
ORDINANCE NO. 2023-

AN ORDINANCE AMENDING CHAPTER 14 - BUILDING AND BUILDING REGULATIONS BY REPEALING ARTICLES I THROUGH XII AND REORGANIZING, DELETING AND UPDATING THESE PROVISIONS AND ADOPTING THE 2021 BUILDING RELATED CODES; AND AMENDING CHAPTER 54-FIRE PREVENTION AND PROTECTION, EMERGENCY MEDICAL SERVICES, ARTICLE III, BY ADOPTING THE 2021 INTERNATIONAL FIRE CODE WITH AMENDMENTS, AND AMENDING APPENDIX D- FEE SCHEDULE, TO ADOPT THE MOST CURRENT PUBLICATION OF THE INTERNATIONAL CODE COUNCIL'S BUILDING VALUATION DATA TABLE AND UPDATING THE ASSOCIATED OCCUPANCY CLASSIFICATION TABLES; REPEALING ALL ORDINANCES IN CONFLICT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels ("City") adopted the 2018 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance and Existing Building Codes and the 2017 National Electrical Code in 2019; and

WHEREAS, the City should update its standards to the 2021 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance and Existing Building Codes and the 2020 National Electrical Code be consistent with other municipalities in Texas; and

WHEREAS, the Building Safety Division of the Planning & Development Services Department, has advised local builders and contractors of the City's intention to adopt the updated version of the aforementioned codes; and

WHEREAS, the City also finds it necessary to adopt the most recent codes, in order to protect the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I.

SECTION 1: That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Chapter 14, "Buildings and Building Regulations" of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Article I, Sections 14-1 to 14-7, the General Building Regulations are hereby adopted with amendments as noted below:

Sec. 14-1. Administration and enforcement of codes, ordinances and articles.

The building official of the city shall have the responsibility for the administration and enforcement of these codes, ordinances and articles as adopted by this chapter, and such official shall have all of the responsibilities called for in these articles and the specifications, rules and regulations adopted by these codes, ordinance and articles.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-2. Interpretation of codes, ordinances and articles.

The building official shall have the authority to render interpretations of these codes, ordinance, and articles; 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, ordinances and articles. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in these codes, ordinances and articles.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-3. Commercial premium or overtime inspection fees.

Premium or overtime inspections are those inspections requested for times other than the normal working hours. Fees for premium inspections done after 4:00 p.m. on weekdays and on weekends shall be at a rate of \$45.00 per inspection with a minimum of three inspections required.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-4. Building official to determine conflicts between codes.

The code official is the building official except where specifically described as the fire code official. Applying to any construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, occupancy loads, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, the building official is hereby authorized and directed to enforce the provisions of these codes and ordinances (all ICC codes adopted by the city and all city and all city ordinances that apply). The building official shall have the authority

to render interpretations of all 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 ordinances. The building official will be the final authority in any disputes of any interpretations of or any conflicts between these codes and ordinances. The building official is also the final authority in determining who will apply and enforce these codes and ordinances.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-5. Building permit required.

No person, firm, corporation, or any other entity shall erect, construct, enlarge, alter, repair, modify, excavate, fill, or change any fence, sign, land, building, structure, or property in the city, nor cause such work to be done; nor shall any building or structure be moved, removed, converted, or demolished without first obtaining any necessary permit therefore from the building official and complying with all applicable requirements of the city.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-6. Requirements not covered by Code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this chapter or the other technical codes, shall be determined by the building official. In addition, other requirements to implement, clarify or set procedures to accomplish the intent of this Code may be set in writing by the building official and may be posted electronically for public access.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-7. Construction work hours and/or noise.

- (a) Construction work hours and/or noise means any construction or noise generated by construction activities, such as the operation of power equipment, machinery or tools, the use of air-powered or impact tools, hammers, saws, picks, shovels and other similar tools, and the loading, unloading, conveyance or assembly of construction materials, equipment, machinery or tools.
- (b) It is unlawful for a person to start work and/or cause construction noise to be made between 9:00 p.m. and 6:00 a.m.
- (c) It is unlawful for a person to whom a construction permit is issued by the city to

cause or allow work to start and/or construction noise to be made in connection with the performance of work under the permit between 9:00 p.m. and 6:00 a.m.

Exceptions:

~~The building department understands that there may be times when work must occur outside of the permissible hours. If you have an emergency that includes any of the following, then the start of work and/or noise regulations do not apply:~~

- Work made necessary to restore a property to a safe condition following a public calamity.
- Work to restore public utilities.
- Work required to protect persons or property from imminent exposure to danger.

There may be other situations that require work outside of permissible hours. For these situations, you must apply for a variance subject to approval by the building official [within 48 hours after the work has been performed and all applicable permits that would normally have been required must still be obtained within a reasonable time period](#). ~~Application for variance must be in filed with the building department at least 48 hours in advance.~~

(d) A person who violates this section shall be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.

(Ord. No. 2019-05, § 2, 1-28-19)

Secs. 14-8—14-26. Reserved.

ARTICLE II. BUILDING CODE

Sec. 14-27. 2018 [2021](#) International Building Code (IBC).

The 2018 [2021](#) International Building Code and [the specified](#) all appendices [as referenced in this article](#), are hereby adopted and incorporated by reference as the building code of the City of New Braunfels, except as stated in the following [amendments](#):

- 101.1 Title. These regulations shall be known as the Building Code of [the City of New Braunfels](#), hereinafter referred to as “this code.”
- 103.1 Creation of enforcement agency. The [Building Safety Division](#) is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

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- c) ~~105.1.1 Annual permit. Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.~~
 - d) ~~105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.~~
 - e) 105.2 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following, [provided that there is no special flood hazard area \(SFHA\) on the associated property](#):

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than ~~420 square feet~~ [200 square feet](#).
2. Fences not over 7 feet (2134 mm) high.
- ~~3~~2. Oil derricks.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
5. [Private Sidewalks](#) and driveways not more than 30 inches (762 mm) above adjacent grade, [covering not more than 32 square feet](#), and not over any basement or story below and ~~are not part of an accessible route~~.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.

9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

10. Swings and other playground equipment accessory to detached one- and two-family dwellings.

11. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

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 code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) 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 it 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 code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

f) 107.2.8 Party walls.

Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings.

Exceptions:

1. Openings in a party wall separating an anchor building and a mall shall be in accordance with Section 402.4.2.2.1.

~~2. Party walls and fire walls are not required on lot lines dividing a building for ownership purposes where the aggregate height and area of the portions of the building located on both sides of the lot line do not exceed the maximum height and area requirements of this code. For the building official's review and approval, the official shall be provided with copies of dedicated access easements and contractual agreements that permit the owners of portions of the building located on either side of the lot line access to the other side for purposes of maintaining fire and life safety systems necessary for the operation of the building.~~

g) 901.5 Acceptance tests.

Fire protection systems shall be tested in accordance with the requirements of this code and the International Fire Code. Where required, the tests shall be conducted in the presence of the building official. Tests required by this code, the International Fire Code and the standards listed in this code shall be conducted at the expense of the owner or the owner's authorized agent. It shall be unlawful to occupy portions of a structure until the required fire protection systems within that portion of the structure have been tested and approved. [The Fire Marshal or the Fire Marshal's designee shall witness all required acceptance tests for fire protection life safety systems.](#)

h) 901.8 Permits. [Permits for fire protection systems are required as set forth in the International Fire Code as adopted.](#)

i) 903.3.1.1.2 Bathrooms. ~~In Group R occupancies, sprinklers shall not be required in bathrooms that do not exceed 55 square feet (5 m²) in area and are located within individual dwelling units or sleeping units, provided that walls and ceilings, including the walls and ceilings behind a shower enclosure or tub, are of noncombustible or limited combustible materials with a 15-minute thermal barrier.~~ [containing more than two dwelling units, bathrooms shall contain fire sprinkler protection regardless of the size of the space.](#)

j) 903.3.1.2 NFPA 13R sprinkler systems.

Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the International Building Code shall be measured from grade plane. [In Group R occupancies containing more than two dwelling units, bathrooms shall contain fire sprinkler protection regardless of the size of the space.](#)

k) 1101.1 Scope.

[All buildings or portions of buildings must comply with the accessibility standards adopted by the State of Texas. Projects shall be submitted to the Texas Department of Licensing and Regulation for review, inspection, and approval in accordance with state law.](#)

The provisions of this chapter shall control the design and construction of facilities for accessibility for individuals with disabilities. [Where there is a conflict between this code and the state accessibility standard, the state standard shall govern.](#)

l) 1502.4 Gutters.

Gutters and leaders placed on the outside of buildings, other than Group R-3, private garages and buildings of Type V construction, shall be of noncombustible material or not less than Schedule 40 plastic pipe.

[1502.4.1 Zero lot line development. On zero lot line development where roof projections are allowed by deed covenant with ingress/egress easements and where](#)

the roof slopes towards the adjoining property, adequate gutters and downspouts shall be provided to direct roof water away from the adjacent property. Roof projections shall not extend beyond a point one third of the width of the easement or a maximum of 24 inches.

1502.4.2 Projections. Any Group R or Group U occupancy with roof edges less than three feet to any property line shall be provided with gutters and downspouts to direct roof water away from the adjacent property.

m) 1612.3 Establishment of flood hazard areas.

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for [the City of New Braunfels](#)," dated [September 2, 2009](#), as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

n) 2902.1.1 Fixture calculations.

To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 2902.1. Fractional numbers resulting from applying the fixture ratios of Table 2902.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number.

Exceptions:

1.The total occupant load shall not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than 50 percent of each sex.

~~2.Where multiple-user facilities are designed to serve all genders, the minimum fixture count shall be calculated 100 percent, based on total occupant load. In such multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is provided shall be located in a stall.~~

3.Distribution of the sexes is not required where single-user water closets and bathing room fixtures are provided in accordance with Section 2902.1.2.

o) 2902.2 Separate facilities.

Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer.
5. Separate facilities shall not be required to be designated by sex where single-user toilets rooms are provided in accordance with Section 2902.1.2.

~~6. Separate facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets are installed in accordance with Section 405.3.4 of the International Plumbing Code. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall.~~

- p) [Appendix A, Employee Qualifications is deleted in its entirety. Employee qualifications for the Building Safety Division are as described in published job specifications as determined by the City.](#)
- q) [Appendix B, Board of Appeals is deleted in its entirety. Appeal procedures are as set forth by city ordinance, Chapter 14, Article XII.](#)
- r) [Appendix C, Group U – Agricultural Buildings, is adopted in its entirety.](#)
- s) [Appendix D, Fire Districts, is deleted in its entirety.](#)
- t) [Appendix E, Supplementary Accessibility Requirements, is adopted in its entirety.](#)
- u) [Appendix F, Rodent-proofing, is adopted in its entirety.](#)
- v) [Appendix G, Flood-Resistant Construction, is adopted in its entirety.](#)
- w) [Appendix H, Signs, is adopted as amended.](#)
- x) H101.2 Signs Exempt from Permits.

The following signs are exempt from the requirements to obtain a permit before erection:

- ~~1. Painted nonilluminated signs.~~

21. Temporary signs announcing the sale or rent of property.

32. Signs erected by transportation authorities.

4. Projecting signs not exceeding 2.5 square feet (0.23 m²).

53. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.

y) H105.2 Permits, drawings and specifications.

Where a permit is required, as provided in Chapter 1, construction documents shall be required. These documents shall show the dimensions, material and required details of construction, including loads, stresses and anchors. [Engineered drawings may be required for free standing signs over 8' in height and monument signs over 6' in height.](#)

z) [Appendix I, Patio Covers, is adopted in its entirety.](#)

aa) [Appendix J, Grading, is adopted in its entirety.](#)

ab) [Appendix K, Administrative Provisions, is adopted in its entirety.](#)

ac) [Appendix L, Earthquake Recording Instrumentation, is adopted in its entirety.](#)

ad) [Appendix M, Tsunami-Generated Flood Hazards, is deleted in its entirety.](#)

ae) [Appendix N, Replicable Buildings, is adopted in its entirety.](#)

af) [Appendix O, Performance-based Application, is adopted in its entirety.](#)

Sec. 14-28 – Reserved.

ARTICLE III. - RESIDENTIAL CODE

Sec. 14-29. ~~2018~~ [2021](#) International Residential Code (IRC).

The 2018 [2021](#) International Residential Code and [the specified](#) all appendices [as referenced in this article](#), are hereby adopted and incorporated by reference as the building code of the City of New Braunfels, except as stated in the following [amendments](#):

a) R101.1 Title.

These regulations shall be known as the *Residential Code for One-and Two-family Dwellings* of [the City of New Braunfels](#), and shall be cited as such and will be referred to herein as “this code.”

b) R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following [provided that there is no special flood hazard area \(SFHA\) on the associated property.](#)

Building:

1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).

~~2. Fences not over 7 feet (2134 mm) high.~~

~~3~~2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

~~4~~3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

~~5. Sidewalks and driveways.~~

~~6~~4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

~~7~~5. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

~~8~~6. Swings and other playground equipment.

~~9~~7. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

~~4~~08. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

c) R202 – Definitions – Insert a definition to the complete section for the term “structural demolition” as follows.

Structural Demolition. [The wrecking or removal of any load-supporting structural member of a building or other structure together with any related handling operations is a structural demolition. A building is a total demolition whenever there are less than two joined and connected exterior walls remaining standing and attached to the foundation after the demolition has occurred.](#)

d) R301.2 – Insert local values for Table R301.2.

Table R301.2 Climatic and Geographic Design Criteria – Insert Values

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c				
5	115	No	No	No	A	Negligible	0	Moderate	No	Yes	29	68.5

e) R313.2 One-and two-family dwellings automatic sprinkler systems.

~~An automatic sprinkler system shall be installed in one- and two-family dwellings.~~

~~Exception: An automatic sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with a sprinkler system.~~

~~R313.2.1 Design and installation.~~

~~Automatic sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.~~

[Where automatic residential fire sprinkler systems are installed, they shall be designed and installed in accordance with IRC Section P2904 or National Fire Protection Association \("NFPA"\) Standard 13D.](#)

f) R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas, not including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 4 2 foot (305 610 mm), or the design flood elevation, whichever is higher.

2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.

3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 4 2 foot (305 610 mm), or the design flood elevation, whichever is higher.

4. Garage and carport floors shall comply with one of the following:

4.1. They shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.

4.2. They shall be at or above grade on not less than one side. Where a garage or carport is enclosed by walls, the garage or carport shall be used solely for parking, building access or storage.

Exception: Enclosed areas [or structures, including garages or other non-occupiable accessory structures in which the finish floor elevation is](#) below the elevation required in this section, and including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2.

g) R403.1.6 Foundation anchorage.

Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.

Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates in accordance with Section R505.3.1 or R603.3.1, as applicable. Wood sill plates supporting cold-formed steel framing shall be anchored to the foundation in accordance with this section.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum 1/2-inch-diameter (12.7 mm) anchor bolts spaced not greater than 6 feet (1829 mm) on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to 1/2-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend not less than 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be not fewer than two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318. Anchor bolts shall be permitted to be located while concrete is still plastic and before it has set. Where anchor bolts resist placement or the consolidation of concrete around anchor bolts is impeded, the concrete shall be vibrated to ensure full contact between the anchor bolts and concrete.

Exceptions:

1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with not fewer than one anchor bolt

located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).

2. Connection of walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).

3. Where an engineered wall bracing plan is provided for the structure that is designed in accordance with accepted engineering practice, the wood sole plates of braced wall panels at building interiors on monolithic slabs may be positively anchored with approved fasteners in accordance with the engineered plan and details.

h) R903.4.2

R903.4.2 Zero lot line development. On zero lot line development where roof projections are allowed by deed covenant with ingress/egress easements and where the roof slopes towards the adjoining property, adequate gutters and downspouts shall be provided to direct roof water away from the adjacent property. Roof projections shall not extend beyond a point one third of the width of the easement or a maximum of 24 inches.

i) R903.4.3

R903.4.3 Gutters and downspouts. Roof edges less than three feet to any property line shall be provided with gutters and downspouts to direct roof water away from the adjacent property.

j) N1101.13(R401.2) Application.

Residential buildings shall comply with ~~Section N1101.13.5 and~~ either Section N1101.13.1, N1101.13.2, N1101.13.3 or N1101.13.4.

k) N1102.1.3 (R402.1.3) R-Value Alternative.

TABLE N1102.1.3(R402.1.3) INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT^a

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Framed Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value & Depth	Crawl Space Wall R-Value
2	0.40	0.65	0.25	[49] 38	13 or 0 & 10 ci	4/6	13	0	0	0

l) N1102.4.1.1 (R402.4.1.1) Installation.

The components of the building thermal envelope as indicated in Table N1102.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria indicated in Table N1102.4.1.1, as applicable to the method of construction. ~~Where required by the code official, an~~ [An](#) approved third party shall inspect all components and verify compliance. [Insulation letters shall be submitted to the Building Official after the inspection is performed and shall be submitted on a form approved by the Building Official.](#)

m) N1102.4.1.2 (R402.4.1.2) Testing.

The building or dwelling unit shall be tested for air leakage. The maximum air leakage rate for any building or dwelling unit under any compliance path shall not exceed 5.0 air changes per hour or 0.28 cubic feet per minute (CFM) per square foot [0.0079 m³/(s × m²)] of dwelling unit enclosure area. Testing shall be conducted in accordance with ANSI/RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). ~~Where required by the code official, testing~~ [Testing](#) shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope have been sealed.

n) N1102.4.6 (R402.4.6) Electrical and communication outlet boxes (air-sealed boxes).

Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. ~~Electrical and communication outlet boxes shall be tested in accordance with NEMA OS 4, Requirements for Air-Sealed Boxes for Electrical and Communication Applications, and shall have an air leakage rate of not greater than 2.0 cubic feet per minute (0.944 L/s) at a pressure differential of 1.57 psf (75 Pa). Electrical and communication outlet boxes shall be marked "NEMA OS 4" or "OS 4" in accordance with NEMA OS 4. Electrical and communication~~

outlet boxes shall be installed per the manufacturer's instructions and with any supplied components required to achieve compliance with NEMA OS 4.

o) N1104.2 (R404.2) Interior lighting controls.

Permanently installed lighting fixtures shall be controlled with either a dimmer, an occupant sensor control or other control that is installed or built into the fixture. [This section shall not be applicable to detached one and two-family dwellings or townhouses.](#)

Exception: Lighting controls shall not be required for the following:

1. Bathrooms.
2. Hallways.
3. Exterior lighting fixtures.
4. Lighting designed for safety or security.

p) P2603.5.1 Sewer depth.

Building sewers that connect to private sewage disposal systems shall be not less than [six](#) inches ([152](#) mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than [six](#) inches ([152](#) mm) below grade.

q) Appendix AA

[Appendix AA, Sizing and Capacities of Gas Piping is informative and is not adopted.](#)

r) Appendix AB

[Appendix AB, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents is informative and is not adopted.](#)

s) Appendix AC

[Appendix AC, Exit Terminals of Mechanical Draft and Direct-vent Venting Systems is informative and is not part of this code.](#)

t) Appendix AD

[Appendix AD, Recommended Procedure for safety Inspection of an Existing Appliance Installation is informative and is not part of this code.](#)

u) Appendix AE

[Appendix AE, Manufactured Housing Used as Dwellings, is adopted in its entirety.](#)

t) Appendix AF

[Appendix AF, Radon Control Methods, is adopted in its entirety.](#)

u) Appendix AG

[Appendix AG, Piping Standards for Various Applications is informative and is not part of this code.](#)

v) Appendix AH

[Appendix AH, Patio Covers, is adopted in its entirety.](#)

w) Appendix AI

[Appendix AI, Private Sewage Disposal, is deleted in its entirety, and is not part of this code.](#)

x) Appendix AJ

[Appendix AJ, Existing Buildings and Structures, is adopted in its entirety.](#)

y) Appendix AK

[Appendix AK, Sound Transmission, is adopted in its entirety.](#)

z) Appendix AL

[Appendix AL, Permit Fees, is deleted in its entirety. Permit fees shall be assessed as set forth by City Ordinance.](#)

aa) Appendix AM

[Appendix AM, Home Day Care – R-3 Occupancy, is adopted in its entirety.](#)

ab) Appendix AN

[Appendix AN, Venting Methods is informative and is not part of this code.](#)

ac) Appendix AO

[Appendix AO, Automatic Vehicular Gates is adopted in its entirety.](#)

ad) Appendix AP

[Appendix AP, Sizing of Water Piping System is informative and is not part of this code.](#)

ae) Appendix AQ

[Appendix AQ, Tiny Houses, is adopted in its entirety.](#)

af) Appendix AR

[Appendix AR, Light Straw-clay Construction, is adopted in its entirety.](#)

ag) Appendix AS

[Appendix AS, Strawbale Construction is adopted in its entirety.](#)

ah) Appendix AT

[Appendix AT, Solar-Ready Provisions- Detached One-And Two-Family Dwellings And Townhouses, is deleted in its entirety.](#)

ai) Appendix AU

[Appendix AU, COB Construction \(Monolithic Adobe\) is informative and is not part of this code.](#)

aj) Appendix AV

[Appendix AV, Board of Appeals, is deleted in its entirety. Appeal procedures shall be as set forth by city ordinance, Chapter 14, Article XII.](#)

ak) Appendix AW

[Appendix AW, 3D-Printed Building Construction is adopted in its entirety.](#)

ARTICLE IV. - ELECTRICAL CODE

Sec. 14-30. Electrical code.

The 2017 [2020](#) National Electrical Code (NEC) and all annexes, are hereby adopted and incorporated by reference as the electrical code of the city [with the following amendments:](#)

(1) All Enforcement and Administrative Provisions of the Electrical Code has been referenced in Appendix K of the 2018-[2021](#) International Building Code.

a) 240.24 Location in or on Premises.

(D) Not in Vicinity of Easily Ignitable Material. [Newly installed](#) Overcurrent devices shall not be located in the vicinity of easily ignitable material, such as in clothes closets. [Replacements per the International Existing Building Code are permitted in existing location.](#)

Sec. 14-31. Conflicts of interest; restrictions on providing initial electrical service.

(a) No person employed by the building department of this city shall be financially interested in the furnishing of labor, material or appliances for use in any manner in the electrical installation of a building or structure unless such person is otherwise eligible under the property and homeowner exception as set forth in section 14-62.

(b) Utility providers shall not provide initial electrical service to any building or structure unless such utility has been furnished a certificate of occupancy or release as required by the city for such building or structure that corresponds to the intended use of

the building. Temporary electrical service may be provided to such building or structure for a period not exceeding 180 days after the utility provider has been furnished a certificate of inspection or temporary certificate of occupancy. When temporary service has been provided, for the purpose of construction, the period of service may be extended by the building official. Each of the certificates referred to in this section will be issued as appropriate by the building official upon completion of the required inspections.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-32. Electrical inspector, powers and duties.

- (a) Right of entry. The building official and/or his department and personnel when serving as electrical inspectors in enforcement of this article may enter any building, structure, portion thereof, or premises during reasonable hours to perform any duty imposed upon him by this article.
- (b) Issuance of permits; supervision of work. The building official shall cause to be issued for each job requiring any type of electrical work a permit, shall see that the fees (see section 14-66) set out in this article are properly paid, and that all work done under such permits are accomplished in accordance with this article under the direct supervision of persons registered under the provisions of this article.
- (c) Stop work orders. Upon notice from the building official that electrical work on any building or structure is being done contrary to the provisions of this article or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the stop work order shall be given verbally with written notice following within two working days.
- (d) Revocation of permits. The building official may revoke a permit or approval issued under the provisions of this article if there has been any false statement, misunderstanding or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- (e) Electrically unsafe buildings. All buildings or structures which in the opinion of the electrical inspector are electrically unsafe so as to create a hazard to life or constitute a fire hazard or are otherwise dangerous to life or property are hereby declared illegal and shall have the electrical power removed or disconnected and then shall be abated by repair, rehabilitation or demolition in accordance with condemnation procedures as established by the codes as adopted by this city.

(f) Requirements not covered by this article. Any requirement necessary for the electrical safety to life and property not specifically covered by this article shall be determined by the building official subject to appeal to the ~~electrical appeals board~~ [construction board of appeals](#).

(Ord. No. 2019-05, § 2, 1-28-19)

ARTICLE IV.V - PLUMBING CODE

Sec. 14-33. Plumbing code.

The 2018-[2021](#) International Plumbing Code (IPC) and [the specified](#) all appendices [as referenced](#) are hereby adopted and incorporated by reference as the plumbing code of the city except as stated in the following [amendments](#):

a) 101.1 Title.

These regulations shall be known as the Plumbing Code of [the City of New Braunfels](#) hereinafter referred to as “this code.”

b) 103.1 Creation of agency.

The [Building Safety Division](#) is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

c) 115.4 Violation penalties.

~~Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[Violations and penalties shall be set forth by City Ordinance, Chapter 14, Article XII.](#)

d) 202 – Definitions – Modifying the definition for the term “Water Dispenser”.

WATER DISPENSER. A plumbing fixture that is manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle. Such fixture is connected to the potable water distribution system of the premises. [This definition includes a freestanding apparatus used for the same purpose](#)

that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle or reservoir.

e) 305.4.1 Sewer depth.

Building sewers that connect to private sewage disposal systems shall be installed at a depth of not less than six inches (152 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed at a depth of not less than six inches (152 mm) below grade.

f) 403.1 Minimum number of fixtures.

Plumbing fixtures shall be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the *International Building Code*. Approved water coolers and/or water dispensers may be provided in lieu of required drinking fountains in Group B and Group M Occupancies of less than fifty occupant load, however the selected option for substitution shall be accessible to a person in a wheelchair and shall comply with the 2017 ICC A117.1, Section 602.2.

g) 403.2 Separate facilities.

Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer.
5. Separate facilities shall not be required to be designated by sex where single-user toilet rooms are provided in accordance with Section 403.1.2.
- ~~6. Separate facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets is provided in accordance with Section 405.3.4. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall.~~

h) 903.1.1 Roof extension unprotected.

