

# Repealing and Replacing Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes

City Council Meeting

Public Works Director Melinda Moritz

October 4, 2022



# Purpose

- To consider repealing and replacing the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Article 3.06 Swimming Pools, and Appendix A, Section A8.001 Contractor Fees
- Options
  - Approve
  - Approve with modifications
  - Deny
- Recommendation
  - Approve as presented

# Background

- Chapter 3, Article 3 contains the building and technical codes that we currently enforce (exception – Chapter 5 Fire Code)
- Recently adopted the 2021 International Property Maintenance Code, but remaining codes are from 2015/2017
  - 2015 International Building Code
  - 2015 International Residential Code
  - 2015 International Existing Building Code
  - 2015 International Mechanical Code
  - 2015 International Plumbing Code
  - 2015 International Energy Conservation Code
  - 2015 International Commercial Energy Conservation Code
  - 2017 National Electric Code

# Background

- City has not adopted a swimming pool code
- Also have not adopted the International Fuel Gas Code
- Codes should be reviewed and updated/adopted every 4 years in order to keep up with current building construction safety, methods, & techniques
- Adopting these codes assures a *minimum* standard for the construction of all structures in the City

# Revisions

- Building code adoption happens at the local level, but Texas' municipal building, residential, fire, plumbing, mechanical, fuel gas, and swimming pool and spa codes are promulgated through legislation in state statute
  - A Listing of these codes is referenced at Texas State Law Library at <https://www.sll.texas.gov/law-legislation/texas/building-codes/>
- Cities can make local amendments to these codes & adopt later editions
- The energy conservation code is promulgated through the Texas State Energy Conservation Office (SECO) by administrative rule
  - City can adopt local amendments to Texas' commercial and residential energy codes, but amendments can't have less stringent energy efficiency requirements in non-attainment (ozone) & affected counties
  - July 25, 2018 - EPA designated Bexar County as nonattainment with a marginal classification

# Revisions

- Propose updating codes to the 2021 International:
  - Building Code
  - Existing Building Code
  - Residential Code
  - Plumbing Code
  - Mechanical Code
  - Energy Conservation Code
- Adding 2021 International Fuel Gas Code
- Adding 2021 International Swimming Pool & Spa Code

# Revisions

- Propose updating the 2017 National Electrical Code to the 2020 edition – International Code Council does not provide a code for electrical work, but references this agency's code
- Propose removing a fee to register a contractor's trade license
  - Fee is \$100
  - Can't charge HVAC/R contractors by state law
  - Very little staff time used to collect/monitor licenses
  - Still requires contractors to upload a current state license prior to being issued any permits

# Amendments

- Inserted name of the jurisdiction and responsible party in jurisdiction in most codes
- Added forms survey to Building Code – have had homes built out of setback requirements in past
- Inserted reference to City's floodplain management code in Building Code
- Inserted reference to City's zoning code in Building Code
- Removed Means of Appeal and Board of Appeals in most codes – don't have one & don't need one



# Amendments

- Revised refund policy to be as determined by City Manager instead of Building Official in most codes
- Inserted recently adopted International Property Maintenance Code in Article, but no change to Council approved text
- Changed violations statement in most codes to remove jail time & inserted current violation penalty fee
- Removed reference to rainfall intensity chart in Building Code to refer to our subdivision code

# Fiscal Impact

- FY 22 Contractor license fees \$6,700 (to date)
- Fees for permits are to stay the same

# Recommendation

- Staff recommends repealing and replacing Chapter 3, Article 3.02, Article 3.06, and Appendix A as presented

# S.E.E. Statement

- *Social* – Updating regulatory codes protects the health, safety, and welfare of all citizens
- *Economic* – Assuring quality development maintains housing and business property values
- *Environmental* – Updating the Code to the present environmental standards assures clean air and water