

ORDINANCE NO. 00-C-33

AN ORDINANCE

BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF SCHERTZ, TEXAS BE AMENDED BY DELETING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, AND REPLACING SAME WITH A REVISED CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS; AND PROVIDING A REPEALING CLAUSE.

WHEREAS, there have been numerous changes to State laws and City ordinances governing the buildings and building regulations of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:

I

THAT, Chapter 5 of the Code of Ordinances, City of Schertz, Texas is hereby amended to read as follows:

"Chapter 5

BUILDINGS AND BUILDING REGULATIONS

Article I. In General, ss 5-1---5-24

Article II. Building Code, ss 5-25---5-34

Article III. One and Two Family Residential Code, ss 5-35---5-44

Article IV. Electrical Code, ss 5-45---5-54

Article V. Gas Code, ss 5-55---5-64

Article VI. Mechanical Code, 5-65---5-74

Article VII. Plumbing Code, ss 5-75---5-84

Article VIII. Property Maintenance Code, ss 5-85---5-94

Article IX. Energy Code, ss 5-95---5-104

Article X. Backflow and Cross-Connection, ss 5-105---5-114

Article XI. Schedule of Fees, ss 5-115---5-124

ARTICLE I. IN GENERAL.

Sec. 5-1, Office of Building Official

(a) Created, Appointed - There is hereby established the office to be known as the Building Department and the person in charge shall be known as the Building Official. Such building official shall be appointed by the city manager.

Charter Reference - Authority of council to establish offices, s 6.01.

(b) Deputies - The building official with the approval of the city manager may appoint such number of officers, inspectors, assistants and other employees as shall be authorized from time to time. Such employees shall have powers as delegated by the building official.

Sec. 5-2 Duties and Powers of Building Official

(a) General - The building official is hereby authorized and directed to enforce the provisions of the building, residential, electrical, gas, mechanical, plumbing, property maintenance, energy, backflow and cross-connection and other ordinances of the city and by the city council and the city manager. The building official shall have the authority to render interpretations of these codes and ordinances and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of these codes and shall not have the effect of waiving requirements specifically provided for in this chapter.

(b) Applications and Permits - The building official shall receive applications, review construction documents and issue permits for the erection, installation, enlargement, alteration, repair, demolition, and moving of buildings and structures, or the erection, installation, enlargement, alteration, repair, removal or replacement of any electrical, gas, mechanical or plumbing system, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter.

(c) Notices and Orders - The building official shall issue all necessary notices or orders to ensure compliance with this chapter.

(d) Inspections - The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the city manager.

(e) Identification - The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

(f) Right of Entry - Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the structure or premises unsafe, dangerous, or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(g) Department Records - The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued.

(h) Liability - The building official, members of the Board of adjustment and Appeals or employees charged with the enforcement of

this chapter, while acting for the City of Schertz in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinances, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representative of the City of Schertz until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter.

(i) Approved Materials and Equipment – Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval

Note: the use of used materials, which meet the requirements of this chapter for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the building official.

(j) Alternative Materials, Design and Methods of Construction and Equipment – The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.

(k) Tests – Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Schertz. Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency.

Sec. 5-3.Applicability

Where in any specific case different sections of this chapter, or codes adopted under this chapter specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 5-4 Definitions

Where terms are not defined in this chapter and are defined in the codes adopted under this chapter, such terms shall have the meanings ascribed to them as in those codes.

Whenever the term "**Board of Adjustments and Appeals**" is referenced within any code adopted under this chapter shall mean the City Council of the City of Schertz, who shall rule on all appeals filed under this chapter.

Whenever the term "**Applicable Governing Body**" is referenced within any code adopted under this chapter, shall mean the City Council of the City of Schertz.

Whenever the term "**ICC Electrical Code**" is referenced within any code adopted under this chapter, shall mean the National Electric Code, published by the National Fire Protection Association (NFPA).

Sec. 5-5. Permits.

(a) Any owner, authorized agent or contractor who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy 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 chapter, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Exception: A permit shall not be required for the following:

(Building)

- 1) 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.

- 2) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 3) Temporary motion picture, television and theater stage sets and scenery.
- 4) Shade cloth structures constructed for nursery or agricultural purposes, but not including service systems.
- 5) Swings and other temporary playground equipment accessory to one and two-family dwellings.
- 6) Window awnings supported by an exterior wall of Group 3, as applicable in Section 101.2 and Group U occupancies of the International Building Code.
- 7) Movable cases, countertops and partition not over 5 feet 9 inches in height.