Open vent pipes that extend through a roof shall be terminated [at a length of](#) not less than [six inches \(152 mm\)](#) above the roof.

i) Appendix A

[Appendix A is deleted. Plumbing Permit Fees shall be set forth by City Ordinance.](#)

j) Appendix B

[Appendix B is deleted and replaced with National Oceanic and Atmospheric Administration - Atlas 14 Texas.](#)

k) Appendix C

[Appendix C – Structural Safety – is adopted in whole.](#)

l) Appendix D

[Appendix D is for information only and is not part of this code.](#)

m) Appendix E

[Appendix E – Sizing of Water Piping System – is adopted in whole.](#)

n) Appendix F

[Appendix F is deleted. Appeal procedures are set forth by City Ordinance, Chapter 14, Article XII.](#)

ARTICLE V - MECHANICAL CODE

Sec. 14-34. Mechanical code.

The 2018 [2021](#) International Mechanical Code (IMC) and [the specified](#) all appendices are hereby adopted and incorporated by reference as the mechanical code of the city, except as stated in the following [amendments](#):

a) 101.1 Title.

These regulations shall be known as the Mechanical Code of [the City of New Braunfels](#) hereinafter referred to as “this code.”

b) 103.1 Creation of Agency.

The [Building Safety Division](#) is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

c) 114.1 Membership of board. [Board of Appeals.](#)
[Appeals processes and procedures are set forth by city ordinance, Ch.14, Article XII.](#)
The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

d) 115.4 Violation penalties.
[Violations and penalties are set forth by City Ordinance, Ch. 14, Article XII.](#)
Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

e) 301.10 Electrical.
Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with NFPA 70. [All wiring, including control wiring, exposed to weather shall be installed in a raceway approved for the environment.](#)

f) 307.2.2 Drain pipe materials and sizes.
Components of the condensate disposal system shall be ABS, cast iron, copper, and copper alloy, CPVC, cross-linked polyethylene, galvanized steel, PE-RT, polyethylene, polypropylene, PVC or PVDF pipe or tubing. Components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 of the International Plumbing Code relative to the material type. Condensate waste and drain line size shall be not less than ¾-inch pipe size and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2. [Primary drain lines located in any unconditioned space, except for crawl spaces, shall be insulated with foam plastic rubber-based insulation or approved material with a minimum thickness of 3/8 inch.](#)

g) Appendix A.
[Appendix A is informative and is not a part of this code.](#)

h) Appendix B.
[Appendix B is informative and is not a part of this code.](#)

i) Appendix C.

[Appendix C is not adopted. Appeal procedures are set forth by city ordinance, Chapter 14, Article XII.](#)

ARTICLE VI – FUEL GAS CODE

Sec. 14-35. Fuel gas code.

The 2018 [2021](#) International Fuel Gas Code (IFGC) and [the specified](#) all appendices are hereby adopted and incorporated by reference as the fuel gas code of the city, except as stated in the following [amendments](#):

a) 101.1 Title.

These regulations shall be known as the Fuel Gas Code of [the City of New Braunfels](#), hereinafter referred to as “this code.”

b) 115.4 Violation penalties.

~~Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[Violations and penalties are set forth by City Ordinance.](#)

c) Ch. 2 Definitions – Insert definition for the term “Pipe Welder.”

[Pipe Welder, A person who specializes in the welding of pipes and holds a valid certificate of competency from a recognized testing laboratory, based on the requirements of the ASME Boiler and Pressure Vessels Code, Section IX.](#)

d) [301.16 Separation from electrical lines in a trench.](#)

[When outside of the footprint of the building, no gas piping shall be installed in the same trench with electric lines unless a minimum separation of 24 inches \(609 mm\) is maintained.](#)

e) 401.5 Identification.

For other than steel pipe and CSST, exposed piping shall be identified by a yellow label marked “Gas” in black letters. The marking shall be spaced at intervals not exceeding 5 feet (1524 mm). The marking shall not be required on piping located in the same room as the appliance served. CSST shall be identified as required by ANSI LC 1/CSA 6.26.

All medium pressure gas piping systems shall identify its operating gas pressure with an approved metallic tag and the following wording shall be stamped into the tag at the meter:

“WARNING: 1-5 psi gas pressure Do Not Remove”

f) 403.6 Workmanship and defects.

Pipe, tubing and fittings shall be clear and free from cutting burrs and defects in structure or threading, and shall be thoroughly brushed, and chip and scale blown.

Defects in pipe, tubing and fittings shall not be repaired. Defective pipe, tubing and fittings shall be replaced.

All welded joints in a piping system shall be welded by a certified pipe welder as defined in Chapter 2 of this code.

ARTICLE VII – PROPERTY MAINTENANCE CODE

Sec. 14-36. Property maintenance code.

The 2018 2021 International Property Maintenance Code (IPMC) and the specified appendices are hereby adopted and incorporated by reference as the property maintenance code of the city, except as stated in the following amendments:

a) 101.1 Title

These regulations shall be known as the *International Property Maintenance Code* of the City of New Braunfels hereinafter referred to as “this code.”

b) 103.1 Creation of agency.

The Neighborhood Services Division is hereby created and the official in charge thereof shall be known as the code official for this section. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

c) Section 107 Means of Appeal

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, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.~~

107.2 Limitations of authority.

~~An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.~~

107.3 Qualifications.

~~The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.~~

107.4 Administration.

~~The code official shall take immediate action in accordance with the decision of the board.~~

[Means of appeal from this code are set forth in City Ordinance, Chapter 14, Article XII.](#)

d) Section 108 Board of Appeals.

108.1 Membership of board.

~~The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

[The board of appeals for this code are set forth in City Ordinance, Chapter 14, Article XII.](#)

e) Section 109 Violations.

109.1 Unlawful acts.

~~It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.~~

[A]109.2 Notice of violation.

~~The code official shall serve a notice of violation or order in accordance with Section 111.4.~~

[A]109.3 Prosecution of violation.

~~Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict~~

~~liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~[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 state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~[A]109.5 Abatement of violation:~~

~~The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.~~

[Violations of this code are subject to the provisions as set forth in City Ordinance, Chapter 14, Article XII.](#)

f) 302.4 Weeds.

Premises and exterior property shall be maintained free from weeds or plant growth in excess of [12 inches](#). Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

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.

g) 304.14 Insect Screens.

During the period from [January 1st](#) to [December 31st](#), 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.

h) 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 during the period from [November 1st](#) to [April 1st](#) to maintain a minimum temperature of 68°F (20°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.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

i) 602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat during the period from [November 1st](#) to [April 1st](#) to maintain a minimum temperature of 65°F (18°C) 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.

j) Appendix A.

[Appendix A – Boarding Standard – Appendix A is hereby adopted.](#)

k) Appendix B.

[Appendix B – Board of Appeals – Appendix B is hereby deleted from this code. The board of appeals for this code is set forth in City Ordinance, Chapter 14, Article XII.](#)

ARTICLE VIII – EXISTING BUILDING CODE

Sec. 14-37. International Existing Building Code.

The 2018 [2021](#) International Existing Building Code (IEBC) and [the specified](#) all its appendices are hereby adopted and incorporated by reference as the existing building code of the city, except as stated in the following [amendments](#):

a) 101.1 Title.

These regulations shall be known as the *Existing Building Code* of [the City of New Braunfels](#) hereinafter referred to as “this code.”

b) 103.1 Creation of agency.

The [Building Safety Division](#) is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

c) 502.6 Enhanced classroom acoustics.

~~502.6 Enhanced classroom acoustics.~~

~~In Group E occupancies, enhanced classroom acoustics shall be provided in all classrooms in the addition with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.~~

~~❖ These requirements are intended to apply to standard self-contained classrooms that are approximately 2,000 square feet (185.8 m²) in area (20,000 cubic feet/10-foot ceiling height). It has been found that good acoustics are essential to learning, particularly for younger children, those who suffer with hearing loss or those who use cochlear implants. This code requirement is not intended for band and choir areas, tutoring spaces, corridors or cafeterias. While this section applies to additions, the same requirement is included for alterations (Section 503.16) and changes of occupancy (Section 506.6).~~

d) 503.16 Enhanced classroom acoustics.

~~503.16 Enhanced classroom acoustics.~~

~~In Group E occupancies, where the work area exceeds 50 percent of the building area, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.~~

e) 506.6 Enhanced classroom acoustics.

~~506.6 Enhanced classroom acoustics.~~

~~In Group E occupancies, where the work area exceeds 50 percent of the building area, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.~~

f) 903.4 Enhanced classroom acoustics.

~~In Group E occupancies, where the work area is a Level 3 alteration, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.~~

g) 1011.2.1 Fire sprinkler system.

1011.2.1 Fire sprinkler system.

Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *International Building Code* that requires an automatic fire sprinkler system to be provided based on the new occupancy-in accordance with Chapter 9 of the *International Building Code*, The installation of the automatic sprinkler system shall be required within the area of the change of occupancy and areas of the building not separated horizontally and vertically from the change of occupancy by one [or more](#) of the following:

1. ~~Nonrated permanent partition and horizontal assemblies~~ [where applicable](#).

2. ~~Fire partition.~~

3. ~~Smoke partition.~~

4. ~~Smoke barrier.~~

5. ~~2.~~ Fire barrier

6. ~~3.~~ Fire wall.

Exception:

1. ~~An automatic sprinkler system shall not be required in a one- or two-family dwelling constructed in accordance with the International Residential Code.~~

2. ~~Automatic sprinkler system shall not be required in a townhouse constructed in accordance with the International Residential Code.~~

3. ~~The townhouse shall be separated from adjoining units in accordance with Section R302.2 of the International Residential Code.~~

h) 1011.4 Enhanced classroom acoustics.

~~1011.4 Enhanced classroom acoustics.~~

~~In Group E occupancies, where the work area is a Level 3 alteration, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.~~

i) 1101.4 Enhanced classroom acoustics.

~~1101.4 Enhanced classroom acoustics.~~

~~In Group E occupancies, enhanced classroom acoustics shall be provided in all classrooms in the addition with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1.~~

j) Appendix A.

[Appendix A is not adopted and is not part of this code.](#)

k) Appendix B.

[Appendix B is not adopted and is not part of this code.](#)

l) Appendix C.

[Appendix C is not adopted and is not part of this code.](#)

m) Appendix D.

[Appendix D is not adopted and is not part of this code, appeal procedures are set forth by City Ordinance, Chapter 14, Article XII.](#)

ARTICLE IX – ENERGY CONSERVATION CODE

Sec. 14-38. Energy Conservation Code.

The 2018 [2021](#) International Energy Conservation Code (IECC) and [the specified](#) all it's appendices are hereby adopted and incorporated by reference as the energy conservation code of the city, except as stated in the following [amendments](#):

a) C101.1 Title.

This code shall be known as the *Energy Conservation Code* of [the City of New Braunfels](#), and shall be cited as such. It is referred to herein as “this code.”

b) R101.1 Title.

This code shall be known as the Energy Conservation Code of [the City of New Braunfels](#) and shall be cited as such. It is referred to herein as “this code.”

c) R401.2 Application.

Residential buildings shall comply with ~~Section R401.2.5 and~~ either Sections R401.2.1, R401.2.2, R401.2.3, or R401.2.4.

d) R402.1.3 R-value alternative.

Assemblies with R-value of insulation materials equal to or greater than that specified in Table R402.1.3 shall be an alternative to the U-factor in Table R402.1.2

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Masonry Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value & Depth	Crawl Space Wall R-Value
2	0.40	0.65	0.25	[49] 38	13 or 0&10 ci	4/6	13	0	0	0

e) R402.4.1.1 Installation.

The components of the building thermal envelope as indicated in Table R402.4.1.1 shall be installed in accordance with the manufacturer’s instructions and the criteria indicated in Table R402.4.1.1, as applicable to the method of construction. ~~Where required by the code official, an~~ [An](#) approved third party shall inspect all components and verify compliance. [Insulation letters shall be submitted to the Building Official after the inspection is performed and shall be submitted on a form approved by the Building Official.](#)

f) R402.4.1.2 Testing.

The building or dwelling unit shall be tested for air leakage. The maximum air leakage rate for any building or dwelling unit under any compliance path shall not exceed 5.0 air changes per hour or 0.28 cubic feet per minute (CFM) per square foot [0.0079 m³/(s × m²)] of dwelling unit enclosure area. Testing shall be conducted in

accordance with ANSI/RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). ~~Where required by the code official, testing~~ [Testing](#) shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope have been sealed.

g) R402.4.6 Electrical and communication outlet boxes (air-sealed boxes).

Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. ~~Electrical and communication outlet boxes shall be tested in accordance with NEMA OS 4, Requirements for Air-Sealed Boxes for Electrical and Communication Applications, and shall have an air leakage rate of not greater than 2.0 cubic feet per minute (0.944 L/s) at a pressure differential of 1.57 psf (75 Pa). Electrical and communication outlet boxes shall be marked "NEMA OS 4" or "OS 4" in accordance with NEMA OS 4. Electrical and communication outlet boxes shall be installed per the manufacturer's instructions and with any supplied components required to achieve compliance with NEMA OS 4.~~

h) R404.2 Interior lighting controls.

Permanently installed lighting fixtures shall be controlled with either a dimmer, an occupant sensor control or other control that is installed or built into the fixture. [This section does not apply to detached one and two-family dwellings or townhouses.](#)

Exception: Lighting controls shall not be required for the following:

1. Bathrooms.
2. Hallways.
3. Exterior lighting fixtures.
4. Lighting designed for safety or security.

i) Appendix CA

[Appendix CA – Board of Appeals - Commercial is not adopted. Board of appeals for this code are set forth in City Ordinance, Chapter 14, Article XII.](#)

j) Appendix CB

[Appendix CB – Solar-Ready Zone-Commercial is not adopted.](#)

k) Appendix CC

[Appendix CC – Zero Energy Commercial Building Provisions is not adopted.](#)

l) Appendix RA

[Appendix RA – Board of Appeals – Residential is not adopted. Board of appeals for this code are set forth in City Ordinance, Chapter 14, Article XII.](#)

m) Appendix RB

[Appendix RB – Solar-Ready provisions – Detached One-and Two-Family Dwellings and Townhouses is not adopted.](#)

n) Appendix RC

[Appendix RC – Zero Energy Residential Building Provisions is not adopted.](#)

ARTICLE X – PRIVATE SEWAGE CODE

Sec. 14-39. Private sewage code.

~~The 2018 International Private Sewage Code (IPSC) and all Appendices are hereby adopted and incorporated by reference as the private sewage code of the city except as stated in the following:~~

- ~~1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]~~
- ~~2) Section 106.6.2 Fee Schedule shall be deleted.~~
- ~~3) Section 106.6.3 Fee Refund shall be deleted.~~
- ~~4) Section 108.4 Violation Penalties shall be deleted and replaced with, "Section 108.4 Violation Penalties. Violations and penalties shall be set forth by City Ordinance"~~
- ~~5) Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS] [\$200] [2 x the cost of the permit]~~

[The 2018 International Private Sewage Code \(IPSC\) and all Appendices are hereby revoked. Private on-site sewage facilities shall comply with Title 30, TAC Chapter 285 or successor statute.](#)

ARTICLE XI – SWIMMING POOL AND SPA CODE

Sec. 14-40. Swimming pool and spa code.

The 2018 [2021](#) International Swimming Pool and Spa Code (ISPSC) and [the specified](#) ~~all its~~ appendices are hereby adopted and incorporated by reference as the swimming pool and spa code of the city, except as stated in the following [amendments:](#)

a) 101.1 Title.

These regulations shall be known as the Swimming Pool and Spa Code of [the City of New Braunfels](#) hereinafter referred to as “this code.”

b) 103.1 Creation of agency.

The [Building Safety Division](#) is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

c) 113.4 Violation penalties.

~~Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[Violation penalties shall be set forth by city ordinance, Chapter 14, Article XII.](#)

d) Section 202 – Insert definition for the term “New Braunfels Neighborhood Services Division.”

[New Braunfels Neighborhood Services Division regulates the operation of public and semi-public pools. Routine inspections on pools and spas within the city limits that are open to the public are conducted to document compliance with the standards set forth in state law.](#)

e) 305.1 General.

The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. [In one and two-family dwellings](#) where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

f) 305.2 Outdoor swimming pools and spas.

Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with sections 305.2.1 through 305.7 [and in accordance with the Texas Administrative Code Chapter 265 or Texas Health and Safety Code Chapter 757 for public pools.](#)

g) 305.2.5 Closely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 13/4 inches (44 mm) in width. Where

there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.

Exception: In one and two-family dwellings, where an outdoor pool is surrounded by a wooden privacy fence of a minimum six feet in height and which has a maximum of three horizontal members, and where all access gates are compliant with Section 305.3, the horizontal members may be on either side of the fence.

h) 305.2.7 Chain link dimensions.

The maximum opening formed by a chain link fence shall be not more than 13/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 13/4 inches (44 mm).

305.2.7.1 Chain-link fencing is not permitted as a barrier in public pools on or after October 1, 1999.

i) 305.4 Structure wall as barrier.

The wall of a building with operable windows in accordance with the 2021 International Building Code, in Group R2 occupancies shall not be used as part of a pool enclosure. Other windows that are part of a pool yard enclosure shall be fixed and unable to be opened for public pools. Where a wall of a dwelling or structure of a one or two-family dwelling or its accessory structure serves as part of the barrier and where doors, gates or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor, doors and gates shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017.

2. In dwellings not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located at not less than 54 inches (1372 mm) above the finished floor.

3. In dwellings that are required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.

4. In structures other than dwellings, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1220 mm) above the finished floor.

5. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.

6. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

j) 305.6 Natural barriers [used in one or two-family dwellings.](#)

In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

k) 402.13 Ladders for diving equipment.

Ladders shall be provided with two grab rails or two handrails. There shall be a uniform distance between ladder treads, with a 7-inch (178 mm) minimum distance and a 12-inch (305 mm) maximum distance. [Supports, platforms, steps, and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be made of corrosion-resistant material and easily cleanable with slip-resistant tread and be self-draining.](#)

Exception: The distance between treads for the top and bottom riser can vary but shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm).

l) Appendix A

[Appendix A is hereby deleted. Means of appeal are set forth in Section 14-43, Construction Board of Appeals.](#)

ARTICLE XII – VIOLATIONS, PENALTIES, BOARD OF APEALS AND ADMINISTRATIVE

Sec. 14-41. General.

The provisions of this article apply to all the articles of this chapter unless the article expressly states otherwise.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-42. Violation and penalty.

Any person, firm, corporation, agent, or entity that violates a provision of this chapter, or fails to comply therewith or with any of the provisions thereof; or violates a detail, statement,

plan, or specification for a permit approved there under, shall constitute an endangerment of the public's health, safety, and welfare and be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-43. Construction board of appeals.

- (a) There shall be a single consolidated construction board of appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this chapter, there shall be and is hereby created a board of appeals.
- (b) Application. The application for appeal shall be filed on a form obtained from the building official within ten days after the notice was served. An application fee of \$200.00 for residential or \$300.00 for commercial shall be paid to the city by applicants desiring an audience before the construction board of appeals.
- (c) The construction board of appeals shall consist of persons appointed by the city council. Each member shall serve for five years or until a successor has been appointed. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.
- (d) Alternate members. The city council shall appoint four alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.
- (e) Qualifications. The construction board of appeals shall consist of seven individuals, one from each of the following professions or disciplines:
 - (1) A registered design professional with architectural experience or a builder or superintendent of building construction.
 - (2) A registered design professional with engineering experience.
 - (3) A registered mechanical contractor.
 - (4) A registered electrical contractor.
 - (5) A registered plumbing contractor.
 - (6) Two registered general contractors.
 - (7) Or, the city council may appoint one person who is an attorney or a citizen of the city, in lieu of any of the previously listed qualified persons.
 - (8) Or, the council may appoint an interim board with the persons of qualification determined by the council.
- (f) Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.
- (g) Chairperson. The board shall annually select one of its members to serve as chairperson.
- (h) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

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- (i) Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the building official.
 - (j) Notice of meeting. The board shall meet upon notice from the chairperson, within ten days of the filing of an appeal or at stated periodic meetings.
 - (k) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person who interests are affected shall be given an opportunity to be heard.
 - (l) Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
 - (m) Postponed hearing. When seven members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
 - (n) Board decision. The board shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members. The board may deny the appeal, approve the appeal, or approve the appeal with conditions.
 - (o) Administration. The building official shall take immediate action in accordance with the decision of the board.
 - (p) Limitations on authority. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this chapter do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this chapter.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-44. Contractors.

- (a) General contractor residential ~~shall be defined as,~~ **are** contractors regulated by 2018 **current adopted version of** IRC, Section 101.2 Scope.
General contractor residential ~~shall~~ **must** be registered with the city **to perform residential general contractor work within the city**. General contractor-commercial **residential** local registration shall expire December 31st of each year.
- (b) General contractor-commercial ~~shall be defined as,~~ **are** contractors regulated by **current adopted version** IBC 2018 Section 101.2 Scope.
General contractor commercial ~~shall~~ **must** be registered with the city **to perform commercial general contractor work within the city**. General contractor-commercial local registration shall expire December 31st of each year.
- (c) Contractor-limited ~~shall be~~ **is** defined as, a **any** contractor other than electrical, mechanical, plumbing, and irrigator.
 - (1) The term "contractor-limited" shall apply to home owners doing work on properties they own.

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- (2) A contractor limited shall apply to such trades as roofing, framing, paving, fencing, and other specialty crafts.
- (3) Contractor limited shall be registered with the city. ~~General contractor-commercial~~ **Contractor-limited** local registration shall expire December 31st of each year.
- (d) Reserved.
- (e) Owner doing own work; homestead **exemption from registration**.
- (1) An owner of an existing single-family residence who permanently resides in that residence and who claims it as a homestead under the laws of the state may ~~act as a limited or general contractor~~ **perform work** on ~~his~~ **the owner's** own residence without being registered **as a general contractor**. However, ~~he~~ **the owner** must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the city as well as any other applicable state or federal laws. **The owner must also apply and receive approval for the homestead exemption with the Building Safety Division.**
- (2) A person who intends to build a single-family residence and permanently reside therein and claim it as a homestead under the laws of the state may act as a limited or general contractor on ~~his~~ **the person's** own residence without being registered if **the person can provide documentation of extensive residential building experience and letters of reference. Such documentation, in addition to a homestead exemption must be** approved by the building official. **The property owner** must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the city as well as any other applicable state or federal laws.
- (3) No single-family resident homeowner will be issued a permit under the provisions of this section involving any structural, electrical, or plumbing work unless the building official is satisfied that the applicant can competently and safely perform the work.
- (f) Reserved.
- (g) Contractor registration—application generally. Every person desiring to engage in the business of general or limited contractor in the city shall obtain a city registration authorizing ~~him~~ **the person** to engage in such business. Individuals desiring such registration shall make application with the building official on the form, which may be obtained from the ~~office of the building department~~ **Building Safety Division** of the city. The building official may, at ~~his or her~~ **the building official's** discretion, issue one permit for the initial work of any otherwise approved structure pending approval of the appropriate general or limited contractor's registration. Only individuals shall be so registered, and the registration is not transferable.
- (h) Insurance required. Before any person shall engage in the business of a general or limited contractor **within the city**, or be granted a registration to do so, **the person must** ~~he shall~~ **first** provide the city proof of \$1,000,000.00 liability insurance for general contractor-commercial and \$300,000.00 for limited contractor and general contractor-residential, naming the City of New Braunfels as the certificate holder.
- (i) Application for registration—Applicant who has had registration previously denied or revoked. An applicant for a general or limited contractor's registration who has been denied a registration or had a registration revoked by this city or another entity for any building or related trade must disclose that information to the ~~building official~~ **Building Safety Division** at the time of application. Any conviction for a misdemeanor or felony, other than traffic citations, must also be disclosed. Failure to disclose such information will result in
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automatic disapproval of the application. If the registration is issued and such failure to disclose is discovered later, the registration will be revoked. Any additional legal remedies may also be pursued by the building official ~~the city~~. Upon disclosure at the time of registration application, the building official ~~Building Safety Division~~ will make a thorough investigation and weigh carefully all details available prior to approving registration.

- (j) Fee. Every applicant who shall make application for a general contractor's registration, as provided for in this article, shall pay a fee of \$200.00 upon submitting such application.
- (k) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (h).
- (l) Reserved.
- (m) Registration renewal; fee; requirements for renewal. A registration holder may renew his ~~the~~ general contractor's registration any time during the period of ~~between~~ 60 days prior to the expiration ~~but no later than~~ ~~of the registration and~~ 30 days after the expiration date ~~of the registration~~, by paying an annual renewal fee of \$100.00. ~~Provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued sometime within the preceding 24 months. Notwithstanding the forgoing, the city reserves the right to deny renewal of a general contractor's registration if the contractor has performed work within the city that requires a permit without having a valid permit or, in the opinion of the Building Safety Division, has failed to satisfactorily complete work for prior permits. A registration holder who has exceeded the allowed 30 days past expiration will be considered as a new applicant should he desire to reestablish his general contractor's registration. whose registration has been expired more than 30 days is not eligible for registration renewal and must apply as a new applicant.~~

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-45. Electrical contractor registration.

