

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 25-034-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ARTICLE 3.03 OF THE CODE OF ORDINANCES TO ADOPT THE 2021 SERIES OF INTERNATIONAL CODES AND SELECTED APPENDICES WITH LOCAL AMENDMENTS TO SAID CODES; PROVIDING A SEVERABILITY, SAVING CLAUSE, CONFLICTING ORDINANCES CLAUSE, SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, plumbing, electrical work and buildings within the City of Leander, Texas; and

Whereas, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

SECTION 1. Finding of Fact. The above and forgoing recitals are hereby found to be true and correct and are incorporation herein as finding of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

SECTION 2. Amendment of Section 3.03.001. Section 3.03.001 of the City of Leander Code of Ordinances (the "Code") is hereby amended in its entirety to read as follows:

Sec. 3.03.001. Schedule of adopted codes; general amendments.

- (a) *Codes adopted.* The international codes listed in the following codes schedule are adopted and of which not less than one copy has been and is now filed in the office of the city secretary. In the event a conflict is deemed to exist between said code as adopted and the other provisions of this article, the latter provisions shall be construed as controlling and taking priority over the former. Any codes referenced therein are not adopted hereby unless specifically adopted. The following codes are hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to, all buildings thereon, within the corporate limits of the city.
- (1) 2021 International Building Code and local amendments.
(A) Excluding appendices "H", "L," "M," and "P".
 - (2) 2021 International Plumbing Code and local amendments.
 - (3) 2021 International Mechanical Code and local amendments.
 - (4) 2021 International Fuel Gas Code and local amendments.
 - (5) 2023 National Electrical Code and local amendments.

- (6) 2021 International Residential Code and local amendments.
 - (A) Excluding appendices "AD," "AF," "AI," "AL," "AM," "AO," and "AQ" – "AX."
- (7) 2021 Existing Building Code and local amendments.
- (8) 2021 Property Maintenance Code and local amendments.
- (9) 2021 International Energy Conservation Code and local amendments.
- (10) 2021 International Swimming Pool and Spa Code
 - (A) To the extent any provision of the 2021 International Swimming Pool and Spa Code conflicts with a state law or a regulation on pool operation and management, water quality, safety standards unrelated to design and construction, signage or enclosures, the State law or regulation controls.
- (b) *General amendments.* General amendments applicable to all of the codes are as follows:
 - (1) The fee schedule as adopted by the city supersedes any fees notated in the codes.
 - (2) Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Code. Violations of this Code shall constitute a misdemeanor offense in accordance with section 1.01.009 of this Code of Ordinances and shall be punishable by a fine not to exceed \$2,000.00.

Secs. 3.03.002 – 3.03.030. – Reserved.

SECTION 3. Amendment of Section 3.03.031 through 3.03.034. Section 3.03.031 through 3.03.34 of the Code is hereby amended in its entirety to read as follows:

DIVISION 2. BUILDING CODE, RESIDENTIAL CODE AND EXISTING BUILDING CODE

Sec. 3.03.031. Building code adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Building Code, 2021 edition, including all appendix chapters, published by the International Code Council, is hereby adopted as the building code of the city establishing the minimum regulations governing the additions and maintenance of all property, buildings and structures not otherwise governed by section 3.03.033 herein; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2021 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.032. Building code amendments.

The International Building Code is amended as follows:

- (1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.
- (2) Section 109 - No schedule needed.
- (3) All reference to insulation or thermo-ply, for use as a draft stop or fire stop is deleted. The use of these materials as a draft stop or fire stop is prohibited.
- (4) Guard rails are required for any wall greater than 48 inches in height, retaining or otherwise, with a walkable surface to the wall. Slopes greater than 3:1 are not considered to be walkable. A temporary guard rail may be required to be maintained during construction.

Sec. 3.03.033. Residential code adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Residential Code for One- and Two-Family Dwellings, -2021 edition, including all appendix chapters, published by the International Code Council, is hereby adopted as the residential building code of the city regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the city; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such International Residential Code for One- and Two-Family Dwellings, 2021 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.034. Residential code amendments.