(Electrical)

- 1) Normal maintenance work, such as replacement of lamps, sockets, fuses, drop cords, snap switches, or other similar minor repairs as may be permitted by the building official;
- 2) Connection of portable electrical equipment to suitable existing permanently installed receptacles.
- 3) Replacement of a motor of the same horsepower and rating and installation of pressure devices and similar controls, when the electrical supply for the same has been properly installed by a licensed electrician.
- 4) The provisions of this chapter shall not apply to electrical equipment used for radio and television transmission, but does apply to equipment and wiring for power supply, the installations of towers and antennas.

(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 chapter;
- 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 10 lb. or less of refrigerant and actuated by motors of 1 horsepower 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 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 chapter.
- 2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Note: Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the codes adopted in this chapter. Where equipment replacements and repairs must be performed requiring a permit in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

(b) Application for Permit - To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Inspection Department for that purpose. Such application shall include:

- 1) Identify and describe the work to be covered by permit for which the application is made.
- 2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3) Indicate the use and occupancy for which the proposed work is intended.
- 4) Be accompanied by construction documents and other information as may be necessary to describe work.
- 5) State the valuation of the proposed work.
- 6) Be signed by the applicant, or the applicant's authorized agent.
- 7) Give such other data and information as required by the building official.

(c) Action on Application - The building official shall examine or cause to be examined the application for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of this

chapter and other pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this chapter and other laws and ordinances applicable thereto, the building official shall issue a permit as soon as practicable.

(d) Condition of Permit - A permit issued under this chapter shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this chapter. Nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violation of this chapter. Every permit issued shall become invalid within six (6) months after its issuance. One or more extensions of time, for periods not more than ninety (90) days each, may be allowed. The extension shall be requested in writing before such permit has expired. Permits issued under this chapter are non-transferable from one person to another.

(e) Suspension or revocation - The building official is authorized to suspend or revoke a permit issued under this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this chapter.

(f) Public right-of-way, Alleys and Easements - A permit shall not be given by the building official for the construction of any building or structure, or alteration of any building or structure that will encroach upon any right-of-way, alley, or utility or drainage easement.

Sec. 5-6 Plans Required

(a) Submittal Documents - For new construction, each applicant shall submit two copies of plans for residential construction and three copies for commercial. Construction plans shall be of sufficient clarity to indicate location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the building official. Such plans shall include:

- 1) Site plan
- 2) Foundation plan
- 3) Floor plan with wall, ceiling, roof and exterior elevations
- 4) Electrical, plumbing and mechanical plans

The site plan shall be drawn to scale showing the location of all easements, drainage facilities, adjacent grades, property lines, the

proposed building or structure and of every existing building or structure on the property.

(b) Design Professional – The design professional shall be an architect or engineer legally registered under the laws of the state of Texas regulating the practice of architecture or engineering and shall affix his/her seal to said drawings, specifications and accompanying data, for the following:

- 1) All group A, E and I occupancies.
- 2) Buildings and structures three stories or more in height.
- 3) Buildings and structures 5000 sq. ft. or more in area.
- 4) All group R occupancies regardless of size.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific State law exception permits its preparation by a person not so registered.

(c) Amended Construction Documents – Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Sec. 5-7 Temporary Structures and Uses

(a) General - The building official is authorized to issue a permit for temporary structures and temporary uses. Such permit shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Temporary structures and uses shall conform to the structural strength, fire, safety, means of egress, accessibility, light, ventilation and sanitary requirements of this chapter as necessary to ensure the public health, safety and general welfare.

(b) Termination of approval – the building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Sec. 5-8 Fees.

(a) Schedule of Permit Fees – On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the

schedule of fees established in Article XI of this chapter. A permit shall not be valid until such fees have been paid. Nor shall an amendment to a permit be released until the additional fees, if any has been paid.

(b) Building Permit Valuations – The applicant for a permit shall provide an estimated permit value at the time of application. Permit values shall include total cost of construction, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor, but in no case shall it be less than \$45.00 dollars a square foot for new construction.

(c) Work Commencing Before Permit Issuance – Where work for which a permit is required by this chapter is started or proceeded prior to obtaining a permit, the fees specified in Article XI of this chapter shall be doubled. Payment of such double fees shall not relieve any person(s) from any other penalties prescribed by this chapter.

(d) Refunds – The building official shall authorize the refunds of fees as follows:

- 1) The full amount of any fee paid hereunder that was erroneously collected.
- 2) Not more than 90 percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.
- 3) The building official shall not authorize the refunding of any fees paid unless requested in writing by the original permittee within 180 days after the date such fees were paid.

Sec. 5-9 Inspections

(a) Posting Permit and Plans – Work requiring a permit shall not commence until the permit holder or his agent posts the permit card and plans in a conspicuous place on the premises. The permit card and plans shall be protected from the weather and located in such a position as to permit the building official or representative to conveniently make the required entries thereon. The permit holder shall maintain the permit card and plans in such position until the Certificate of Occupancy or completion certificate is issued by the building official.

(b) Required Inspections – The building official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary and shall either release that portion of the construction or shall notify the permit holder or his agent

of any violations which must be corrected in order to comply with this chapter:

(Building)

- 1) Foundation inspection – To be made after trenches are excavated and forms erected.
- 2) Frame inspection – To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wires, all pipes, chimneys, ducts and vents are completed and building or structure is weathered in.
- 3) Final inspection – to be made after the building is completed and ready for occupancy.

(Electrical)

- 1) Underground inspection – to be made after trenches or ditches are excavated, conduit or cable installed and before any backfill is put in place.
- 2) Rough-in inspection – To be made after the roof framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling members.
- 3) Finished wiring inspection – to be made after all electrical components are installed and are ready to be energized.
- 4) Final inspection – to be made after the building is completed, all required electrical fixtures are in place and properly connected and the structure is ready for occupancy.

(Plumbing)

- 1) Underground inspection – to be made after trenches or ditches are excavated, piping installed and before any backfill is put in place.
- 2) Rough-In inspection – to be made after the roof framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.
- 3) Final Inspection – to be made after the building is completed, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

(Mechanical)

- 1) Underground inspection – to be made after trenches or ditches are excavated, underground duct and fuel piping is installed, and before any backfill is put in place.
- 2) Rough-In inspection – to be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other

concealed components are completed, and prior to the installation of wall or ceiling membranes.

- 3) Final inspection – to be made after the building is completed, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(Gas)

- 1) Rough piping inspection – to be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- 2) Final piping inspection – to be made after all piping authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this chapter and to assure that the installation and construction of gas system is in accordance with the reviewed plans.

Note: There shall be a separate inspection for the installation of insulation to be made after all framing and rough-in inspections are approved and wall insulation is completed.

(c) Written Release – Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official.

(d) Scheduling Inspections – A twenty-four (24) hour notice is required before an inspection is desired, excluding Saturdays, Sundays and Holidays. To insure a twenty-four (24) hour service, all inspections must be called in by 4:00pm Monday through Friday.

If a re-inspection has been called for and the second inspection revealed that the original turn down items have not been corrected in part or in whole, a seventy-two (72) hour notice of inspection shall be given before another re-inspection will be made.

Sec. 5-10. Certificate of Occupancy.

(a) Use and Occupancy – No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this chapter or of other ordinances of the City of Schertz.

(b) Certificate Issued - After the building official inspects a building or structure and finds no violations of the provisions of this chapter or other laws that are enforced by this department, the building official shall issue a certificate of occupancy that shall contain the following:

- 1) The building permit number
- 2) The address of the structure
- 3) The name and address of the owner
- 4) The name of the building official
- 5) Edition of the code under which the permit was issued
- 6) The use and occupancy
- 7) Type of construction
- 8) The design occupant load
- 9) If an automatic sprinkler system is required or not
- 10) Any special stipulations or condition for occupancy

(c) Temporary Occupancy - The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

(d) Revocation - The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on biases of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter.

Sec. 5-11. Service Utilities

(a) Connection of Service Utilities - No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this chapter for which a permit is required, until released by the building official.

(b) Temporary Connection - The building official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

(c) Authority to disconnect Service utility - the building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this chapter in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and

wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Sec. 5-12 Building Contractors License

(a) Building contractors Responsibilities - It shall be the duty of every contractor who shall make contracts for the construction, erection, alteration, repair, moving, demolition, installation or replacements of any building, structure, swimming pool, or sign, weather permanent or temporary, obtain all the necessary permits. Such contractor shall be licensed by the City of Schertz.

