

## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** October 18, 2022

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion to Consider Approval of an Ordinance Repealing and Replacing the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Divisions 2., 3., 4., 5., 6. with a New Division 2 Technical and Construction Codes Adopted, Amending Article 3.06 Swimming Pools, and Amending Appendix A of the Code of Ordinances, Article A8.000 Building and Construction Related Fees, Section A8.001 Contractor registration fee, to Adopt the 2020 National Electrical Code, and the 2021 International Residential, Building, Mechanical, Plumbing, Swimming Pool and Spa, Fuel Gas, Energy and Conservation, and Existing Building Codes, with Amendments, and Removing Contractor Registration Fees (1st Read as Required by City Charter)

### **PURPOSE**

The City of Leon Valley has currently adopted the 2015 editions of the International Building, Residential, Existing Building, Mechanical, Energy, and Plumbing Codes, and the 2017 National Electric Code, with amendments. The newest model code series, the 2020 and 2021 editions, were recently published by the International Code Council and should be adopted by the city. The updates are necessary to ensure that the most current construction and safety standards are maintained in the City of Leon Valley.

It is also proposed to add the 2021 International Fuel Gas Code and the International Swimming Pool and Spa Code to the Code of Ordinances. The adoption of the Swimming Pool and Spa Code will assist in assuring public and private pools and spas are safe.

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 the Texas State Law Library. Cities are allowed to make local amendments to these codes and adopt later editions.

The energy conservation code is promulgated through the Texas State Energy Conservation Office (SECO) by administrative rule. The city is allowed to adopt local amendments to Texas' commercial and residential energy codes, but any amendments can't have less stringent energy efficiency requirements in non-attainment affected counties. On July 25, 2018, the EPA designated Bexar County as nonattainment with a

marginal classification.

The amendments to these codes include, but are not limited to, inserting the local jurisdiction name, responsible party, fee schedules, and date of issuance.

Finally, it is recommended that the City Council remove fees for contractor registration, which are located in Appendix A of the Code of Ordinances. Article A8.000 Building and Construction Related Fees, Section A8.001 Contractor registration fee states:

- (a) All contractors, both general and subcontracted, which are providing professional services to addresses located within the city limits, both residential or and/or commercial, are subject to an annual contractor registration fee of \$100.00. This includes but is not limited to general building contractors, heating and air conditioning (mechanical), bulk water, irrigation, gas, sewer trench, swimming pools, sidewalks/driveway/curbcuts, fences, foundation, roof, water well, sign and any nonfranchise utility construction contractors.

Currently, the contractor must upload a copy of their current trade license, along with the \$100 fee into the My Permit Now software, where it is stored. Because there is very little work on the part of the staff in storing and viewing these licenses, it is recommended that we don't charge a fee. The contractor would still be required to upload a current license to the software. State law already prohibits cities from collecting license fees from licensed HVAC/R contractors. The new language would state:

- (b) All contractors, both general and subcontracted, which are providing professional services to addresses located within the city limits, both residential or and/or commercial **must register their current state issued trade license with the City annually. There is no fee associated with this registration.** This includes but is not limited to general building contractors, heating and air conditioning (mechanical), electrical, bulk water, irrigation, gas, sewer trench, swimming pools, sidewalks/driveway/curbcuts, fences, foundation, roof, water well, sign and any nonfranchise utility construction contractors.

### **SEE LEON VALLEY**

Social Equity - Adopting the most current and highest standard construction codes ensure safety for all citizens and visitors to Leon Valley.

Economic Development - Maintaining high standards in construction codes ensures resiliency of the business community

Environmental Stewardship - Adoption of the new building codes assures environmentally friendly building construction materials and methods, thereby reducing pollutants into the environment.

**FISCAL IMPACT**

Contractor license registration generates approximately \$6,700 annually.

**STRATEGIC GOALS**

The ordinance supports strategic goal #2, to improve the safety and security of the City of Leon Valley, through adoption and implementation of the most current available construction codes.

**RECOMMENDATION**

It is recommended the City Council approve an Ordinance amending the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Article 3.06 Swimming Pools, and Appendix A Schedule of fees as presented.

ATTEST:

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary