire marshal and fire code enforcement services.

**Sec. 10.03.037 Conflicts with article 10.02**

It is intended that this article shall supplement and amend article 10.02 of this chapter and that the two ordinances shall be read in harmony with one another. Should there be a conflict that cannot be reconciled between the two ordinances, this article shall take precedence and shall prevail over any inconsistent provision in article 10.02.

**[REMAINDER OF PAGE INTENTIONALLY BLANK]**

**Section 5:** Order No. 11-15-17-01 of the Hays County Emergency Services District is hereby attached hereto as Exhibit A and as stated in and for the purposes set forth in Section 4 of this Ordinance.

**Section 6:** The City of Buda Code of Ordinances is hereby amended by deleting article 12.02 of chapter 12 thereof.

**Section 7:** This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 8:** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

**Section 9:** Passage. Pursuant to Section 3.12(A) of the City Charter, the Council determined that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

**Section 10:** *Penalty.* Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

**Section 11:** Effective Date. This Ordinance shall take effect ninety (90) days immediately from and after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Buda, on this the \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_

George Haehn, Mayor

ATTEST:

(CITY SEAL)

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Alicia Ramirez, City Secretary  
City of Buda, Texas