- (1) The International Residential Code for One- and Two-Family Dwellings is amended as follows:
 - (A) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.
- (2) Table R301.2(1). Design Criteria.
 - (A) Ground snow load - 0 to 5.
 - (B) Wind design - 115 miles per hour (no special topographical effect).
 - (C) Seismic design category - A.
 - (D) Weathering - Negligible.
 - (E) Frost line depth - less than 6 inches.
 - (F) Termites - Moderate.
 - (G) Winter design temperature - 32 degrees.
 - (H) Summer design temperature - 90 degrees - Hot and Humid environment.
 - (I) Flood Hazard - Current FEMA maps J. Mean Annual Temperature - 70 degrees.
 - (J) Rainfall - 4.25 inches per hour, 100 year.
- (3) Section R311.1. Means of Egress.
 - (A) 311.1(a) Front door shall be a minimum of 36 inches wide and 78 inches tall.

- (B) Window seats may count as the finished floor height only where a window sill cannot feasibly be below 44" for egress, due to first floor encroachment below the window.
- (4) Section P2904 is deleted. Refer to section 3.03.041 of the Code of Ordinances.
- (5) Section P3114 - The building official may approved the use of air admittance valves as a vent of last resort.
- (6) Part VIII Electrical is deleted in its entirety. Electrical systems shall be installed under the 2023 National Electrical Code and local amendments.

SECTION 4. Amendment of Section 3.03.036. Section 3.03.036 of the Code is hereby amended in its entirety to read as follows:

Sec. 3.03.036. Existing building code adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Existing Building Code, 2021 edition, including all appendix chapters, published by the International Code Council, is hereby adopted as a building code of the city regulating and controlling the requirements for improving and upgrading existing buildings in the city to conserve resources and building history while achieving appropriate levels of safety; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such International Existing Building Code, 2021 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

SECTION 5. Amendment of Section 3.03.042. Section 3.03.042 of the Code is hereby amended in its entirety to read as follows:

Sec. 3.03.042. Swimming pool enclosures.

- (a) Swimming Pool Enclosures must meet the following standards:
 - (1) The height of the pool yard enclosure must be at least 48 inches as measured from the ground on the side away from the pool.
 - (2) Openings under the pool yard enclosure may not allow a sphere four inches in diameter to pass under the pool yard enclosure.
 - (3) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 45 inches, the openings may not allow a sphere four inches in diameter to pass through the enclosure.
 - (4) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the openings may not allow a sphere 1-3/4 inches in diameter to pass through the enclosure.
 - (5) The use of chain link fencing materials is prohibited entirely for a new pool yard enclosure that is constructed after January 1, 1994. The use of diagonal fencing members that are lower than 49 inches above the ground is prohibited for a new pool yard enclosure that is constructed after January 1, 1994.
 - (6) Decorative designs or cutouts on or in the pool yard enclosure may not contain any openings greater than 1-3/4 inches in any direction.

- (7) Indentations or protrusions in a solid pool yard enclosure without any openings may not be greater than normal construction tolerances and tooled masonry joints on the side away from the pool.
- (8) Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the pool yard enclosure.
- (9) The wall of a building may be part of the pool yard enclosure only if the doors and windows in the wall comply with Sections 757.006 and 757.007 of the Texas Health and Safety Code.
- (10) The owner of a multiunit rental complex with a pool or a property owners association that owns, controls, or maintains a pool is not required to:
 - (A) build a pool yard enclosure at specified locations or distances from the pool other than distances for minimum walkways around the pool; or
 - (B) conform secondary pool yard enclosures, located inside or outside the primary pool yard enclosure, to the requirements of this chapter.

State law reference—Swimming pool enclosures, V.T.C.A., Local Government Code § 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code ch. 757.

SECTION 6. Amendment of Section 3.03.102. Section 3.03.102 of the Code is hereby amended in its entirety to read as follows:

DIVISION 3. PLUMBING

Part I. In General

Sec. 3.03.102. Plumbing inspector.

- (a) *Position created.* There is hereby created the position of plumbing inspector, who shall be employed by the city.
- (b) *Qualifications.* The plumbing inspector shall be licensed under the Texas State Board of Plumbing Examiners.
- (c) *Conflicts of interest.* The plumbing inspector shall not be directly connected in any way with any person directly or indirectly engaged in the business of plumbing or with plumbing suppliers.
- (d) *Duties.* The plumbing inspector shall:
 - (1) Enforce all provisions of this division, and such inspector is hereby granted the authority to enter all buildings within or without the corporate limits of the city when such buildings are connected, or are to be connected, to the municipal water and/or sewers.
 - (2) Prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
 - (3) Inspect and test all plumbing work for compliance with this division and its adopted plumbing code, and enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

State law reference(s)—Authority to appoint plumbing inspector, V.T.C.A., Local Government Code § 214.011.

