ORDINANCE 2026-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING CHAPTER 5, "BUILDINGS AND BUILDING REGULATIONS", ARTICLES II, IV, V, VI, VII, VIII & IX AND AMENDING CHAPTER 17, "FIRE PROTECTION", ARTICLE II OF THE FREDERICKSBURG MUNICIPAL CODE; TO ADOPT UPDATED VERSIONS OF THE INTERNATIONAL CODES RELATED TO BUILDING CONSTRUCTION, PROPERTY MAINTENANCE AND FIRE PROTECTION WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the "City"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, The International Code Council, Inc. is the organization known to be an industry standard for construction codes; and

WHEREAS, the International Code Council, Inc. reviews, proposes, develops and publishes model codes for adoption by municipalities; and

WHEREAS, the International Code Council, Inc. series of 2021 published codes are the most widely adopted and utilized code series for state and local governments; and

WHEREAS, the Insurance Services Organization (ISO) rates municipalities based on how current the municipality is within the latest model codes and thus, a better rating can decrease insurance premiums paid by the citizens of the municipality; and

WHEREAS, this City of Fredericksburg, Texas (the "City") desires to amend Chapter 5 "BUILDINGS AND BUILDING REGULATIONS", Articles II, IV, V, VI, VII, VIII & IX and Amend Chapter 17 "FIRE PROTECTION", of the Municipal Code in compliance with the requirements of the International Code Council, Inc. in order to attain a higher rating with the ISO which may contribute to improved insurance classifications and potential reductions in insurance costs; and

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

SECTION 1.

All the above premises are true and correct of the City Council, and they are hereby approved, ratified, and incorporated herein this Ordinance.

SECTION 2.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-19 in its entirety, and the following substituted therefore:

Sec. 5-19. - Building and Residential Codes adopted.

The following codes are hereby adopted by reference as though they were copied herein in full:

(1) International Building Code, 2021 edition, as published by the International Code Council including Appendices "A", "C", "D", and "F"; and

(2) International Residential Code, 2021 edition, as published by the International Code Council including Appendices "E", "G", and "J", but excluding Parts VI, VII and VIII.

SECTION 3.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-76 in its entirety, and the following substituted therefore:

Sec. 5-76. - Adoption of current edition of the National Electrical Code.

The 2020 edition of the National Electrical Code (NFPA 70) and the National Electrical Code Handbook are adopted and incorporated in this Code as fully as if set out herein in its entirety; and from the effective date of the ordinance from which this article is derived, its provisions shall be controlling in work described in NEC Article 90-2, within the corporate limits of Fredericksburg, Texas, subject to the laws of the state.

SECTION 4.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-149 in its entirety, and the following substituted therefore:

Sec. 5-149. – International Plumbing Code adopted.

The International Plumbing Code, 2021 edition, as published by the International Code Council, Including Appendix "C", is adopted by reference as though it were copied herein in full.

SECTION 5.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-169 in its entirety, and the following substituted therefore:

Sec. 5-169. – International Fuel Gas Code adopted.

The International Fuel Gas Code, 2021 edition, as published by the International Code Council, Including Appendices "A", "B", "C" and "D", is adopted by reference as though it were copied herein in full.

SECTION 6.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-194 in its entirety, and the following substituted therefore:

Sec. 5-194. – International Energy Conservation Code adopted by reference.

Certain documents, three copies of which are on file in the office of the director of development services for the city being marked and designated as the International Energy Conservation Code, 2021 edition, as published by the International Code Council, are 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 the building envelope, mechanical, lighting and power systems in the City, and for providing 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, 2021 edition, published by the International Code Council, on file in the office of the City are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter.

SECTION 7.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-216 in its entirety, and the following substituted therefore:

Sec. 5-216. – International Mechanical Code adopted.

The International Mechanical Code, 2021 edition, except for Appendix "B", as published by the International Code Council, is adopted by reference as though it were copied herein in full.

SECTION 8.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-249 in its entirety, and the following substituted therefore:

Sec. 5-249. – International Property Maintenance Code adopted.

The International Property Maintenance Code, 2021 edition, as published by the International Code Council, is adopted by reference as though it were copied herein in full.

SECTION 9.

That Chapter 17, "FIRE PROTECTION" of the Code of Ordinances, is amended by deletion of Section 17-3 in its entirety, and the following substituted therefore:

Sec. 17-3. – International Fire Code adopted.

There is hereby adopted by reference, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code recommended by the Association of International Fire Chiefs, being particularly the 2021 edition thereof, Including Appendices "B", "C", "D", "H", and "I", and all amendments and corrections thereof, existing or issued after the date of the Ordinance from which this Section is derived. The modifications thereto adopted as section 17-3 shall also apply to the revised code hereby adopted.

SECTION 10.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by deletion of Section 5-22 in its entirety, and the following substituted therefore:

Sec. 5-22. Amendments to International Building Code.

The International Building Code, adopted in section 5-19 of this Code, is amended as follows:

113.1 General.

In order to hear and decide variances and appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals. The City of Fredericksburg's Board of Adjustment shall serve as the board to consider variance and appeal request subject to the notice requirements for administrative appeals and variances.

113.2 Variances.

The Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code or public interest, or when, in its opinion the interpretation of the building official should be modified or reversed. Variance and Appeal requests shall only be heard if:

a. The variance concerns a modification within an existing building;

b. The variance concerns a new building or addition to existing building provided the applicant can demonstrate an equal alternative to compensate for not adhering to the specific code requirements. A waiver of the code provision without the provision of an equally sound alternative is not a valid ground for a variance; or

c. The variance concerns a claim that the building official has misinterpreted the code.

113.3 Qualifications. Delete in its entirety.

1804.8 Trench Safety Requirements. Section 1804.8 is hereby added to Chapter XVIII to read as follows:

a. In addition to any other requirements of this Code, in the City of Fredericksburg or in the extraterritorial jurisdiction of the City of Fredericksburg, as provided by V.T.C.A., Local Government Code ch. 43, to the extent required by state law or otherwise by municipal ordinance, on construction projects in which trench excavation will exceed a depth of five feet, the bid documents and the contract must include detailed plans and specifications for trench safety systems that meet Occupations Safety and Health Administration standards, and these plans and specifications shall include a pay item for these same safety systems.

b. This section does not apply to a contract entered into by a person subject to the safety standards adopted under article 6053-1 Texas Revised Civil Statutes and the administrative penalty provisions of article 6053.2 Texas Revised Civil Statutes, as the same may be amended from time to time.

3203 Other Projections.: Other projections is hereby added except as to section or article 3203.1, Sidewalk or Street Obstructions, which is hereby adopted to read as follows:

Public property, including all rights-of-way shall be maintained clear of any and all structures including among others, buildings, posts, columns and signs. Structures for the purpose of this section and section 104.4.4 of the International Building Code as adopted by the City of Fredericksburg, shall mean and refer to anything placed in the right of way of a permanent nature or that which is not easily removable, including among other structures, basketball poles; provided however, that trees, shrubs and U.S. Postal Department approved mail receptacles are specifically excluded. This prohibition shall not apply to any structure for which a permit is obtained from the building official, after determination by the building official of the City that the structure will not be injurious or a danger to the health, safety and welfare of the public nor that it will interfere with the provision of public services or utilities. The issuance of a permit shall create no continuing rights with regard to the structure and in the event its removal is required by any public official or agent thereof such structure shall be promptly removed by the permittee upon notice or removed the city without notice.

3107.1 General.

All signs erected must, in addition to the requirements of this building code, comply with the City of Fredericksburg Sign Ordinance and any other ordinances relating to signs whether with regard to size, placement, construction, look or materials or any other regulation, as the same may be amended from time to time. In the event of any conflict among the same, the most restrictive provision shall control.

SECTION 11.

That Chapter 5, "BUILDINGS AND BUILDING REGULATIONS" of the Code of Ordinances, is amended by adding Section 5-23, and the following substituted therefore:

Sec. 5-23. Amendments to International Residential Code.

The International Residential Code, adopted in section 5-19 of this Code, is amended as follows:

R112.1 General. The Fredericksburg, Texas Building Code Section 113 shall be applicable for all variances and appeals involving this code.

R112.2 Limitations on authority. Delete in its entirety.

R112.3 Qualifications. Delete in its entirety.

R112.4 Administration. Delete in its entirety.

SECTION 12.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Fredericksburg Municipal Code, as amended, or 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 13.

This Ordinance shall be cumulative of all provisions of ordinances and of the Fredericksburg Municipal Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed. In the event of conflict between adopted international codes and provisions of the Fredericksburg Municipal Code, the locally adopted amendments shall control.

SECTION 14.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 15.

Any person, firm, corporation, or entity violating this Ordinance or any provision of the City's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars ($2,000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 16.

The City Secretary is hereby directed to publish in the official newspaper of the City, the caption and penalty clause of this Ordinance as provided by the City's Charter.

SECTION 17.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so Ordained.

PASSED AND APPROVED on this the 3rd day of March, 2026.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Leticia Vacek, TRMC, CMC, MMC
City Secretary/RMO

APPROVED AS TO FORM:

Mick McKamie, City Attorney