(b) Insurance Required - It shall be the duty of all contractors who practice their craft within the City of Schertz, Texas to show proof of general commercial liability insurance for claims for property damage, or bodily injury regardless of whether the claim arises from a negligence claim or on a contract claim. Coverage amount of liability insurance shall not be less than two hundred and fifty thousand dollars (\$250,000.00). The insurance shall run for a concurrent term with the license.

(c) Application - A written application for a contractor's license will be submitted to the building official on a form prescribed by the city along with the required initial fee and evidence of qualifications as follows:

- Required initial fee (see Article XI. for schedule of fees)
- Renewal fee (see Article XI. for schedule of fees)
- Completed application
- Reference of one (1) financial institution
- Reference of two (2) suppliers
- Reference of three (3) customers with work performed within the last Two years.

The building official, within thirty (30) days from the receipt of the completed application, will issue the license or give a written refusal setting out the reasons for refusal.

(d) Renewal - All renewals shall be due January 1, of each year. Failure to renew within (30) days after the renewal date will required the applicant to reapply for licensing at the initial fee rate.

(e) Revocation – Any license issued under this section may be revoked by the building official for failure to remedy unsatisfactory work, violations of the chapter, failure to obtain permits, or failure to obtain proper inspections.

(f) Appeal – An applicant, whose license has been denied or revoked, may appeal to the Board of Adjustments within (30) day, in writing along with an established filling fee.

Sec. 5-13 Electrical License

(a) License Required – No person shall install, repair or remove electrical wiring or devices unless he is licensed as a master electrician issued by the city or unless he is supervised by a licensed master electrician and holds a journeyman license or apprentice license issued by the city. A license master or journeyman must directly supervise work done by an apprentice.

Exception:

- 1) A license is not required of a homeowner who is doing electrical work on his own home. The homeowner may receive help from others to do such work, provided that the principal occupation of the person giving help is not that of an electrical contractor or electrician.
- 2) A license is not required of a person who is hired as a full-time employee to perform normal maintenance excluding alterations and additions of electrical systems in commercial establishments, provided that the person does not work as an electrician or electrical contractor for the general public.

(b) Classification of licenses – There shall be three classifications of electrical licenses:

- 1) Master – A master license will be issued to an applicant when he/she has shown certified proof of three (3) consecutive years as a journeyman and has passed the approved test outlined in Sec. 5-13(c).
- 2) Journeyman – A journeyman license will be issued to an applicant when he/she has shown certified proof of three (3) years licensed as an apprentice and has passed the approved test outlined in Sec. 5-13(c).
- 3) Apprentice – An applicant will be issued an apprentice license when he/she shows certified proof of employment by a licensed master and is undergoing training to learn the craft of a skilled

electrician. The license will only be valid while employed by a licensed master electrician.

Note: A journeyman electrician may supervise not more than eight (8) apprentice electricians for commercial construction and not more than four (4) apprentice electricians for residential.

(c) Testing for Licenses – The City of Schertz may enter into a contract with a qualified third party to prepare and administer tests for master and journeyman electricians. The city shall retain the right to review the tests on a regular basis and to recommend termination of the contract.

Otherwise, the building official will prepare an examination with not less than 150 questions for master electricians and not less than 100 questions for journeyman electricians. An applicant must achieve a score of eighty percent (80%).

(d) Application – Upon receiving a passing grade on the examination for a license outlined in Sec. 5-13 (c), the applicant shall apply by written application for an electrician license on a form prescribed by the city along with the required initial fee established in Article XI of the chapter.

The building official, within thirty (30) days from the receipt of the completed application will issue the license or give a written refusal setting out the reasons for refusal.

(e) Renewal – All renewals shall be due January 1, of each year. Failure to renew within thirty (30) days after the renewal date will require the applicant to reapply for license at the initial fee rate.

(f) Revocation – Any license issued under this section may be revoked by the building official for failure to remedy unsatisfactory work, violation of the electrical code, failure to obtain a permit or failure to obtain proper inspections.

(g) Appeal – An applicant, whose license has been denied or revoked, may appeal to the Board of Adjustments within thirty (30) days, in writing, along with an established filing fee.

(h) Insurance Required – It shall be the duty of all electrical contractors who practice their craft within the City of Schertz, Texas to show proof of general commercial liability insurance for claims for property damage, or bodily injury regardless of whether the claim arises from a negligence claim or on a contract claim. Coverage amount of

liability insurance shall not be less than two hundred and fifty thousand dollars (\$250,000.00). The insurance shall run for a concurrent term with the license.

Sec. 5-14 Mechanical Licensing

It shall be the duty of all mechanical contractors who practice their craft within the City of Schertz, Texas to show proof of state license and insurance as required by the Department of Licensing and Regulation, as referenced in State Law, Article 8861, TDLE-ACR-75.1 1/v. 1/93.

Sec. 5-15 Plumbing Licensing

It shall be the duty of all plumbing contractors who practice their craft within the City of Schertz, Texas to show proof of state license and insurance as required by the Texas State Board of Plumbing Examiners in accordance with, Vernon's Civil Statutes, Article 6243-101.

Sec. 5-16. Violations and Penalties

Any person, firm, corporation or agent who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any structure, electrical, gas, mechanical or plumbing system in violation of the detailed statement or drawings submitted and permitted thereunder, shall be guilty of a misdemeanor. Such persons shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each offense.

Sec. 5-17---5-24. Reserved.

ARTICLE II. BUILDING CODE

Sec. 5-25. Adopted.

The International Building Code, 2000 edition, as amended, revised and corrected, to include all future editions, revisions, amendments and corrections, published by the International Code Council (ICC), one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated by reference as the building code of the City of Schertz, Texas, subject to and including by reference such amendments as herein shall appear.

Sec. 5-26. Amendments.

The building code Adopted by Sec. 5-25 is hereby amended as set forth in the following paragraphs of this section.

Section 903 - Automatic Sprinkler Systems - is hereby amended as to read as follows:

Section 903.2 Where Required - Approved automatic sprinkler systems in new buildings and structures shall be provided in any building more than two stories in height and in the locations described in this section.

Section 903.2.6.1 Group M - An automatic sprinkler system shall be provided throughout the buildings where the fire area containing a Group M occupancy exceeds 12,000 square feet (1115 m²), or where more than two stories in height, or where the combined fire area exceeds 24,000 square feet (2230 m²).

Section 903.2.7 Group R-1, Exception 1 - Where guestrooms are not more than two stories above the lowest level of exit discharge and each guestroom has at least one door leading directly to an exterior exit access that leads directly to approved exits.

Section 903.2.10 Group S-1 - An automatic sprinkler system shall be provided throughout all buildings where the fire area containing a Group S-1 occupancy exceeds 12,000 square feet (1115 m²), or where more than two stories in height, or where the combined fire area on all floors, including mezzanines, exceeds 24,000 square feet (2230 m²).

Section 903.3.7 Fire Department Connections. The location of fire department connections shall be in accordance with Section 912.2.

Section 907 - Fire Alarm and Detection Systems - is hereby amended to read as follows.

Section 907.2.3 Group E, Exception 1 - Group E occupancies housed in one room and with an occupant load of less than 50.

Section 907.2.10.1.5 Daycare (Group E and I) - Single or multiple-station smoke alarms shall be installed and maintained in Group E and I occupancies housing daycare activities regardless of occupant load at all of the following locations:

- (a) In each room used for sleeping purposes.

- (b) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

Section 907.2.10.3. Daycare (Group E and I) - Where more than one smoke alarm is required to be installed within a Group E or I occupancy housing daycare activities, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms within the daycare occupancy. The alarm shall be clearly audible in all areas over background noise levels with all intervening doors closed. Where the occupancy is equipped with a fire alarm system, activation of a smoke alarm shall activate the building fire alarm system.

Exception: Smoke alarms that are permitted to be solely battery operated in accordance with Section 907.2.10.2.

Section 912 - Fire Department Connections - is hereby amended to read as follows:

Section 912.2 Location. With respect to hydrants, driveways, buildings and landscape, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. Fire department connections shall be located not more than 100 feet (30 m) from the nearest fire hydrant connected to an approved water supply and shall be approved by the fire marshal.

Appendix A - is hereby amended to read as follows:

Section A101.1 Building Official Qualifications

The building official shall hold, or be able to obtain within a reasonable amount of time all required State licenses in relation to plumbing and code enforcement. In addition the building official shall have one or all of the following qualifications:

- (a) The building official shall have at least ten (10) years experience or equivalent as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination of these. Five (5) years of which shall have been in responsible charge of work.
- (b) The building official should be certified through a recognized certification program.

Section A101. 2 Inspectors Qualifications

The inspector shall hold, or be able to obtain within a reasonable amount of time all required State licenses in relation to plumbing or code enforcement. In addition an inspector shall have one or all of the following qualifications.

- (a) The inspector shall have at least five (5) years experience or equivalent as an architect, engineer, inspector, contractor, or superintendent or foreman, or competent mechanic in charge of construction or any combination of these.

Exception: A person applying for a position as asst.-inspector shall have one year experience as a inspector, builder, engineer, architect, or as a superintendent or foreman, or competent mechanic in charge of construction. Performance of duties as asst.-inspector must be under the supervision of persons qualified as a building official or inspector.

- (b) An inspector should be certified through a recognized certification program.

Sec. 5-26---5-34. Reserved.

ARTICLE III. RESIDENTIAL CODE

Sec. 5-35. Adopted.

The International Residential Code, 2000 edition as amended, revised and corrected, to include all future editions, revisions, amendments, corrections and appendixes, published by the International Code Council (ICC), one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated by reference as the residential code of the City of Schertz, Texas, subject to and including by reference such amendments as herein shall appear.

Sec. 5-36. Amendments.

The residential code adopted by Sec. 5-35 is hereby amended as set forth in the following paragraphs of the section.

Section R323.1 Protection against Decay – is hereby amended to read as follows:

R323.1 (3) - Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground.

Sec. 5-37---5-44. Reserved.

ARTICLE IV. ELECTRICAL CODE

Sec. 5-45. Adopted.

The National Electric Code, 1999 edition to include all appendixes, future editions, revisions, amendments and corrections, published by the National Fire Protection Association (NFPA), one (1) copy of which is on file with the city secretary, is hereby adopted by reference as the electrical code of the City of Schertz, Texas, subject to and including by reference such amendments as herein shall appear.

Note: This code in no way alters or repeals any additional requirements established by any other utility companies and/or cooperative for its members and/or consumers.

Sec. 5-46. Amendments.

The following rules shall take precedence over and supersede any portion of the electrical code adopted by Sec. 5-45 of this chapter where conflicts occur.

- (a) No branch circuit shall have wire smaller than #12 AWG. This does not prohibit smaller wire for circuits 90 volts and lower or for control circuits.
- (b) No more than twelve (12) outlets shall be installed per circuit serving general lighting circuits.
- (c) Single family dwellings must be individually metered.

Sec. 5-47---5-54. Reserved.

ARTICLE V. GAS CODE

Sec. 5-55 Adopted.

The International Gas Code, 2000 edition with all appendixes, future editions, revisions, amendments and corrections, published by the International Code Council (ICC), one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated as the Gas Code of the City of Schertz, Texas, subject to and including by reference such amendments as herein shall appear.

Sec. 5-56---5-64. Reserved.

ARTICLE VI. MECHANICAL CODE.

Sec. 5-65. Adopted.

The International Mechanical Code, 2000 edition with all appendixes, future editions, revisions, amendments and corrections, published by the International Code Council (ICC), one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated as the Mechanical Code of the City of Schertz, Texas, subject to and including by reference such amendments as herein shall appear.

Sec. 5-66 Amended.

The mechanical code adopted by Sec. 5-65 is hereby amended as set forth in the following paragraphs of this section.

Appendix B – Recommended Permit Fee Schedule – is hereby amended to read as follows:

On mechanical systems or alterations requiring a permit, fees for each permit shall be paid as required, in accordance with the schedule of fees established in Article XI of this chapter.

Sec. 5-67---5-74. Reserved.

ARTICLE VII. PLUMBING CODE.

Sec. 5-75. Adopted.

The International Plumbing Code, 2000 edition with all appendixes, future editions, revisions, amendments and corrections, published by the International Code Council (ICC), one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated as the Plumbing Code of the City of Schertz, Texas, subject to and including by reference such amendments as herein shall appear.

State Law Reference – Requirements that cities prescribe rules and regulations relating to plumbing, Vernon's Annotated Civil Statutes, Article 6243-101, Sec. 15 Local Rules and Regulations.

Sec. 5-76. Amendments.

The plumbing Code adopted by Sec. 5-75 is hereby amended as set forth in the following paragraphs of this section.

Section 305.5 Pipes Through or Under Footings or Foundation Walls – is hereby amended to read as follows:

Any pipe that passes under a footing or through a foundation wall shall be provided with a relieving arch, or a pipe sleeve shall be built into the foundation wall. The sleeve shall be two pipe sizes greater than the pipe passing through the wall. Pipes used for p-traps with in a foundation shall not be located within footings or beams.

Section 305.6.1 Sewer depth – is hereby amended to read as follows:

All building sewers shall be a minimum of 12 inches below finished grade.

Section 312.9 Inspection and Testing of Backflow Prevention Assemblies – is hereby amended to read as follows:

Inspection and testing shall comply with Sections 312.9.1 and 312.9.2 of the International Plumbing Code.

Section 312.9.1 Inspections – Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable.

312.9.2 Testing – Reduced pressure principle backflow prevention assemblies, double check-valve assemblies, double detector check valve assemblies and pressure vacuum breaker assemblies shall be tested at the time of installation, immediately after repairs, or relocation and at least annually.

Exception: Backflow prevention devices used for residential lawn sprinkler systems shall be tested at the time of installation, immediately after repairs or relocation and at least every other year.

Section 403.6.3 Portable Toilets for construction Sites – is here by added as follows:

Portable toilets shall be provided for construction sites so that the path of travel to such facilities shall not exceed 500 feet. In no case shall there be less than two portable toilets provided for each construction site.

Exception: A single portable toilet may be used for small individual construction jobs when approved by the building official.

Section 904.1 Roof extension – is hereby amended to read as follows:

All open vent pipes that extend through a roof shall be terminated at least six (6) inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet above the roof.

Section 913.2 Vent connection – is hereby amended to read as follows:

The island fixture vent shall connect to the fixture drain as required for an individual or common vent. The vent shall rise vertically to a minimum of six (6) inches in height above the flood level rim of the fixture being served before offsetting horizontally or vertically downward.

Section 917 Air Admittance Valves – is hereby amended to read as follows:

Vent systems utilizing air admittance valves shall be prohibited within the city limits of Schertz.

Appendix A – Recommended Permit Fee Schedule – is hereby amended to read as follows:

On plumbing systems or alterations requiring a permit, fees for each permit shall be paid as required, in accordance with the schedule of fees established in Article XI of this chapter.

Sec. 5-77---5-84. Reserved.

ARTICLE VIII. PROPERTY MAINTENANCE CODE

Sec. 5-85. Adopted.

The International Property Maintenance Code, 2000 edition, as amended, revised and corrected, to include all appendixes, future editions, revisions, amendments and corrections, published by the International Code Council (ICC), one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated by reference as the Property Maintenance Code of the City of Schertz, Texas, subject to and including by reference as herein shall appear.

Sec. 5-86---5-94. Reserved.

ARTICLE IX. ENERGY CODE

Sec. 5-95. Adopted.

The International Energy Code, 2000 edition, as amended, revised and corrected, to include all appendixes, future editions, revisions, amendments and corrections, published by the International Code Council (ICC), one (1) copy of which is on file with the city secretary, is hereby adopted and incorporated by reference as the Energy Code of the City of Schertz, Texas, subject to and including by reference as herein shall appear.

Sec. 5-96---5-104. Reserved.

ARTICLE X. BACKFLOW AND CROSS-CONNECTION

Sec. 5-105. Adopted.

The manual of Cross-Connection Control, 1993 ninth edition, as amended, revised and corrected, to include all future editions, revisions, amendments and corrections, published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, one (1) copy of which is on file with the City Secretary, is hereby adopted and incorporated as the Backflow and Cross-Connection Code of the City of Schertz, Texas, subject to and including by reference as herein shall appear.

Note: By adopting the Backflow and Cross-Connection requirements of Section 5-105, in no way shall appeal or set aside any of the requirements of the Plumbing Code adopted by Section. 5-75.

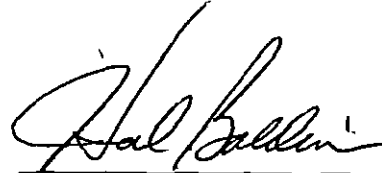
Sec. 5-106---5-114. Reserved."

II

THAT, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Approved on first reading the 7th day of November, 2000.

PASSED, APPROVED AND ADOPTED THE 29th day of November, 2000.

A handwritten signature in cursive script, appearing to read "Hal Baldwin".

Mayor, City of Schertz, Texas

ATTEST:

A handwritten signature in cursive script, appearing to read "Norma Althouse".

City Secretary, City of Schertz

CHAPTER 5 BUILDING & BUILDING REGULATIONS

EXHIBIT 1

SCHEDULE OF FEES

(Please see the City of Schertz current fee schedule)