- (a) *Electrical contractor's registration.* The applicant must show proof of state registration ~~licensure~~. An applicant for any electrical registration shall make application to the building division ~~Building Safety Division~~ on the form provided by the city. ~~All questions on such~~ ~~Such~~ form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.
 - (1) Electrical contractors ~~shall~~ ~~must~~ be registered with the city ~~to perform electrical contractor work within the city~~. Electrical contractor registration shall expire ~~June 30th of each year. upon the expiration of the contractor's liability insurance or state license. Registration renewal is required annually prior to expiration of state license. A new application form is required whenever there is a change regarding license holder, business owner, or primary applicant information.~~
 - (2) ~~Fee. Every applicant who shall make application for an electrical contractor's registration, as provided for in this article, shall pay a fee of \$200.00 upon submitting such application.~~
 - (32) Liability insurance required. Before ~~any person shall~~ ~~a person may~~ be issued an electrical contractor's registration, ~~retain such registration or engage in the business of electrical work in the city, he shall first~~ ~~the applicant must~~ provide proof of \$300,000.00 liability insurance, naming the city ~~City of New Braunfels~~ as the certificate holder. ~~The contractor must maintain such insurance while the registration is in effect.~~

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- ~~(3) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (32).~~
- ~~(5) Registration renewal; fee; requirements for renewal. A registration holder may renew his electrical contractor's registration any time during the period of 60 days prior to expiration, but no later than 30 days after the expiration date, by paying an annual renewal fee of \$75.00. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued sometime within the preceding 24 months. A registration holder who has exceeded the allowed 30 days past expiration will be considered as a new applicant should he desire to reestablish his general contractor's registration.~~
- ~~(b) Master electrician's registration. The applicant must show proof of state registration. No insurance is required of a master electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every master electrician shall have his city registration in his possession when performing or supervising electrical work. A properly registered master electrician is considered qualified to provide immediate permitted job-site supervision of electrical installations, provided that he is under the general, which may include permitted job-site supervision by the electrical contractor who holds the permit issued in accordance with this article.~~
- ~~(c) Journeyman electrician's registration. The applicant must show proof of state registration. No insurance is required of a journeyman electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every journeyman electrician shall have his city registration in his possession when performing or supervising electrical work. A properly registered journeyman electrician is considered qualified to provide immediate permitted job-site supervision of electrical installations, provided that he is under the general, which may include permitted job-site supervision by the electrical contractor who holds the permit issued in accordance with this article.~~
- ~~(d) Wireman electrician's registration. The applicant must show proof of state registration. No insurance is required of a wireman electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every wireman electrician shall have his city registration in his possession when performing electrical work. A wireman electrician may supervise no more than one apprentice electrician at the permitted job-site location, and is limited to single-family and duplex residences only.~~
- ~~(e) Maintenance electrician's registration. The applicant must show proof of state registration. No insurance is required of a maintenance electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every maintenance electrician shall have his city registration in his possession when performing electrical work. A maintenance electrician shall perform his duties only for the company for which he is employed.~~
- ~~(f) Sign electrician's registration. The applicant must show proof of state registration. No insurance is required of a sign electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every sign electrician shall have his city registration in his possession when performing electrical work. A sign electrician shall~~

~~perform his duties under the direct, permitted job-site supervision of a journeyman or electrical contractor who holds a valid city registration.~~

~~(g) *Apprentice electrician.* An electrical contractor may employ a person as an apprentice electrician and such person shall be identified by the issuance of an apprentice electrician's registration by the city. Every apprentice shall have his city registration in his possession when performing electrical work. An apprentice electrician shall perform his duties under the direct, permitted job-site supervision of a wireman, journeyman or electrical contractor, who holds a valid city registration.~~

~~(h) *[Expiration.]* All registrations issued under the provisions of this article shall expire on June 30th of each year, unless sooner revoked.~~

(3) An electrical contractor must have proof of city electrical contractor registration in the contractor's possession when performing electrical work within the city.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-46. Plumbing, irrigation, and water treatment contractor registrations.

The applicant must show proof of state registration ~~license or certificate~~. An applicant for any plumbing contractor registration shall make application to the building division on the form provided by the city. ~~All questions on such~~ Such form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.

- (1) Plumbing, irrigation, and water treatment contractors shall be registered with the city ~~in order to perform plumbing, irrigation, or water treatment work~~. Plumbing Contractor registrations shall expire when insurance, or state license, or certificate have expired. Registration renewal is required annually prior to expiration of the license or registration. An updated registration application form is required whenever there is a change regarding license holder, business owner, or primary applicant information.
- (2) Liability insurance required. Before any person shall ~~an applicant may~~ be issued an electrical contractor's registration, ~~retain such registration or engage in the business of electrical~~ plumbing, irrigation, or water treatment work in the city, ~~he or she shall first~~ the applicant must provide proof of \$300,000.00 liability insurance, naming the City of New Braunfels as the certificate holder. The contractor must maintain such insurance while the registration is in effect.
- ~~(3) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (2).~~

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-47. Mechanical contractor registration.

The applicant must show proof of state registration ~~licensure~~. An applicant for any electrical registration shall make application to the building division on the form provided by the city. ~~All questions on such~~ Such form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.

- (1) Mechanical contractors shall be registered with the city ~~to perform mechanical contractor work within the city~~. Mechanical contractor registration shall expire ~~June 30th of each year when insurance or state license has expired~~. Registration renewal is required annually prior to expiration. An updated registration application form is required whenever there is a change regarding license holder, business owner, or primary applicant information.
- ~~(2) Fee. Every applicant who shall make application for an mechanical contractor's registration, as provided for in this article, shall pay a fee of \$200.00 upon submitting such application.~~
- ~~(3)~~ (2) Liability insurance required. Before any person shall ~~mechanical contractor may~~ be issued an mechanical contractor's registration, ~~retain such registration or engage in the business of electrical~~ mechanical work in the city, ~~he shall first~~ the contractor must provide proof of \$300,000.00 liability insurance, naming the City of New Braunfels as the certificate holder. The contractor must maintain such insurance while the registration is in effect.
- ~~(43) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (3).~~ ~~(5) Registration renewal; fee;~~

~~requirements for renewal. A registration holder may renew his mechanical contractor's registration any time during the period of 60 days prior to expiration, but no later than 30 days after the expiration date, by paying an annual renewal fee of \$75.00. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work~~

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-48. Revocation or denial of contractor registration.

Procedure for denial, revocation, or suspension of registration or right to obtain permits. If the building official initiates a recommendation for denial, revocation, or suspension of a registration or of a right to obtain permits to work under an adopted code or ordinance of the city, the following procedure will apply:

- (1) An applicant for registration or a registrant of the city shall have ten business days to request a review hearing to be held before the construction board of appeals as referenced in section 14-404. During the ten-business-day period a current registrant shall not be allowed to obtain permits. If the applicant for registration or a registrant fails to request a hearing within ten business days the recommendation of the building official shall become final. If [an applicant for registration or](#) a registrant requests a hearing, any denial, revocation or suspension of registration or right to obtain permits shall be stayed pending the decision of the board. The board ~~shall~~ by majority vote [may](#) affirm or reject the building official's recommendation.
- (2) If the registrant is registered by the state, such as an electrical contractor, mechanical contractor or plumbing contractor, the process in subsection (1) of this section would apply.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-49. Erosion control.

- (a) *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Below ground installations means activity that causes excess sediment laden water, concrete sawing wash water, wash water or drilling mud pumped from an excavation or structure and shall be treated as sediment laden runoff for erosion control purposes.

Building official means the building official for the City of New Braunfels or ~~his~~ [the building official's](#) designee.

Construction activities means construction activities that require a building permit.

Erosion control plan means a site plan with necessary details, showing the property where land disturbing activity will take place and showing the locations and types of devices, procedures and practices to be used to control erosion and sedimentation.

Final approval means completion of a project, site or building in accordance with city requirements and ordinances. In the case of a building, a certificate of occupancy is issued.

Land disturbing activity means any activity, including but not limited to excavation, planting, tilling, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind.

Off-site borrow area means a source of earth fill material used in the construction of embankments or other earth fill structures, that is located on another parcel of property other than where the principal construction is occurring.

Off-site sedimentation means deposit of soil material beyond the limits of the property undergoing land disturbing activity or in city streets, alleys or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort.

Off-site spoil area means an area on another parcel of property, other than where the principal construction is occurring, where excess earth, rock or construction material is disposed of.

Permanent erosion control devices means devices or practices installed prior to final approval and maintained after final approval to prevent or minimize the erosion and deposit of soil materials. Such devices may include, but shall [are](#) not be limited to, permanent seeding, sod, storm drain channels, channel linings, storm drain pipes, outlet velocity control structures and storm water detention structures.

Permanent ground cover means permanent vegetative cover on all bare soil areas of a property not covered by a permanent structure or landscaping improvements, including but not limited to, live sod, perennial grasses or other materials which lessen runoff and soil erosion on the property.

Phased occupancy means use or inhabitation of a single structure or other portion of a project as such structure or portion thereof is completed, but before the project as a whole is fully completed and finally approved by city.

Related land area includes the property where the principal land disturbing activity is taking place, all adjacent property, off-site borrow areas, off-site spoil areas, off-site properties necessary for required utility extensions, and off-site areas for required street improvements.

Responsible party means a business entity, franchised utility company, developer, property owner, contractor or holder of a building permit who is required to comply with the terms of this article.

Staging area means an on-site or off-site location used by a contractor to store materials for a project, to assemble portions of equipment or structures, to store equipment or machinery, to park vehicles, or for other construction related uses.

Stop work order means the suspension of all city permits with no approvals or inspections of work for the site or project being performed.

Temporary erosion control devices means devices installed or practices implemented and maintained during land disturbing activities to prevent, minimize or control the erosion and deposit of soil materials.

(b) *Building permit*. When land disturbing activities are conducted on a lot for which a building permit must be issued, the responsible party shall comply with the following:

- (1) *Erosion control plan*. Prior to approval of a building permit for a lot by the city, the contractor or other responsible party obtaining the building permit shall submit an erosion control plan for approval by the city. No inspection may be performed on a project until a city-approved erosion control plan is implemented.

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- (2) *Stop work order/citation.* The city shall inspect the erosion control devices located at a site for compliance with the approved erosion control plan submitted for such site. If a responsible party fails to implement or maintain erosion control devices as specified in his approved erosion control plan, the city shall provide such party with written notice of noncompliance identifying the nature of such noncompliance. The responsible party shall have 24 hours to bring his erosion control devices into compliance with the approved erosion control plan for the site where the violation occurred. Correction shall include sediment clean-up, erosion control device repair, erosion control device maintenance, and/or installation of additional erosion control devices to prevent re-occurrence of the violation. The 24-hour cure period may be extended for inclement weather or other factors at the discretion of the building official.

At the end of the 24-hour cure period, city shall re-inspect the site and may assess a re-inspection fee. If at the time of such re-inspection, the erosion control devices at the site have not been brought into compliance with the approved erosion control plan, the city may issue a stop work order and issue a citation for each violation of the city's erosion control requirements. When a stop work order has been issued, a re-inspection fee shall be assessed. To obtain a re-inspection for removal of the stop work order, a request must be submitted there for and a re-inspection fee, as set by the building inspection department of the city, shall be paid.

- (3) *Removal of erosion control devices.* Upon final occupancy or upon establishing permanent ground cover on a lot, all temporary erosion control devices shall be removed.

(c) *Enforcement.*

- (1) *Violations.* It shall be an offense for a responsible party or a third party performing work on a project to violate any of the requirements of this article, including, but not limited to, the following:
- a. Conducting any land disturbing or construction activity without an approved erosion control plan for the location where the violation occurred.
 - b. Failing to install erosion control devices or to maintain erosion control devices throughout the duration of land disturbing activities, in compliance with the approved erosion control plan for the location where the violation occurred.
 - c. Failing to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices as specified in an approved erosion control plan for the location where the violation occurred.
 - d. Allowing sediment laden water resulting from below ground installations to flow from a site without being treated through an erosion control device.
 - e. Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.
- (2) *Notice of violation.* Written notice of violation shall be given to the responsible party or his [the responsible party's](#) job site representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the approved erosion control plan.
- (3) *Class C misdemeanor.* Any person, firm, or corporation violating any of the provisions or terms of this article shall be deemed guilty of a Class C misdemeanor and, upon

conviction thereof, be subject to a fine not exceeding \$500.00 for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(d) *Appeals.*

- (1) *Appeal to building official.* Upon notice of noncompliance, a responsible party may appeal the city's decision to take deductions from his erosion control deposit pursuant to section 14-96 of this article, by filing a written appeal to the building official within seven days of city's written notice of its intent to make such deduction for costs as allowed herein. An appeal filed pursuant to this section shall specifically state the basis for the aggrieved party's challenge to the city's authority to take deductions under this article.
- (2) *Standard for appeals.* When reviewing an appeal filed pursuant to this section, the building official shall evaluate all evidence submitted. The burden of proving that a violation of this article occurred shall be on the city. The city shall provide evidence sufficient to reasonably support a determination that the responsible party failed to comply with the requirements of this article as alleged by the city.
- (3) *Issuance of opinion by director.* Decisions of the building official shall be issued within 20 days of city's receipt of the written appeal. Decisions of the building official shall be final.

GLOSSARY

- BARREL - A pipe placed through a dam, levee or dike to control the release of water.
- BMP - Best Management Practices. Consist of practices, procedures, and devices used to prevent or reduce pollutants, including sediment, from polluting the waters of the United States.
- BORROW AREA - A source of earth fill material used in the construction of embankments or other earth fill structures.
- CHANNEL - A natural stream or excavated ditch that conveys water.
- CHANNELIZATION - Alteration of a stream channel by widening, deepening, straightening, or paving certain areas to improve flow characteristics.
- CHECK DAM - A small, temporary dam constructed across a drainage ditch, swale or channel to lower the speed of concentrated flows and promote sediment deposition.
- CONTOUR - An imaginary line on the surface of the earth connecting points of the same elevation.
- CUT - Portion of land surface or area from which earth has been removed or will be removed by excavating; the depth below the original ground surface to the excavated ground surface.
- DAM - A barrier to confine or impound water or for the retention of soil, sediment or debris.
- DESIGN STORM - A selected rainfall pattern of specified amount, intensity, duration, and frequency that is used as a basis for design.
- DISCHARGE - Usually the rate of water flow commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

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- **DIVERSION** - A channel with a supporting ridge on the lower side constructed at the top, across, or at the bottom of a slope for the purpose of controlling surface runoff.
 - **DIVERSION DIKE** - A barrier built to divert surface runoff.
 - **DIVIDE, DRAINAGE** - The boundary between watersheds.
 - **DRAINAGEWAY** - A natural or artificial depression that carries surface water to a larger watercourse or outlet such as a river or lake.
 - **DROP INLET** - Overall structure in which the water drops through a vertical riser connected to a discharge conduit or storm sewer.
 - **EARTH DAM** - Dam constructed of compacted suitable soil materials.
 - **ENERGY DISSIPATOR** - A device used to reduce the energy of flowing water to prevent erosion.
 - **EPA** - The Environmental Protection Agency. The federal agency responsible for administering the NPDES permit program.
 - **ERODIBILITY** - Susceptibility to erosion.
 - **EROSION** - The wearing away of the land surface by water, wind, ice, gravity, or other geological agents.
 - **EROSION CONTROL PLAN** - A site plan with necessary details, showing the property where land disturbing activity will take place and showing the locations and types of BMPs to be used to control erosion and sedimentation.
 - **FILTER FABRIC** - A woven or non-woven, water-permeable material generally made of synthetic products such as polypropylene and used in erosion and sediment control applications to trap sediment or prevent the movement of fine soil particles.
 - **FLOOD PLAIN** - The lowland that borders a stream and is subject to flooding when the stream overflows its banks.
 - **GABION** - A wire mesh cage, usually rectangular, filled with rock and used to protect channel banks and other sloping areas from erosion.
 - **GEOTEXTILES** - See filter fabric.
 - **GRADE STABILIZATION STRUCTURE** - A structure for the purpose of stabilizing the grade of a gully or other watercourse, thereby preventing further erosion or lowering of the channel bottom.
 - **GRADING** - The cutting and/or filling of the land surface to a desired slope or elevation.
 - **GRASSED WATERWAY** - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses and used to safely conduct surface water from an area.
 - **GROUND COVER** - Low-growing, spreading plants (grasses or legumes) useful for low-maintenance landscape areas.
 - **INVERT** - The inside bottom of a culvert or other conduit.
 - **LEGUME** - Any member of the pea or pulse family which includes peas, beans, peanuts, clovers, alfalfa, sweet clovers, lespedezas, vetches, black locust, and kudzu.

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- NPDES - National Pollutant Discharge Elimination System. A federal program that requires a permit for storm water discharges to the waters of the U.S.
 - OUTLET PROTECTION - Stone, rip-rap, concrete or asphalt aprons installed to reduce the speed of concentrated storm water flows, thereby reducing erosion and scouring at storm water outlets.
 - RAINFALL INTENSITY - The rate at which rain is falling at any given instant, usually expressed in inches per hour.
 - RATIONAL METHOD - A means of computing storm drainage flow rates by use of the formula $Q = CiA$, where C is a coefficient describing the physical drainage area, i is the rainfall intensity, and A is the drainage area.
 - RECEIVING STREAM - The body of water into which runoff or effluent is discharged.
 - RILL - A small intermittent watercourse with steep sides, usually only a few inches deep, normally caused by erosion.
 - RISER - A vertical pipe or structure extending from the barrel, storm sewer or bottom of a pond BMP that is used to convey the discharge from the pond or drainage area.
 - RUNOFF - That portion of precipitation that flows from a drainage area on the land surface, in open channels or in storm water conveyance systems.
 - SCOUR - The clearing and digging action of flowing water, especially the downward erosion caused by stream water in sweeping away mud and silt from the stream bed.
 - SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice.
 - SEDIMENT BASIN - A settling pond with a controlled storm water release structure used to collect and store sediment produced by land disturbing activities. The basin detains sediment-laden runoff from larger drainage areas long enough to allow most of the sediment to settle out.
 - SEDIMENT POOL - The reservoir space allocated for the accumulation of sediment in a sedimentation control device.
 - SEDIMENT TRAP - A settling basin with a filter outlet designed to retain runoff long enough to allow most of the silt to settle out.
 - SEDIMENTATION - The deposition of suspended soil particles that have settled out from storm water runoff.
 - SHEETFLOW - Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel or a rill.
 - SILT - Parts of the soil structure consisting of particles between 0.002 and 0.05 mm in diameter.
 - SLOPE - Degree of deviation of a surface from the horizontal. Slope is measured and is shown as a numerical ratio or percent.
 - SOIL - The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

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- **STABILIZATION** - The proper placing, grading and/or covering of soil, rock or earth to ensure its resistance to erosion, sliding, or other movement. Also see Vegetative Stabilization.
 - **STORM FREQUENCY** - The time interval between major storms of predetermined intensity and volumes of runoff (e.g. ten-year or 100-year storm).
 - **STORM SEWER (DRAIN)** - A sewer that carries storm water, surface drainage, street wash and other wash waters, but excludes sewage and industrial wastes. Also called a storm drain.
 - **STORM WATER** - Runoff from a rain event or snow melt runoff. Also called surface runoff.
 - **SWALE** - An elongated, gentle depression in the land surface that conveys storm water into primary drainage channels. Swales are normally without flowing or standing water.
 - **SWPPP** - Storm Water Pollution Prevention Plan. A document that is a part of the NPDES permit application and consists of the site erosion control plan, waste management plan, and site narrative as required by the EPA.
 - **TEMPORARY SEEDING** - The growing of short-term (less than one-year) vegetation on disturbed areas to prevent erosion.
 - **TOE OF SLOPE** - The base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.
 - **TOPOGRAPHY** - A general term that includes the physical features of a surface area including relative elevations and the position of natural and man-made features.
 - **VEGETATIVE STABILIZATION** - Protection of erodible areas with temporary seeding, permanent seeding, or sodding.
 - **WATERSHED** - The region drained by or contributing water to a stream, lake, or other body of water.

(Ord. No. 2019-05, § 2, 1-28-19)

Sec. 14-50. Irrigation systems.

- (a) *Scope.* This section applies to the installation, alteration, repairs, relocation, replacement, addition to, use, or maintenance of irrigation systems within the city. This section regulates the installation of backflow prevention devices, control valves, automatic irrigation controllers, control wiring, and water conservation required for the proper design, installation, and operation of irrigation systems. All irrigation systems must comply with the provisions of this section and with Title 30, Texas Administrative Code, Chapter 344.
- (b) *Purpose.* The purpose of this section is to require all irrigation systems to be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.
- (c) *Definitions.* The following words and terms shall have the meanings shown herein.

Design means the act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying

any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

Design pressure means the pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

Emission device means any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads and drip irrigation emitters.

Employed means engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, Title 26, United States Code Service, Section 3312(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

Head-to-head spacing means the spacing of spray or rotary sprinkler heads equal to the manufacturer's published radius of the head.

Hydraulics means the science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

Inspector means a licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor.

Installer means a person who connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30.

Irrigation inspector means a person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Irrigation plan means a scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

Irrigation services means selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

Irrigation system means an assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by V.T.C.A., Agricultural Code § 251.002.

Irrigation technician means a person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service, or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Irrigation zone means a subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope), and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

Irrigator means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services, or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system, or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Irrigator-in-charge means the irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.

Landscape irrigation means the science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

License means an occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30, to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

Mainline means a pipe within an irrigation system that delivers water from the water source to the individual zone valves.

Maintenance checklist means a document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to, checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

Major maintenance, alteration, repair, or service means any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

Master valve means a remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

Matched precipitation rate means the condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

Pass-through contract means a written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.

Reclaimed water means domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

Records of landscape irrigation activities means the irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.

Static water pressure means the pressure of water when it is not moving.

Supervision means the on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair, or service an irrigation system.

Water conservation means the design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

Zone flow means a measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

Zone valve means an automatic valve that controls a single zone of a landscape irrigation system.

- (d) *License.* Any person who connects an irrigation system to the water supply in the city must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30, and V.T.C.A., Occupations Code ch. 1903, or as defined by Title 22 of the Texas Administrative Code, Chapter 365, and required by V.T.C.A., Occupations Code ch. 1301.

Exemption: A homeowner is not required to be licensed in accordance with V.T.C.A., Occupations Code tit. 12, § 1903.002(c)(1) if the homeowner is performing irrigation work in a building or on a premises owned and occupied by the homeowner as the homeowner's homestead. A homeowner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344, regarding spacing, water pressure, spraying water over impervious materials, rain and freeze sensors, backflow prevention and isolation valves.

- (e) *Permit.* Any person or homeowner installing an irrigation system in the city is required to obtain a permit from the city. Any plan approved for a permit must be in compliance with the requirements of this appendix [section].

Exemptions:

- (1) An irrigation system that is an on-site sewage disposal system, as defined by V.T.C.A., Health and Safety Code § 355.002; or
 - (2) An irrigation system used on or by an agricultural operation as defined by V.T.C.A., Agriculture Code § 251.002; or
 - (3) An irrigation system connected to a groundwater well used by the property owner for domestic use.
- (f) *Backflow prevention methods and devices.*
- (1) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on

Environmental Quality (TCEQ). ~~The backflow prevention device must be approved by: the American Society of Sanitary Engineers; the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; the International 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.

- (2) If conditions that present a health hazard exist, one of the following methods must be used to prevent backflow:
- a. An air gap may be used if:
 - 1. There is an unobstructed physical separation; and
 - 2. 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.
 - b. Reduced pressure principle backflow prevention assemblies may be used if:
 - 1. 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
 - 2. Drainage is provided for any water that may be discharged through the assembly relief valve.
 - c. Pressure vacuum breakers may be used if:
 - 1. No back-pressure condition will occur; and
 - 2. 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.
 - d. Atmospheric vacuum breakers may be used if:
 - 1. No back-pressure will be present;
 - 2. There are no shutoff valves downstream from the atmospheric vacuum breaker;
 - 3. 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;
 - 4. 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
 - 5. 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.
- (3) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.

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- (4) 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.
 - (5) If a double check valve is installed below ground:
 - a. Test cocks must be plugged, except when the double check valve is being tested;
 - b. Test cock plugs must be threaded, water-tight, and made of non-ferrous material;
 - c. A y-type strainer is installed on the inlet side of the double check valve;
 - d. 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
 - e. There must be space on the side of the double check valve to test and repair the double check valve.
 - (6) 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.
 - (7) 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.
 - (8) 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.
 - (g) *Specific conditions and cross-connection control.*
 - (1) Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.
 - (2) Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly or an air gap.
 - (3) Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.
 - (4) If an irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:
 - a. All irrigation piping and valves must meet the separation distances from the on-site sewage facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);

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- b. Any connections using a private or public potable water source that is not the city's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and
 - c. Any water from the irrigation system that is applied to the surface of the area utilized by the on-site sewage facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the on-site sewage facilities system from operating effectively.
- (h) *Irrigation plan design—Minimum standards.*
- (1) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:
 - a. Diminish the operational integrity of the irrigation system;
 - b. Violate any requirements of this appendix [section]; and
 - c. Go unnoted in red on the irrigation plan.
 - (2) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.
 - (3) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:
 - a. The irrigator's seal, signature, and date of signing;
 - b. All major physical features and the boundaries of the areas to be watered;
 - c. A North arrow;
 - d. A legend;
 - e. The zone flow measurement for each zone;
 - f. Location and type of each:
 - 1. Controller; and
 - 2. Sensor (i.e., rain and freeze);
 - g. Location, type, and size of each:
 - 1. Water source, including, but not limited to, a water meter and point(s) of connection;
 - 2. Backflow prevention device;
 - 3. Water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;

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- 4. Valve, including but not limited to, zone valves, master valves, and isolation valves;
 - 5. Pressure regulation component; and
 - 6. Main line and lateral piping.
 - h. The scale used; and
 - i. The design pressure.
- (i) *Design and installation—Minimum requirements.*
- (1) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.
 - (2) Spacing.
 - a. The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.
 - b. New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, including, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.
 - c. Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.
 - (3) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.
 - (4) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.
 - (5) Irrigation zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.
 - (6) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.
 - (7) Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.
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- (8) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.
- (9) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a purple primer prior to applying the PVC cement in accordance with the International Plumbing Code, Section 605.
- (10) Rain and freeze sensors.
- a. Any commercial, industrial, multi-family, or residential customer class irrigation system installed within the city on or after January 1, 2009, must be equipped with rain and freeze sensors.
 - b. Any commercial, industrial, or multi-family customer class irrigation system installed within the city before January 1, 2009, may not be operated after January 1, 2010, without being equipped with rain and freeze sensors
 - c. Any residential customer class irrigation system installed within the city before January 1, 2009, may not be operated after January 1, 2011, without being equipped with rain and freeze sensors. If a person repairs or replaces more than 50 percent of a residential customer class irrigation system before January 1, 2011, then such irrigation system must be equipped with rain and freeze sensors.
 - d. Any rain and freeze sensor shall be installed according to the manufacturer's published recommendation and shall be from a list approved by the building official.
 - e. Repairs to existing automatic irrigation systems that require replacement of an existing controller shall include a rain and freeze sensor designed to inhibit or interrupt operation of the irrigation system during periods of freezing temperatures and rainfall.
- (11) Isolation valve. All new irrigation systems must include a lockable isolation valve between the water meter and the backflow prevention device.
- (12) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.
- a. If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.
 - b. If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.
 - c. All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.
- (13) Wiring irrigation systems.

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- a. Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.
 - b. Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.
 - c. Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.
 - d. Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.
- (14) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, including, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box, and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.
- (15) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not on-site, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.
- (j) *Completion of irrigation system installation.* Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:
- (1) A final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system.
 - (2) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include, but are not limited to:
 - a. The manufacturer's manual for the automatic controller, if the system is automatic;
 - b. A seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;

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- c. A list of components, such as the nozzle, pump filters, and other such components, that require maintenance and the recommended frequency for the service; and
 - d. The statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."
 - (3) A permanent sticker which contains the irrigator's name, license number, company name, telephone number, and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink.
 - (4) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or ~~owner~~ owner's representative.
 - (k) *Maintenance, alteration, repair, or service of irrigation systems.*
 - (1) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.
 - (2) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.
 - (3) Purple PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the International Plumbing Code, Section 605.
 - (4) When maintenance, alteration, repair, or service of an irrigation system involves excavation work at the water meter or backflow prevention device, a lockable isolation valve shall be installed, if an isolation valve is not present.
 - (l) *Reclaimed water.* Reclaimed water may be utilized in landscape irrigation systems if:
 - (1) There is no direct contact with edible crops, unless the crop is pasteurized before consumption;
 - (2) The irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;
 - (3) The irrigation system is installed using purple components;
 - (4) The domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, ~~in accordance with Title 30, Texas Administrative Code, Section 290.47(i);~~
 - (5) A minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER — DO NOT DRINK" and "AGUA DE RECUPERACION - NO BEBER"; and

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- (6) Backflow prevention on the reclaimed water supply line shall be in accordance with city ordinances.

(m) *Lawn and landscape irrigation restrictions.*

- (1) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:
- a. A substantial amount of water to fall upon impervious areas instead of a lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
 - b. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.
- (2) A person commits an offense if, on premises owned, leased, or managed by that person, the person operates an irrigation system or other lawn or landscape watering device that:
- a. Has any broken or missing sprinkler head; or
 - b. Has not been properly maintained in a manner that prevents the waste of water.

(Ord. No. 2019-05, § 2, 1-28-19)

SECTION 3: That Chapter 54, Article III, Section 54-86 “International Fire Code; and amendments” of the New Braunfels Code of Ordinances shall be repealed and amended to hereinafter read as follows:

Sec. 54-86. – International Fire Code; and amendments.

(A) *Adopted.* The International Fire Code, 2021 edition, (IFC) including appendixes, B, C, D, E, F, G, H, I, J, K, M, and N thereto, as published by the International Code Council, Inc. are hereby adopted and incorporated by reference as the fire code of the city, subject to and including by reference such amendments as shall appear in this article. Appendices A and L are hereby deleted in their entirety.

(B) *Amendments, modifications, and deletions to the 2021 International Fire Code.* Amendments, modifications and deletions to the 2021 International Fire Code are adopted as follows:

- a) Section 101.1. Title.

These regulations shall be known as the *Fire Code* of [the City of New Braunfels](#), hereinafter referred to as “this code.”

- b) Section 112.4 Violation Penalties.

~~Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

Persons who violate this code or who fail to comply with any of the requirements of this code, or who erect, install, alter, repair or do work in violation of the approved construction documents or contrary to the directives of the fire code official or fire code official's designee or in violation of a permit or certificate issued under provisions of this code, shall be assessed a fine up to \$2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

c) Section 113.4 Failure to comply.

~~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 subject to fines established by the authority having jurisdiction.~~

Any person who continues work after having been served with a stop work order, except such work the city has directed to be performed to remedy a violation or unsafe condition, shall be subjected to a fine not to exceed \$2,000. Each day that a violation continues is a separate offense.

d) Section 307.4.2 Recreational fires.

~~Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.~~

Recreational fires shall not be conducted within 10 feet (3048 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 10 feet (3048 mm) of a structure shall be eliminated prior to ignition. Recreational fires outside of approved containers/barriers and open burning are prohibited unless a permit is obtained from the Fire Marshal's Office. Approved containers/barriers shall consist of materials capable of containing a recreational fire that consist of one of the following: Masonry blocks, purpose-built fire pits, chimineas, custom outdoor masonry fireplaces/fire pits. Any fire that creates a nuisance or is deemed unsafe by fire service personnel shall be extinguished until conditions improve.

e) Section 308.1.4 Open-flame cooking devices.

~~Charcoal burners and other open flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.~~

~~Exceptions:~~

~~1. One- and two-family dwellings.~~

~~2. Where buildings, balconies and decks are protected by an automatic sprinkler system.~~

~~3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].~~

It is unlawful to use or to store a charcoal burner, open flame, LP gas burner, outdoor grill, pellet smoker, barbecue, or other outdoor cooking appliance that produces a flame on the premises of a residential building with three or more dwelling units or of a multifamily residential building with two or more stories. The provision does not apply to the use of permanently mounted outdoor cooking devices located ten or more feet from any structure.

Exceptions:

1. Townhomes where buildings, balconies and decks are protected by an automatic sprinkler system.

2. LP-gas cooking devices having LP-gas container must have a water capacity not greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas.

f) Section 505.1 Address identification.

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 5 and 1/2 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

g) Section 507.2.1 Public and private fire service mains. Public and private fire service mains and appurtenances shall be installed in accordance with NFPA 24.

h) Section 903.1.1.2 Bathrooms. In Group R occupancies containing more than two dwelling units, bathrooms shall contain fire sprinkler protection regardless of the size of the space.

i) Section 903.3.1.2 NFPA 13R sprinkler systems.

Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.

2. The floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access.

3. The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the International Building Code shall be measured from grade plane. [In Group R occupancies containing more than two dwelling units, bathrooms shall contain fire sprinkler protection regardless of the size of the bathroom.](#)

j) Section 1103.5.1 Group A-2.

Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1. [Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice of violation. The compliance schedule shall not exceed 3 years for an automatic sprinkler system retrofit.](#)

k) Section 1103.5.3 Group I-2, Condition 2.

In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The automatic sprinkler system shall be installed as established by the adopting ordinance. [Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice of violation. The compliance schedule shall not exceed 3 years for an automatic sprinkler system retrofit.](#)

l) Appendix D of the 2021 IFC to be amended as follows;

Section D107.1 One- or two-family dwelling residential developments.

~~Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.~~

~~Exceptions:~~

~~1. Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.~~

~~2. The number of dwelling units accessed from a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.~~

[Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 must provide two separate fire apparatus access roads approved by the City.](#)

[Exceptions:](#)

[1. Where there are more than 30 but fewer than 126 dwelling units in a development, and all roadways throughout the development have at least 40 feet of pavement width, secondary emergency access is not required.](#)

[2. The number of dwelling units on a single fire apparatus access road may not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.](#)

SECTION 4: That Appendix D of the New Braunfels Code of Ordinances, "Fee Schedule," shall be amended to hereinafter read as follows:

APPENDIX D – FEE SCHEDULE

Sec. A. Schedule of development fees.

APPLICATION	FEE
BUILDING PERMITTING, PLAN REVIEW, INSPECTIONS	
Permit application fee (all new construction, additions and substantial alterations)	Residential: \$50.00 Commercial: \$100.00
Residential plan review fee (all new construction, additions, alterations, change in use, existing C of O and interior)	Residential: 25% of permit cost not to exceed \$2,500.00
Commercial plan review fee (all new construction, additions, alterations, change in use, existing C of O and interior)	Commercial: 25% of permit cost not to exceed \$15,000.00 (Shall be paid prior to 2nd round of comprehensive commercial plan review)
Building permit fee	See Section B
Inspection fees	Residential—\$35.00 Commercial—\$50.00 Re-inspections—\$35.00 (double for each re-inspection)
Airport hazard inside city limits—One- and two-family dwelling	\$100.00
Airport hazard inside city limits—Anything other than one- and two-family dwelling	\$250.00
Airport hazard in ETJ—One- and two-family dwelling	\$100.00
Airport hazard in ETJ anything other than one- and two-family dwelling	\$250.00
New occupant permit (previously referred to as "existing certificate of occupancy")	\$150.00
Building moving fee	\$100.00
Building demolition fee (up to 100,000 cubic feet)	\$50.00
Building demolition fee (over 100,000 cubic feet)	\$50.00 plus \$0.50/1,000 cubic feet over 100,000
Temporary C of O	See Section B
Temporary C of O extension	See Section B
Electrical, plumbing, mechanical, fuel gas	See Section B
Contractor registration	See Chapter 14
Alternate method request (building-related codes)	\$150.00
Stop-work order—Issued	\$100.00

Stop-work order—Lift	\$100.00
Work without permit—Residential (includes all permit types)	Double permit fee per lot—\$500.00 maximum per lot
Work without permit—Commercial (includes all permit types, as well as site preparation and public infrastructure permits for all types of development and uses including commercial and residential subdivision development)	Double permit fee—\$10,000.00 maximum
ENGINEERING PLAN REVIEW AND INSPECTIONS	
Site preparation	\$2,500.00 plus \$50.00/acre or lot whichever is greater
Inspection fees	Infrastructure—\$100.00 ETJ 200% of standard fee Re-inspection—\$150.00 After-hours/weekend/holiday—\$250.00
Subdivision/public infrastructure plan review	\$3,500.00 plus \$50.00/acre or lot whichever is greater
FLOODPLAIN	
Floodplain permit application fee—Residential	\$100.00
Floodplain permit application fee—Commercial	\$250.00
No rise/No impact study review	\$1,500.00
CLOMR	\$2,500.00
LOMR without CLOMR	\$3,000.00
LOMR with CLOMR	\$1,500.00
LOMA	\$500.00
Revision review	\$500.00
Flood zone verification letter	\$25.00
PLATTING RELATED	
Right-of-way abandonment and closures	\$500.00
Legal lot determination	\$150.00
Plat appeal (rough proportionality claims)	\$100.00
Plat extension	\$200.00
Plat revision	\$200.00
Vacation of previously recorded plat	\$200.00
Plat waiver/subdivision variance	\$150.00
Master plan	\$1,000.00 plus \$50.00/acre (\$2,500.00 max)
Minor revision to approved master plan (administrative)	50% of original application fee
Preliminary plat	\$1,000.00 plus \$50.00/acre (\$2,500.00 max)
Final plat/minor plat/development plat	\$1,250.00 plus \$100.00/acre (\$2,500.00 max)
Replat, not administrative	\$1,000.00 plus \$50.00/acre (\$3,000.00 max)
Amending plat/amendment to plat—Admin	\$500.00 plus \$100.00/acre (\$1,000.00 max)
Right-of-way determination	\$500.00
Mail notification (per mailed notice)	\$2.15
Newspaper notification (per published notice)	\$115.00
TRAFFIC IMPACT ANALYSIS	
TIA Worksheet	\$100.00
Level 1	\$500.00
Level 2	\$750.00
Level 3	\$1,250.00
Revision review	\$500.00

Scoping meeting	\$0.00
DRAINAGE REVIEW	
Master drainage plan (with PDs and master plans)	\$500.00
Preliminary drainage plan (with preliminary plats)	\$100.00
Type 1 development category	\$250.00
Type 2 development category	\$500.00
Type 3 development category	\$2,000.00
Type 3 with water quality	\$2,500.00
Type 3 with stormwater connection	\$3,000.00
Type 1 or 2 revision review	\$250.00
Type 3 revision review	\$1,000.00
FIRE	
Short-term rental annual inspection	\$125.00
Fixed pipe suppression system	\$120.00
Fixed pipe modification	\$120.00
Fire sprinkler system (under 200 heads)	\$240.00
Fire sprinkler system (over 200 heads)	\$240.00 plus \$0.75 each additional head (\$2,000.00 max)
Fire alarm system (up to 200 signaling devices)	\$240.00
Fire alarm system (over 200 signaling devices)	\$240.00 plus \$0.75 each additional device (\$1,000.00 max)
Standpipe/water supply (fire line)	\$180.00
Smoke control system	\$120.00
Flammable or combustible liquid tank permit	\$180.00
Fire sprinkler modification (up to 20 heads)	\$120.00
Fire alarm modification (up to ten devices)	\$180.00
Re-inspection/re-test	\$100.00/hour
Tent permit fee (annual)	\$400.00
Tent permit fee (per event)	\$75.00
Preliminary fire systems plan review	\$60.00/hour with one hour minimum
Licensed daycare inspection	\$60.00
Licensed nursing care center inspection	\$180.00
Licensed hospital inspection	\$240.00
Licensed institutional (restrained) inspection	\$240.00
Licensed in-home facilities inspection	\$60.00
Licensed homes/adoption centers inspection	Exempt
Fire watch	\$60.00/hour
MEETINGS	
Predevelopment meetings	\$0.00
Comment review meetings	First—\$250.00 Additional—\$500.00 each
Plat resubmittal meeting	\$0.00
SIGNS	
Sign permit—Free standing	\$2.50 per square feet (\$50.00 min.)
Banners—Temporary, on premise/building	\$50.00
Conditional sign permits and sign variances	\$750.00
Temporary community signs	\$50.00
Temporary over street banners	\$50.00 plus \$125.00 each location

ZONING	
Future land use plan amendment	\$500.00
Historic landmark designation	\$0.00
Zoning change	\$1,000.00 plus \$100.00/acre (max. \$3,000.00)
Special use permit	\$1,500.00 plus \$100.00/acre (max. \$4,000.00)
Planned development	\$2,000.00 plus \$100.00/acre (max. \$5,000.00)
PD Administrative revision	\$200.00
Rezoning case signs	\$15.00 each
Mail notification (per mailed notice)	\$2.15
Newspaper notification (per published notice)	\$115.00
Registration of a nonconforming use	\$200.00
Zoning verification—Basic	\$25.00
Zoning verification—Detailed	\$100.00
Home occupation certification	\$25.00
Cemetery application	\$500.00
ZBA AND AMBA	
Variance application	Homestead: \$350.00 (plus \$50.00 for each additional variance request) Non-homestead: \$700.00 (plus \$50.00 for each additional variance request)
Special exception	\$700.00
Appeal of an administrative determination	\$700.00
ZBA case signs	\$15.00 each
Mail notification (per mailed notice)	\$2.15
MISCELLANEOUS	
Appeal of building design standard	\$500.00
Appeal to construction board of appeals	Residential (per lot): \$200.00 Commercial: \$300.00
Miscellaneous appeals to city council	\$500.00
Main Street sidewalk permits	\$10.00 for new, \$5.00 for renewal
Residential buffer wall exemption	\$100.00
Short-term rental permit	\$200.00
Street name change	\$550.00
Tree removal permit (commercial only)	\$100.00
Valet parking permit	\$150.00
Vendor (temporary) permits	\$75.00
Setback determination	\$100.00
Offsite parking agreement	\$200.00
Regional thoroughfare plan amendment	\$900.00
Code text amendment request	\$900.00
Temporary mobile storage units (moving pods)	\$25.00
Mobile food court permit	\$300.00
License agreement	\$250.00
Vested rights determination	\$200.00
Annexation (voluntary)	\$1,000.00
Development agreement application fee	\$500.00
Development agreement processing	\$5,000.00
Development agreement amendment review	\$2,500.00

Downtown sidewalk cafe application fee	\$100.00
Downtown sidewalk cafe annual license fee	Less than 250 square feet: \$250.00 250 to 500 square feet: \$500.00 Greater than 500 square feet: \$750.00
Municipal Utility District (MUD) Petition Filing Fee Reimbursement Agreement	\$18,055.12 + the County recordation fee A reimbursement agreement shall be included within the development agreement in the event actual costs exceed the filing fee amount
ADDITIONAL REVIEW (RESUBMITTALS)	
Additional review (each after second review, with charges for the third and fourth at the discretion of the city manager)	\$1,500.00 for third review \$1,500.00 plus 10% of original review fee for fourth review \$1,500.00 plus 20% of original review fee for fifth review \$1,500.00 plus 30% of original review fee for sixth review
Additional review—Accessory permits (signs, fences, etc.) (each after second review)	\$250.00 each after second review
INFORMATION TECHNOLOGY	
Technology fee	3% on all review fees

(Ord. No. 2018-21, § 7, 3-26-18; Ord. No. 2018-34, § 3, 5-14-18; Ord. No. 2021-91, § 8, 12-13-21; Ord. No. 2022-53, § 2, 8-8-22; Ord. No. 2022-71, § 2, 9-26-22; Ord. No. 2022-91, § 2, 12-12-22)

Sec. B. Additional fees specific to building permitting.

- (a) Building permit fees for work other than new commercial construction and additions, shall be based on the schedules below:

Building Permit Fee Schedule A Residential

Type	Permit Fee
New Construction and Addition	\$0.50 per square foot
Remodel	\$0.25 per square foot
Fence	\$50.00
Shed, Storage Building, Car Port	Built on Site/\$75.00, Pre-Built/\$50.00
Pool	Above Ground/\$100.00, In Ground/\$200.00
Foundation	\$150.00
Foundation Repair	\$75.00
Flat Work, Driveway, Patio, Sidewalk, Deck, Porch, Stairs	\$0.25 per square foot
Roofing	\$75.00
Siding, Brick, Exterior Veneer	\$100.00
Mobile/Manufactured Home Placement (Does not include trades)	\$50.00
Misc. Structures (Gazebos, Pergolas, Archways, Patio Covers)	\$35.00
Retaining Walls (Over 24 inches)	\$0.50 per linear foot
Misc. Residential	\$25.00

Building Permit Fee Schedule A Commercial

Total Valuation	Permit Fee
\$0.00—\$50,000.00	\$50.00 plus \$6.00 per \$1,000.00 or fraction thereof
\$50,001.00—\$500,000.00	\$350.00 plus \$5.00 per \$1,000.00 or fraction thereof
\$500,001.00 and above	\$2,600.00 plus \$4.00 per \$1,000.00 or fraction thereof

The above fees shall be paid with the application for a building permit for permits other than new construction or additions or items that do not have a square footage such as infrastructure, fences, swimming pool, retaining walls, etc.

- (b) Building permit fees for new construction or new additions, shall be calculated on square footage using the following table identified as Building Permit Fee Schedule B which is dependent upon the use and construction type.
- (1) Buildings with multiple (mixed) use groups shall be charged the applicable fee per use group.
 - (2) Shell buildings shall be charged a fee based on 80 percent of the calculated permit fee (0.80 x permit fee).
 - (3) When proposed work involves both remodel of existing and new construction/addition, the fee for the remodel will be based on the remodel valuation and the fee for the new construction/addition shall be based on the square footage.
 - (4) Permit fees are derived from ICC's most current published Building Valuation Data (BVD) fee schedule using a spreadsheet that has been set with an appropriate multiplier.

Reference Tables:

Occupancy Group Definitions

IBC Occupancy Group	ICC BVD Uses	2015 <u>2021</u> ICC Uses
A-1	Assembly, theaters, with stage <u>fixed seating</u>	Theaters, auditoriums, <u>concert halls</u>
A-1a	Assembly, theaters, without stage	Theaters, auditoriums
A-2	Assembly, nightclubs <u>food and/or drink consumption</u>	<u>Nightclubs, restaurants, banquet halls, bars</u>
A-2a	Assembly, restaurants, bars, banquet halls	Restaurants
A-3	Assembly, churches <u>worship, recreation, amusement, other assembly</u>	Churches <u>Arcades, galleries, community halls, libraries, museums, churches</u>
A-3a	Assembly, general, community halls, libraries, museums	Bowling alleys, libraries
A-4	Assembly, arenas <u>sporting events and activities</u>	<u>Arenas, skating rinks, swimming pools, tennis courts</u>
<u>A-5</u>	<u>Assembly, viewing of or participation in outdoor activities</u>	<u>Amusement park structures, bleachers, grandstands, stadiums</u>
B	Business	Banks, medical office, office, <u>professional services</u>

E	Educational	Schools
F-1	Factory and industrial, moderate hazard	Industrial plants - general
F-2	Factory and industrial, low hazard (non-combustibles)	Industrial plants - non-combustible products, ceramics, bricks and masonry, glass
H-1	High Hazard, explosives	Explosives, Organic Peroxides, Oxidizers, etc.
H-2,3,4	High Hazard, deflagration, physical & health hazards	See 2021 IBC
H-5	Hazardous Production Materials (HPM)	Semiconductor Fabrication Facilities
I-1	Institutional, supervised environment	Convalescent hospitals, homes for the elderly, Alcohol and drug centers, Assisted living facilities, Group homes, etc.
I-2	Institutional, incapacitated	Hospitals, Foster care facilities, Nursing homes, Detox facilities, etc.
I-2a	Institutional	Nursing homes
I-3	Institutional, restrained	Jails, Correctional centers, Prisons, Reformatories, etc.
I-4	Institutional, day care facilities	Adult day care, Child day care
M	Mercantile	Stores, service stations (mini-marts), Retail Stores
R-1	Residential, hotels	Hotels and motels
R-2	Residential, multiple family	Apartment houses
R-3	Residential, one- and two-family	Dwellings , Care Facilities, Lodging houses
R-4	Residential, care, assisted living facilities , custodial care for more than 5 but less than 16 persons – excluding staff	Alcohol and drug centers, Assisted living facilities, Group homes, Halfway houses
S-1	Storage, moderate hazard	Service stations (canopies and service bays) Motor vehicle repair garages, Aircraft hangers, warehouses
S-2	Storage, low hazard	Public garages, warehouse
U	Utility, miscellaneous	Residential garage, private garage, carports, sheds

Construction Types

Type of User	Construction Type and Circumstances
Single-Family	Use R-3 Under Occupancy Group and VB under Construction Type for all aspects of all Single-Family projects.
Small Businesses	Construction type for commercial projects/businesses varies according to type of material and size of project. Note that alterations or additions valued at \$50,000.00 or more and new construction projects valued at \$100,000.00 or more must involve a licensed design professional.
Design Professionals	Designer or design professional that prepared the plans for the building for which a building permit is sought may submit a building permit application. However, a permit can only be issued to a registered contractor.

- (c) New occupant permit. Prior to occupying an existing, previously occupied building or site, a certificate of occupancy for a change of use shall be required. The application fee shall be \$150.00.

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- (d) Temporary certificate of occupancy. A fee of \$250.00 shall be paid to the city, and granted for only minor incompletions of a commercial project, such as irrigation and landscaping, and shall be good for 30 days. For each request for an extension of the temporary certificate of occupancy, a fee of \$100.00 shall be paid to the city.
- (e) Electrical fees. The following electrical fees shall be paid with an application for an electrical permit:

Electrical Permit Fee Schedule

Additional circuits	\$10.00
Additions and/or repairs	25.00
Commercial meter 120 volt, 120/240 single phase meter	60.00
Commercial meter 240 volt, 120/240 three phase meter	80.00
Commercial meter 277 volt, 277/480 single phase meter	90.00
Commercial meter 480 volt, 277/480 three phase meter	135.00
Electric motors first HP	8.00
Electric motors additional HP	3.00
Fee for issuing permit	15.00
Fuel pumps or dispensers, each	22.00
Manufactured home service connection	25.00
Manufactured structure service connection (commercial)	50.00
Mercury vapor—Parking pole fixtures	10.00
Meter put backs (remove and replace same)	17.50
Residential 231 amp to 400 amp meter	65.00
Residential 401 amp and larger	100.00
Residential 55 amp to 230 amp meter	45.00
Residential or commercial panel with one to six circuits	20.00
Residential or commercial panel with six to 24 circuits	40.00
Residential or commercial panel with 25 or more circuits	65.00
Residential—100 amp to 231 amp meter	55.00
Residential—231 amp to 400 amp meter	80.00
Residential—401 amp and larger	110.00
Residential—55 amp to 100	45.00
Sign circuit	10.00
Swimming pool circuit	12.50
Underground or in-slab, over 100 feet	7.50
Underground or in-slab, under 100 feet	5.00
Welder circuit	25.00
X-ray or MRI circuit	40.00

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- (f) Plumbing fees. The following plumbing permit fees shall be paid with the application for a plumbing permit.

Plumbing Permit Fee Schedule

Bathtub\$5.00
Dishwashing machine5.00
Drinking fountain5.00
Fee for issuing permit15.00
Stub out for future fixtures5.00
General repairs30.00
Grease trap5.00
Irrigation outlet2.00
Hose bib5.00
Lavatory5.00
Medical gas5.00
RPZ valve5.00
Sampling well5.00
Service (P traps/drains)5.00
Sewer lift station15.00
Sewer line10.00
Sinks (kitchen/mop/utility/etc.)5.00
Shower (stall/group)5.00
Urinal5.00
Washing machine5.00
Water closet5.00
Water heater5.00
Water line5.00
Water softener5.00

- (g) Mechanical fees. The following mechanical permit fees shall be paid with an application for a mechanical permit:

Mechanical Permit Fee Schedule

Total Valuation	Permit Fee
\$0.00—\$1,000.00	\$25.00
\$1,001.00 and above	\$25.00 plus \$5.00 per \$1,000.00 or a fraction thereof

- (h) Fuel gas fees. The following fuel gas permit fees shall be paid with an application for a fuel gas permit:

Fuel Gas Permit Fee Schedule

Gas line\$15.00

Gas test15.00

Fee for issuing permit15.00

- (i) Inspection fees. Inspection fees shall be as outlined in the fee schedule in section A. Reinspection fees must be paid by the person or agent to whom the permit was issued prior to any reinspection. Reinspection fees double with each failed inspection.
- (j) Refunds. The building official shall authorize the refunding of fees as follows:
 - (1) The full amount of any fee paid hereunder that was erroneously paid or collected.
 - (2) Not more than 50 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
 - (3) Not more than 90 percent of the plan fee paid when an application for a permit for which a fee has been paid is withdrawn or canceled before any plan review effort has been expended.
 - (4) The building official may refund an amount he/she determines if some, but not all plan review effort has been expended and a permit has not yet been issued.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- (k) All fees associated with this Schedule of Fees will be rounded down to the nearest whole dollar amount after the total amount of fees owed is calculated.

(Ord. No. 2018-21, § 7, 3-26-18; Ord. No. 2019-05, § 3, 1-28-19; Ord. No. 2019-34, § 2, 5-28-19; Ord. No. 2019-43, § 2, 6-24-19)