SECTION 7. Amendment of Section 3.03.131 through 3.03.180. Section 3.03.131 through 3.03.180 of the Code is hereby amended in its entirety to read as follows:

Part II. Plumbing Code

Sec. 3.03.131. Adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Plumbing Code, 2021 edition, published by the International Code Council, is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city; providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, condition and terms of such International Plumbing Code, 2021 edition published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.132. Amendments.

(a) The International Plumbing Code is amended as follows:

- (1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the city.
- (2) Section 109 Fee schedule: Refer to appendix A, fee schedule
- (3) P2503.5.1 Rough plumbing - Shall be amended to add the following to the existing text: When weather conditions make it impractical to test tightness of joints in a drainage system using a water test, the system may be tested with air at a pressure between 3 and 5 psig for a period of no less than 10 minutes. Test gauge type shall be Grade/Class 1A diaphragm. In all other instances, testing shall be per section P2503. Air testing shall only be permitted on piping systems utilizing materials that are rated for pressures consistent with these testing requirements or otherwise expressly permitted by the manufacturer.

Secs. 3.03.133—3.03.180. Reserved.

SECTION 8. Amendment of Section 3.03.181. Section 3.03.181 of the Code is hereby amended in its entirety to read as follows:

DIVISION 4. PRIVATE SEWAGE DISPOSAL CODE

Sec. 3.03.181. Adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Private Sewage Disposal Code, 2017 edition, published by the International Code Council, is hereby adopted as the code of the city for regulating the design, installation, and inspection of private sewage disposal systems in

the city, and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such International Private Sewage Disposal Code, 2017 edition, published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this division.

SECTION 9. Amendment of Section 3.03.271 through 3.03.273. Section 3.03.271 through 3.03.273 of the Code is hereby amended in its entirety to read as follows:

Part II. Electrical Codes

Sec. 3.03.271. National electrical code adopted.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electrical wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 2023 edition of the National Electrical Code and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the city secretary. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions of such code shall be controlling in the construction, alteration, maintenance or removal of all electrical wiring and apparatus within the corporate limits of the city.

Sec. 3.03.272. Amendments to national electrical code.

The National Electrical Code is amended as follows:

- (a) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the city.
- (b) Fee schedule: Refer to appendix A, fee schedule.
- (c) Concrete encased electrodes in section 250-52 is the preferred grounding method in rocky soils with the city limits.
- (d) Smoke detectors are required in media rooms without windows or egress to the exterior.

Sec. 3.03.273. International electrical code adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Electrical Code, 2023 edition, published by the International Code Council, is hereby adopted as the code of the city for regulating the design, construction, installation, alteration, repairs, relocation, replacement, addition to, quality of materials, location, operation, use or maintenance of electrical systems and equipment in the city, and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such International Electric Code, 2023 edition, published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this division.

SECTION 10. Amendment of Section 3.03.351. Section 3.03.351 of the Code is hereby amended in its entirety to read as follows:

DIVISION 6. MECHANICAL CODE

Sec. 3.03.351. Adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Mechanical Code, 2021 edition, published by the International Code Council, is hereby adopted as the mechanical code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the city; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2021 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

Sec. 3.03.352. Amendments.

The International Mechanical Code is amended as follows:

- (e) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.
- (f) Section 109, Fee schedule.
- (g) Section 115 Offenses under this Code, including penalties and notice, shall be in compliance with article 1 herein [article 3.01 of the Code of Ordinances].
- (h) Section 115.5. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200.00 or more than \$2,000.00.
- (i) Water sensors in A/C pans in lieu of secondary drain line not allowed, unless no other method is feasible.
- (j) Semi rigid piping for the fireplace fresh air intake is required. Piping is to be UL 181 Listed material.
- (k) Pull down ladders are required for attic access if the equipment is in the attic, and the ceiling height is greater than 8 feet from finished floor.

SECTION 12. Amendment of Section 3.03.401. Section 3.03.401 of the Code is hereby amended in its entirety to read as follows:

DIVISION 7. FUEL GAS CODE

Sec. 3.03.401. Adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Fuel Gas Code, 2021 edition, published by the International Code Council, is hereby adopted as the fuel gas code of the

city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such International Fuel Gas Code, 2021 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

SECTION 13. Amendment of Section 3.03.451 through 3.03.452. Section 3.03.451 through 3.03.452 of the Code is hereby amended in its entirety to read as follows:

DIVISION 8. ENERGY CONSERVATION CODE

Sec. 3.03.451. Adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Energy Conservation Code, 2021 edition, published by the International Code Council, is hereby adopted as the energy code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical lighting and power systems of the city and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, ~~2015~~ 2021 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.452. Amendments.

(a) The International Energy Conservation Code is amended as follows:

- (1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.
- (2) Section 104.2 Fee schedule.
- (3) Section 115 Offenses under this Code, including penalties and notice, shall be in compliance with article 1 herein [article 3.01 of the Code of Ordinances].
- (4) Section 115.5. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200.00 or more than \$2,000.00.

SECTION 14. Amendment of Section 3.03.501 through 3.03.502. Section 3.03.501 through 3.03.502 of the Code is hereby amended in its entirety to read as follows:

DIVISION 9. PROPERTY MAINTENANCE CODE

Sec. 3.03.501. Adopted.

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Property Maintenance Code, **2021** edition, published by the International Code Council, is hereby adopted as the property maintenance code of the city for the control of building and structures as

provided; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, **2021** edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.502. Amendments.

The International Property Maintenance Code is amended as follows:

Insert:

[A] **101.1 Title.** These regulations shall be known as the International Property Maintenance Code of the **CITY OF LEANDER, TEXAS**, hereafter referred to as "this code".

Amend:

[A] **102.3 Purpose.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with **the procedures and provisions of the ordinances and codes as adopted by the City of Leander. Nothing in the Code shall be construed to cancel, modify, or set aside any provision of the City of Leander Subdivisions or Zoning Ordinances.**

Delete:

103 Code Compliance Agency. *Delete this section in its entirety.*

Delete:

104 Fees. *Delete this section in its entirety.*

Amend:

[A] **105.7 Liability.** The code official, member of the board of **adjustment**, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

Amend:

[A] **107.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, **the City's board of adjustments shall serve and act as the board of appeals under this Code, as adopted by ordinance.**

Delete:

[A] **107.2 Limitations of authority.** *Delete this section in its entirety.*

Delete:

107.3 Qualifications. *Delete this section in its entirety.*

Delete:

107.4 Administration. *Delete this section in its entirety.*

Delete:

108 Board of Appeals. *Delete this section in its entirety.*

Amend:

[A]109.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by the City of Leander ordinances, state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ADD:

301.4, Unlawful Structures. It is an offense for an owner, owner's representative, occupant or person with care, custody or control of property to erect, alter or maintain an unlawful structure, as described in subsection 111.1.4 of this ordinance, upon said property.

ADD:

301.5, Workmanship. It is an offense for an owner, owner's representative, occupant or person with care, custody or control of property to make repairs, maintenance work, alterations or installations that are not performed in a workmanlike manner and installed in accordance with the manufacturer's instructions and intended uses.

Amend:

302.4 Exterior Property Maintenance. Premises and exterior property shall be maintained free from weeds or plant growth in excess of the current limits established by the City of Leander Ordinances. The following conditions shall constitute public health and safety hazards:

- **It is an offense for an owner, owner's representative, occupant, or person with care, custody, or control of property to fail to maintain the exterior property as follows:**
- **Noxious weeds shall be prohibited, as defined by the City of Leander Ordinance Article 6.06. Weeds shall be defined as all rank and uncultivated vegetable growth or matter which is liable to become an unwholesome or decaying mass or breeding place for flies, mosquitoes, or vermin; however, this term shall not include cultivated flowers and gardens.**
- **Dead or dying trees that adversely affect public health and safety shall be removed.**

- Damaged trees that adversely affect public health and safety shall be trimmed to eliminate public health or safety concerns.
- Diseased or insect-infested trees, shrubs, or other vegetation that adversely affect public health and safety shall be removed.
- Exterior property areas and landscaping shall be maintained to minimize property damage and eliminate public safety hazards.
- Trees, shrubs, and all other vegetation shall be maintained to allow a vertical clearance of at least seven (7) feet above the sidewalk surface and fourteen (14) feet above the roadway pavement.
- Trees, shrubs, boulders or other objects located along roadways shall be maintained one (1) foot back from the paved edge and so as to allow a vertical clearance of at least fourteen (14) feet.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Amend:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any 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 minimum 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.

Amend:

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 **65°F (18°C)** 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 International Plumbing Code.

Amend:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat 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.

Amend:

111.1 Unsafe conditions. When a structure or condition is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, as defined by the City of Leander Code of Ordinances Article 3.04, such structure(s) or condition shall be subject to the provision in this article for inspection, abatement, and penalties.

Amend:

[F] 704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such signs shall be subject to the approval of the fire code official.

SECTION 14. Amendment of Section 3.08.014. Section 3.08.014 of the Code is hereby amended in its entirety to read as follows:

ARTICLE 3.08. SIGNS

DIVISION 2. TEMPORARY SIGNS

Sec. 3.08.014. - Promotional event package.

- (a) *General.* A promotion event sign package is a sign package that includes temporary signage used to advertise a specific event. This sign package allows for the use of all temporary sign types with the addition of swooper flags, human signs, and bandit signs.
- (b) *Location.* The signage shall be restricted to a private property and is not permitted in the right-of-way.
- (c) *Time restriction.* The time frame for a promotional event package is two weeks, eight times per calendar year. The periods may be combined.
- (d) *Permit required.* A permit is required for a promotional event package. Each individual sign is not required to have a separate permit.

SECTION 15. Amendment of Section 3.09.005. Section 3.09.005 of the Code is hereby amended in its entirety to read as follows:

ARTICLE 3.09. IRRIGATION SYSTEMS

Sec. 3.09.005. Backflow prevention methods and devices.

- (a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the state commission on environmental quality (TCEQ). The backflow prevention device must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or, if the approval does not include specific installation information, the manufacturer's current published recommendations.
- (b) If conditions that present a health hazard exist, including injection of chemicals in the irrigation system, one of the following methods must be used to prevent backflow:
 - (1) An air gap may be used if:
 - (A) There is an unobstructed physical separation; and
 - (B) The distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges is at least one inch or twice the diameter of the water supply outlet, whichever is greater.
 - (2) Reduced pressure principle backflow prevention assemblies may be used if:
 - (A) The device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and
 - (B) Drainage is provided for any water that may be discharged through the assembly relief valve.
 - (3) Pressure vacuum breakers may be used if:
 - (A) No backpressure condition will occur; and
 - (B) The device is installed at a minimum of 12 inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler.
 - (4) Atmospheric vacuum breakers may be used if:
 - (A) No backpressure will be present;
 - (B) There are no shut-off valves downstream from the atmospheric vacuum breaker;
 - (C) The device is installed at a minimum of six inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler;
 - (D) There is no continuous pressure on the supply side of the atmospheric vacuum breaker for more than 12 hours in any 24-hour period; and

- (E) A separate atmospheric vacuum breaker is installed on the discharge side of each irrigation control valve, between the valve and all the emission devices that the valve controls.
- (c) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.
- (d) If there are no conditions that present a health hazard, double check valve backflow prevention assemblies may be used to prevent backflow if the device is tested upon installation and test cocks are used for testing only.
- (e) If a double check valve is installed below ground:
 - (1) Test cocks must be plugged, except when the double check valve is being tested;
 - (2) Test cock plugs must be threaded, watertight, and made of nonferrous material;
 - (3) There must be a clearance between any fill material and the bottom of the double check valve to allow space for testing and repair; and
 - (4) There must be space on the side of the double check valve to test and repair the double check valve.
- (f) If an existing irrigation system without a backflow prevention assembly requires major maintenance, alteration, repair, or service, the system must be connected to the potable water supply through an approved, properly installed backflow prevention method before any major maintenance, alteration, repair, or service is performed.
- (g) If an irrigation system is connected to a potable water supply through a double check valve, pressure vacuum breaker, or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.
- (h) The irrigator shall ensure the backflow prevention device is tested by a licensed backflow prevention assembly tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of testing of the backflow prevention device.
- (i) In the event that the city has adopted more stringent backflow prevention methods and requirements, the more stringent regulations shall control.

SECTION 12. Amendment Of Ordinances. Article 3.03, of the Leander Code of Ordinances is hereby amended as provided herein and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

SECTION 13. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting building construction, building codes, fire codes, plumbing codes, mechanical codes, electrical codes and all other codes affected hereby including permit issuance, or contractor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 14. Effective Date. This ordinance after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code shall take effect on July 1, 2025.

SECTION 15. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 1st day of May 2025.

Attest:

CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor