

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-05**

**AN ORDINANCE AMENDING ARTICLES II, III, IV, V, AND VI CHAPTER 26 “BUILDING AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, IN THEIR ENTIRETY BY ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE, NATIONAL ELECTRICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL ENERGY CONSERVATION CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITIONS (UNLESS OTHERWISE STATED), AS TO BUILDINGS, STRUCTURES, SYSTEMS, AND OTHER APPLICATIONS WITHIN THE CITY; ADOPTING LOCAL AMENDMENTS TO EACH CODE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, the City of Kerrville, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, City Council deems it necessary, pursuant to the approval of this Ordinance, to adopt the *International Existing Building Code, National Electrical Code (2017), International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code*, and *International Swimming Pool and Spa Code, 2018 Editions*, unless otherwise stated; and collectively referred to herein as the “Codes”; each of which to provide minimum standards to safeguard the health, property, and welfare of the citizens of Kerrville by regulating and controlling the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings, structures, systems, and other applications within the City; and

**WHEREAS**, the City’s Building Board of Adjustment and Appeals has reviewed each of the codes specified above and recommends adoption, along with local amendments; and

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WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt the Codes, along with local amendments thereto, and in so doing, to amend in its entirety Articles III, IV, V, and VI of Chapter 26 "Building Codes", of the City's Code of Ordinances;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

**SECTION ONE.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-41 in its entirety and replacing it with new language that is underlined (added) as follows:

**“Sec. 26-41. - International Existing Building Code, 2018 Edition.**

(a) Adoption. The International Existing Building Code, 2018 Edition (“IEBC”), a publication of the International Code Council (I.C.C.), is adopted to the same extent as if such were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IEBC is on file in the office of the City Secretary and within the City's Department of Development Services.

(b) Amendments. The IEBC is amended as follows:

(1) All references to the ICC Electrical Code within the IEBC shall instead refer to the City's electrical code.

(2) 101.4.2 and 1301.3.2 are amended by deleting the references to the International Property Maintenance Code (“IPMC”). Any other reference within the IEBC to the IPMC may be ignored as the City has neither adopted nor enforces the IPMC.

(3) Section 103 is amended in its entirety to read as follows:

**Section 103 Building Inspection Division.** The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IEBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(4) 105.2 is amended by deleting exemption 1. under "Building".

(5) 105.5 is amended by adding the following sentence at the end of the subsection:

The Code Official may grant a reasonable period of time to complete large projects that require an extended construction period.

(6) Section 112 is amended in its entirety to read as follows:

**Section 112. Building Board of Adjustment and Appeals.** Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IEBC.

(7) Section 305 is amended by adding 305.1.1 to read follows:

**305.1.1 Standards.** All structures shall conform to the State of Texas Accessibility Standards.

(8) Section 401 is amended by adding 401.2.1 to read as follows:

**401.2.1 Extent of repair for noncompliance buildings.** If the evaluation does not establish compliance of a pre-damaged building in accordance with 401.2, then the building shall be rehabilitated to comply with applicable provisions of the *International Building Code* ("IBC") for load combinations, including wind. The wind design level for the repair shall be as required by the building code in effect at the time of original construction, unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the IBC, whichever is greater.

(9) 504.2 is amended by replacing the reference to twelve feet (12.0') in the last sentence with thirteen and one-half feet (13.5').

(10) 504.3, 504.4, and 504.5 are deleted.

(11) 802.5.1 is amended by deleting "a loading dock" and replacing this phrase with "other elevated floor surface."

(12) 803.1 is amended in its entirety to read as follows:

**803.1 Scope.** The requirements of this subsection are limited to work areas in which Level 2 alterations are being performed and only apply beyond the work area where specified on the approved drawings and specifications.

(13) 906.3 is amended in its entirety to read as follows:

**906.3 Substantial structural alteration.** Where more than 30 percent of the total floor area and roof areas of the building or structure have been or are proposed to be involved in structural alteration within a 12-month period, the evaluation and analysis must demonstrate that the altered building or structure complies with the IBC for wind loading.

(14) 1006.3 is deleted.

(15) 1402.4 is deleted."

**SECTION TWO.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-61 in its entirety and replacing it with new language that is underlined (added) as follows:

**"Sec. 26-61. – National Electrical Code, 2017 Edition.**

(a) Adoption. The National Electrical Code, 2017 Edition ("NEC"), is adopted and designated as the Electrical Code for the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the NEC is on file in the office of the City Secretary and within the City's Department of Development Services.

(b) Compliance. No electrical work performed within the City shall be approved unless the work is in strict conformity with this section, state laws, and Chapter 26 of this Code of Ordinances.

(c) Applicability to the International Residential Code. The NEC shall serve as the electrical provisions of the International Residential Code ("IRC").

(d) Amendments. The NEC is amended as follows:

(1) Section 80.2 of Annex H is amended in its entirety to read as follows:

Authority Having Jurisdiction (AHJ) shall mean an organization, office, or individual responsible for enforcing the requirements of the NEC or for approving equipment, materials, an installation, or a procedure. The City's Chief Building Official or designee, and known as the "Code Official", is hereby designated as the AHJ and is authorized to interpret and enforce the provisions of the NEC.

(2) Sections 80.3, 80.5, 80.15, 80.25, 80.27, 80.31, 80.33, and 80.35 of Annex H are deleted.

(3) Section 80.19 of Annex H is amended in its entirety to read as follows:

**Section 80.19 ADMINISTRATION AND ENFORCEMENT.** Permits and approvals shall conform as follows:

(A) Application.

(i) Scope of Permit. Activity authorized by a permit issued under the NEC shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of the NEC and in accordance with the approved plans and specifications. No permit issued under the NEC shall be interpreted to justify a violation of any provision of the NEC or any other law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the AHJ as evidenced by the issuance of a new or amended permit.

(ii) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the AHJ.

(B) Content. Permits shall be issued by the AHJ and shall bear the name and signature of the AHJ or the designated representative of the AHJ. In addition, the permit shall include the following:

(i) Operation or activities for which permit is issued;

(ii) Address or location where the operation or activity is to be conducted;

(iii) Name and address of the permittee;

(iv) Permit number and date of issuance;

(v) Period of validity of the permit; and

(vi) Inspection requirements.

(C) Issuance of Permits. The AHJ shall be authorized to establish and issue permits, certificates, notices, and approvals or orders pertaining to electrical safety hazards pursuant to Section 80.23, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

(i) Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device;

(ii) The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus; or,

(iii) Changes in occupancy within the same occupancy group, as established by the Building Code, which is adopted by the City and cited within Chapter 26 of the Code of Ordinances, shall not require upgrading the existing structure to the NEC. Additionally, where the Code Official determines that change in occupancy to another group does not increase the hazard level based on life and fire risk and the structure was constructed to the then current codes, there shall be no requirement to upgrade the existing structure to newer or more stringent codes unless there is an existing health or safety hazard present.

(D) Fees. The City shall assess fees in accordance with its adopted fee schedule.

(E) Inspection and Approvals.

(i) Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Code Official, who shall inspect the work within a reasonable time.

(ii) Where the Code Official finds the installation to be in conformity with the NEC, the Code Official shall issue to the person, firm, or corporation making the installation a certificate of approval authorizing connection.

(F) Revocation of Permits. Revocation of permits shall conform to the following:

(i) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of the NEC is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

(ii) Any attempt to defraud or otherwise deliberately or knowingly design, install, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by the NEC is prohibited. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by City. In addition, any such violation shall be subject to any other criminal or civil penalties.

(iii) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

(iv) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of the NEC, and before such permit has been reinstated or a new permit issued, shall violate the NEC.

(v) A permit shall be predicated upon compliance with the requirements of the NEC and shall constitute written authority issued by the AHJ to install electrical equipment. Any permit issued under the NEC shall not take the place of any other license or permit required by other regulations or laws of the City.

(vi) The AHJ may require an inspection prior to the issuance of a permit.

(vii) A permit issued under the NEC shall continue until revoked or for the period of time designated on the permit. The permit shall be issued

to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(G) *Applications and Extensions.* Applications and extensions of permits shall conform to the following:

(i) The AHJ shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

(ii) Applications for permits shall be made to the AHJ on forms provided by the jurisdiction and shall include the applicant's answer in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, and so forth.

(iii) The AHJ shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the AHJ, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

(4) Section 80.23(B) of Annex H is amended in its entirety to read as follows:

(B) *Penalties.* It shall be unlawful for any person, firm, or corporation to violate any of the provisions of the NEC. Penalties for violations of the NEC are set forth in the City Code.

(5) Section 80.29 of Annex H is amended in its entirety to read as follows:

**80.29 Liability.** Neither the City nor its employees or agents charged with the enforcement of the NEC shall be liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. The NEC shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the City be held as assuming any such liability by reason of the inspections

authorized by the NEC or any permits or certificates issued under the NEC.

(6) Section 230.28 is amended in its entirety to read as follows:

**230.28 Service Masts as Supports.** Where a service mast is used for the support of service-drop conductors, it shall be of adequate strength or be supported by braces or guys to safely withstand the strain imposed by the service drop. Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast. All service risers shall be made of rigid metallic conduit, intermediate metal conduit, or electrical metallic tubing subject to the following specifications:

**(A) Drops of 30 Feet or Less.** Service risers that penetrate a roof and have a service drop of thirty feet (30.0') or less shall be made of rigid metallic conduit or intermediate metal conduit of not less than two inches (2.0") in diameter; and

**(B) Drops Exceeding 30 Feet.** Service risers that penetrate a roof and have a service drop of more than thirty feet (30.0') shall be made of rigid metallic conduit or intermediate metal conduit of not less than two inches (2.0") in diameter.

(7) Section 314.3 is amended in its entirety to read as follows:

**314.3. Nonmetallic Boxes.** Nonmetallic boxes shall be permitted only with open wiring on insulators, concealed knob-and-tube wiring, cabled wiring methods with entirely nonmetallic sheaths, flexible cords, and nonmetallic raceways.

(8) Section 320.12 is amended by adding the following prohibited use:

(6) Where the cable exceeds twenty-five feet (25.0') in length.

(9) Section 338.12 is amended by adding the following:

**(C) Additional Uses Not Permitted.** In no instance shall Type SE and Type USE cable be used in structures used for commercial purposes, other than apartments of three stories or less, and in compliance with "Assembly" classification restrictions.

(10) Section 340.12 is amended by adding the following prohibited uses:

(12) In structures used for commercial purposes, other than apartments of three stories or less, and in compliance with “Assembly” classification restrictions.

(11) Section 352.12 is amended by adding the following:

**352.12 Uses Not Permitted.** PVC conduit shall not be used under the conditions specified in 352.12(A) through (G).

(12) Section 680.62 is amended by adding the following:

**(G) Accessibility.** Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

(13) Section 680.71 is amended by adding the following sentence at the end of the section:

Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

**SECTION THREE.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-121 in its entirety and replacing it with new language that is underlined (added) as follows:

**“Sec. 26-121. - International Plumbing Code, 2018 Edition.**

**(a) Adoption.** The *International Plumbing Code, 2018 Edition (“IPC”)*, a publication of the International Code Council (I.C.C.), is adopted and designated as the Plumbing Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

**(b) Amendments.** The IPC is amended as follows:

(1) 106.6.1 is amended in its entirety to provide as follows:

**106.6.1. Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

(2) Section 109 is deleted.

(3) 312.10.2 is amended in its entirety to provide as follows:

**312.10.2 Testing.** Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, spill-resistant vacuum breaker backflow preventer assemblies, and hose connection backflow preventers shall be tested at the time of installation and immediately after repairs or relocation. Any backflow assembly installed to protect from contamination or health hazard shall be tested annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

(4) 314.1 is amended in its entirety to provide as follows:

**314.1 Fuel-burning appliances.** Liquid combustion byproducts of condensing appliances shall be collected and discharged to a place approved by the City for disposal. Condensate may not be discharged into the sanitary sewer. Condensate piping shall consist of corrosion resistant material as approved by the City and may not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent slope).

(5) 314.2.1 is amended in its entirety to provide as follows:

**314.2.1 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a place

approved by the City for disposal. Condensate shall not discharge into a street, alley, or any other area so as to potentially cause a nuisance. Condensate shall not be discharged into the sanitary sewer or into any building drain, fixture trap, vent, or other arrangement, which would convey the condensate to the City's wastewater system.

**Exception:** an air conditioning system that meets all of the following criteria may discharge the condensate generated by this unit(s) into the City's sanitary sewer:

1. a secondary system operating within a climate controlled structure. A primary unit is not eligible for an exception.
2. each individual air handling unit may not generate more than 0.75 gallons per day of condensate during the summer months.
3. total condensate discharge into the City's sanitary sewer may not exceed 15 gallons per day per lot or track of land.

(6) 608.1 is amended by adding the following new subsection:

**608.1.1. Water Service Shut-Off Valve.** A shut-off valve approved by the City shall be installed in the water service line at the customer side of the water meter upon installation of a new water service line or when any repair, addition, and/or alteration of the plumbing system is made which requires the water supply to the system to be turned off. NOTE: An owner, occupant, plumber, or any other individual other than a City employee is prohibited from operating, closing, opening, or tampering with the shut-off valve on the supply side (City side) of the water meter. Where it is necessary for the shut-off valve on the supply side (City side) of the water meter to be turned off, the City shall be contacted to have the shut-off valve turned off. Any damage to the City's water system, including the shut-off valve, caused by any person other than a City employee attempting to operate, close, open, or tamper with the shut-off valve shall be charged to the customer served by the damaged system.

(7) 608.14 is amended in its entirety to provide as follows:

**608.14 Cross-connection (backflow) control.**

**608.14.1 Applicability of subsection.** This subsection applies to anyone who receives potable water from the City. No water service

connection from the City's public water supply system shall be allowed to any building, establishment, or property where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination in accordance with state law and City ordinances. At any building, establishment, or property where an actual or potential contamination hazard exists, the City will require additional protection at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified by the Texas Commission on Environmental Quality or its successor ("TCEQ"), and its Rules and Regulations for Public Water Systems, specifically Chapters 290 and Chapter 344 of the Texas Administrative Code; and this subsection. The City shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ, its rules, and this subsection.

**608.14.2 Responsibility.** The Manager shall be responsible for the protection of the public potable water distribution from contamination or pollution due to the backflow of contaminants or pollutants through each water service connection. If the Manager believes that an actual or potential contamination hazard exists, an approved backflow prevention assembly or device shall be required at each customer's water service connection or within the customer's private water system for the safety of the City's public water system.

**608.18.3 Definitions.**

**(a) Air gap.** A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An air gap shall be at least twice the diameter of the water supply outlet, but in no event shall the air gap separation be less than two inches (2").

**(b) Atmospheric vacuum breaker.** An assembly containing an air inlet valve, a check seat, and an air inlet port(s). The flow of water into the body causes the air inlet valve to close the air inlet port(s). When the flow of water stops the air inlet valve falls and forms a check valve against back-siphonage. At the same time it opens the air inlet port(s) allowing air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the assembly, but the assembly shall not be subjected to operating pressure for more than twelve (12) hours in any twenty-four (24) hour period. An atmospheric

vacuum breaker is designed to protect against a non-health hazard (i.e., pollutant) or a health hazard (i.e., contaminant) under a back-siphonage condition only.

(c) Auxiliary water. A water supply on or available to a building or establishment from a source other than the City's potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or a natural source(s) such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(d) Backflow. The undesirable reversal of flow in a water system from a private plumbing system into the public water system whether caused by backpressure, back-siphonage, or a cross-connection.

(e) Backflow prevention assembly. An aggregation of devices designed and manufactured in conformance with the standards established by the American Water Works Association to prevent backflow into the potable water system, including reduced pressure backflow assemblies, double-check valve assemblies, pressure vacuum breaker assemblies, or an air gap separation.

(f) Backflow prevention device. A device designed to prevent backflow into the potable water system.

(g) Backpressure. Hydraulic or atmospheric pressure higher than the supply pressure, caused by a pump, elevated tank, boiler, or other means that may cause backflow.

(h) Back-siphonage. A form of backflow caused by a reduction in hydraulic system pressure that causes a negative or sub-atmospheric pressure.

(i) City. The City of Kerrville, Texas, or any authorized person acting on its behalf.

(j) Contamination. An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

**(k) Cross-connection.** An actual or potential connection to a public or private water system through which it is possible to introduce contamination or pollution or any source of water treated to a lesser degree.

**(l) Customer.** The person receiving potable water service from the City or another water purveyor.

**(m) Double check detector backflow prevention assembly.** An assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves located at each end of the assembly and fitting with properly located resilient-seated test cocks. This assembly shall also be provided with a means to detect system leaks and/or unauthorized use(s) of the fire protection system.

**(n) Health hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, the spread of disease, or has a high probability of causing such effects if introduced into the public water system.

**(o) Human consumption.** Use by humans in which water can be ingested into or absorbed by the human body. Examples include drinking, cooking, brushing teeth, bathing, washing hands, washing dishes, and preparing food.

**(p) Manager.** The person who is performing the duties of Manager or director of the City's water and wastewater system, as designated by the City Manager, or designee.

**(q) Nonhealth hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water system.

**(r) Person.** An individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and other legal entity, but does not include the City.

**(s) Pollution.** The presence of any foreign substance that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

(t) Potable water. Water that complies with TCEQ rules for human consumption and other domestic uses.

(u) Potential contamination hazard. A condition, which, by its location, piping or configuration, has a possibility of being used incorrectly, whether through carelessness, ignorance, equipment failure, or negligence. A backflow condition may be created by which contamination or pollution can be introduced into the public water system.

(v) Private plumbing system. The plumbing located between the point of delivery and the point of use including pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, recycle, store, or use potable water on a customer's premises.

(w) Public water system. A system for the provision of piped water for human consumption as further defined in 30 Texas Administrative Code § 290.38, et seq., as amended.

(x) Reclaimed water. Treated water from a wastewater treatment facility.

(y) Reduced pressure backflow prevention assembly. Two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and are equipped with properly located resilient-seated test cocks.

(z) Service connection. The terminal end of a connection to the public water system, that is, the downstream end of the meter installed at the end of the service connection. There shall be no unprotected takeoffs from the service connection ahead of the meter and/or backflow prevention assembly.

(aa) Used water. Water supplied by a water purveyor from a public water system to a customer's water system that has passed through the point of delivery and is no longer controlled by the water purveyor.

(bb) Utility. Water and/or wastewater utility.

(cc) Water purveyor. A private owner, political subdivision, or other operator of a potable water system that supplies a minimum of 15 service connections or serves a minimum of 25 individuals for at least 60 days during a calendar year.

**608.18.4 Cross Connections Prohibited.** A person shall not:

(a) Install a potable water supply that creates an actual or potential cross-connection or which allows, or may allow, used or polluted water, mixtures, or gasses, to enter potable water by back-siphonage, backpressure, or other means;

(b) Connect to the public water system, water operated equipment, or water treating chemicals or substances to the public water system that may cause pollution or contamination of the public potable water supply unless the equipment is equipped with an approved backflow prevention device or assembly installed in accordance with the requirements of this subsection;

(c) Connect, directly or indirectly, to the public water system an auxiliary water supply;

(d) Connect to the public water system a mechanism or system designed to return water to the public water system;

(e) Connect a reclaimed water system to the public water system or to the water system of a customer who receives water service from the public water system; or

(f) Install any takeoffs from the service connection ahead of the backflow prevention assembly that would require protection.

**608.14.5 Backflow prevention assembly.** A person shall not install a backflow prevention assembly in a private plumbing system, fire protection system, process water system, irrigation system, or other private water distribution system connected to the public water system unless:

(a) The assembly has been designed, manufactured, and tested in accordance with the standards adopted by the American Water Works Association;

(b) The assembly has been tested and listed as an approved backflow prevention assembly by the University of Southern California Foundation for Cross-connection Control and Hydraulic Research; and

(c) The installation complies with the IPC.

#### **608.14.6 Customer Duties.**

(a) A customer shall install new, replacement, or reconditioned backflow prevention assemblies and devices in accordance with the IPC.

(b) No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as provided by this subsection and City Code. All permits required by the City to perform work in the right-of-way shall be obtained. A backflow prevention assembly required by this subsection may be installed upon or within any City right-of-way only if the owner proves to the City that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic, utilities, or public safety. The City retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.

(c) Any assembly or portion of an assembly in a City right-of way which extends aboveground shall be located no closer than eighteen inches (18") to the face of the curb. A property owner shall, at the request of the City and at the owner's sole expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for street or utility construction or repairs or for purposes of public safety.

(d) A person commits an offense if the person installs or maintains a backflow prevention assembly in violation of this subsection.

(e) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any City right-of-way after receiving a written order from the City to do so. A backflow prevention assembly installed or maintained in City right-of-way in violation of this subsection is declared to be a nuisance.

(f) A customer shall submit to the Manager a test and maintenance report of a backflow prevention assembly upon installation or relocation.

A water meter shall not be installed unless the customer has submitted a test and maintenance report.

**608.14.7. Special Hazards.**

- (a) A customer who installs testable backflow prevention assemblies that protect potable water from hazards to the health, safety, or life of humans or animals shall test the assemblies at least annually. Such tests must be performed by a certified backflow prevention assembly tester registered with the City.
- (b) A customer who connects to the public potable water system and adds chemicals or additives to automatic fire protection systems, standpipe systems, or privately owned fire hydrants shall install a reduced pressure detector backflow prevention assembly.
- (c) A customer who connects a dedicated fire line to the public potable water supply system and does not add chemicals or additives to the automatic fire protection system, standpipe systems or privately-owned fire hydrants, shall install a double check detector backflow prevention assembly.
- (d) A customer who obtains potable public water from the public water system for use at a construction site shall install a reduced pressure backflow prevention assembly.
- (e) A customer who purchases water for the purpose of resale or distribution shall install a reduced pressure backflow assembly at the service connection. A backflow prevention assembly tester shall certify the installation and provide the certification to the Manager within 10 days after the installation.
- (f) A person using a water-hauling vehicle to take water from the public potable water system shall have a permanently installed air gap on the vehicle.

**608.14.8 Cost Recovery.** Upon application made in writing and approved by the City Manager, the City may arrange to recover the costs to purchase and install the assembly through monthly billing on the customer's utility bill, which shall include interest and any applicable fee. The Manager may establish a cost recovery period that does not exceed 36 months.

**608.14.9 Inspection and Testing of Backflow Prevention Assemblies.** A customer shall test backflow prevention assemblies as required by 30 Texas Administrative Code §290.44. The Manager may require additional testing by a registered, licensed backflow prevention assembly tester. The customer shall pay the cost of such testing only if the prior test has failed and shall repair, overhaul, or replace an assembly that fails a test and shall pay all costs of same. The customer shall keep records of tests, repairs, and overhauls and make the records available to the Manager within five days of a test, repair, or overhaul of a backflow prevention assembly.

**608.14.10 Removal or Replacement.** A customer shall not remove from use, relocate, or substitute another device or assembly without the approval of the Manager.

**608.14.11 Cross-Connection Survey For New Service.** The Manager shall conduct a cross-connection survey of the customer's potable water system before providing service to prevent cross-connections between the customer's potable water system and contamination or pollution sources.

**608.14.12 Maintenance responsibility.** The customer is responsible for general maintenance and upkeep of backflow prevention assembly. An owner, tenant, and/or lessee are jointly and individually responsible for maintenance.

**608.14.13 Registered/Licensed Backflow Prevention Assembly Tester.**

(a) Backflow prevention assembly testers shall be licensed by the State.

(b) In order to be qualified to test and repair backflow assemblies or devices within the City, licensed backflow prevention assembly testers shall register with the City prior to performing any such service. Such registration shall require that the tester provide written proof of current State certification. Such registration shall be updated upon renewal of state certification, or at any earlier time that there is any change in the registrant's license.

(c) Licensed and registered backflow prevention assembly testers are qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service.

(d) Licensed and registered backflow prevention assembly testers may test and repair assemblies on fire lines only if currently employed by a fire line contractor approved by the State Fire Marshal's Office.

**608.14.14 Proof of Equipment.**

(a) A licensed backflow prevention assembly tester shall furnish the following evidence to show that the tester has the necessary tools and equipment to properly test and certify backflow prevention assemblies:

(i) A tester shall provide the serial number of each test kit to the Manager; and

(ii) A tester shall:

A. Annually test each recorded test kit for accuracy;

B. Calibrate the test kit to a two percent accuracy factor; and

C. Maintain the test kit at a two percent accuracy factor.

(b) A tester shall perform competent and accurate certifications of backflow prevention assemblies tested and submit the reports to the Manager. Such reports shall include a copy of the tester's current license.

(c) A tester shall:

(i) register test gauges used by the tester; and

(ii) list the registered serial numbers of test gauges on tests and maintenance reports before submitting the reports to the Manager.

**608.14.15 Quality Control.** The Manager may take the following quality control measures relating to a licensed backflow prevention assembly tester:

(a) retest a certified backflow prevention assembly; and

(b) notify the tester who has certified a backflow prevention assembly of test discrepancies.

**608.14.16 Revocation.** The Manager may revoke a tester's registration for:

- (a) failure to register the serial number or calibrate gauges annually;
- (b) three testing or reporting discrepancies within a two-year period, beginning with the first discrepancy, including:
  - (i) false, incomplete, or inaccurate reporting of test completion or certification of a backflow prevention assembly;
  - (ii) use of inaccurate gauges;
  - (iii) incomplete backflow tests and maintenance reports.

**608.14.17 Design Changes.** A certified tester shall not change the design or operational characteristics of an assembly during repair or maintenance.

**608.14.18 Public Water Supply System Personnel.** The City employee who tests a backflow prevention system under this subsection shall be licensed by the State as a backflow prevention assembly tester.

**608.14.19 Enforcement.**

**608.14.19.1 Right of Entry.** A City employee may enter a customer's property or facilities to inspect a cross-connection, backflow prevention assembly, or piping. The right of entry is a condition of the City providing water service, directly or indirectly, to a customer's property or facilities, whether within or outside the City limits, and is a condition of connection to the public water system.

**608.14.19.2 Inspections Outside City Limits.** A City employee may inspect a customer's potable water system, piping, or the records required under this Chapter or the rules of a governmental entity with which the City has an interlocal agreement for wholesale water services. The right of entry extends to public streets, easements, and private property on which public or private potable water systems are located.

**608.14.20 Offenses.** A person commits an offense if:

(a) The person commits or assists in the commission of a violation of this subsection;

(b) The person is the owner, occupant, lessee, or manager of property or facilities that are the source of a violation of this subsection; or

(c) The person obstructs or delays the City's access to a customer's property or facilities.

**608.14.21 Penalties for Repeated Violations.** If a person is convicted of two or more distinct violations of this subsection within one calendar year, the Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of an authorized reconnection charge as adopted by City Council within the City's fee schedule, and any other costs incurred by the City in discontinuing service. In addition, written assurance shall be given to the Manager that no additional violations will occur. Compliance with this subsection may also be sought through injunctive relief in District Court and the City Attorney is hereby authorized to initiate such actions. These remedies are cumulative of all other remedies and a choice to proceed under this provision does not operate as an election of remedies.

**608.14.22 Search Warrant.** If a customer refuses to allow the City access to a building, structure, property, or a private potable system connected to the public water system in order to regulate water connections in strict conformance with this subsection, the Manager may seek a court-ordered search warrant.

**608.14.23 Notice of Violation.**

(a) The Manager may serve a written notice of violation on a person who has violated the conditions of registration as a certified tester, a plumbing permit, installation requirements of a backflow prevention assembly, or other requirement of this subsection.

(b) Notice of violation shall inform the person that within five (5) days of receipt, the person receiving the notice shall provide the Manager a written explanation of the violation and a plan that includes specific corrective actions.

(c) Submission of a proposed corrective plan does not relieve the person of criminal or civil liability for violations of this subsection.

**608.14.24 Nuisance.** Backflow entering or potentially threatening to enter the public water supply system is declared to be a nuisance and as such, the City, pursuant to authority granted by state law, shall regulate such activities within 5,000 feet beyond the City's limits.

**608.14.25 Civil Remedies.**

**608.14.25.1 Equitable Relief.** The City Attorney may enforce this subsection by injunction, declaratory relief, or any other action at law or in equity. The Attorney may initiate a suit against the owner, tenant, or lessee of property or facilities that are the source of a violation of this subsection, to recover a civil penalty for each violation not to exceed \$2,000. Each day that a violation continues constitutes a separate violation. A person who violates this subsection shall be liable to the City for expenses, loss, or damage incurred by the City.

**608.14.25.2 Termination of Service.** The Manager may terminate service in accordance with this subsection. The Manager may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required by this subsection. The Manager may require submission of test and maintenance reports before the final release of water or wastewater inspections.

**608.14.26 Water Purveyor.**

(a) A water purveyor has primary responsibility to prevent water from unapproved sources, or other substances, from entering the public potable water supply. A water purveyor shall not install or maintain a water service connection to a customer's water supply system within the purveyor's jurisdiction if a health, contaminant, plumbing or pollution hazard exists, or will potentially exist, unless the purveyor protects the potable water supply with a backflow assembly.

(b) A water purveyor shall exercise reasonable care to ensure that the purveyor's customers have taken steps to protect the public potable water supply.

(c) A water purveyor shall determine the degree of hazard to the public potable water supply presented by the purveyor's customers.

(d) If, in the judgment of the Manager an actual or potential contamination hazard exists, the water purveyor shall require the purveyor's customer, at the customer's expense, to:

- (i) Install an approved backflow prevention assembly;
- (ii) To immediately test the assembly; and
- (iii) Periodically test the assembly as required by this subsection and the IPC.

**608.14.27 Inspections.** The Manager may inspect or require an inspection of property or facilities, real property, or buildings connected to the public potable water system. An inspection shall include:

- (a) A survey of the property or facilities, real property, or buildings for cross-connections;
- (b) Inspection of existing backflow prevention assembly installation; and
- (c) Annual testing and certification of assemblies by a certified backflow prevention assembly tester.

(8) 701.2 is amended by adding the following new subsections:

**701.2.1 Mandatory connection; general rule.** Unless an exception applies as specified below or the City has specifically authorized the use of on-site sewage facilities pursuant to a development agreement, whenever the public wastewater system is available within one-hundred feet (100.0') in horizontal distance from any property, as measured on the closest practicable route from the public wastewater system to the property line of the lot or property in question, that property and any improvements thereon shall be connected to and served by the public wastewater system. The cost of such connection shall be solely at the customer's expense.

**Exceptions:** Where such a property described above is using an on-site sewage facility (septic system), the property is not required to connect

to the public wastewater system where the on-site sewage facility meets all of the following conditions:

(a) the on-site sewage facility is licensed and is in full compliance with federal, state, and local laws;

(b) the on-site sewage facility does not create any nuisance conditions, which would include:

(i) sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between persons;

(ii) an overflow from a septic tank or similar device, including surface discharge from or groundwater contamination by a component of an on-site sewage facility; or

(iii) a blatant discharge from an on-site sewage facility;

(c) is in need of substantial repairs, “substantial repairs” being defined as any repair that exceeds 25% of the current replacement cost of the on-site sewage facility; and/or

(d) there is not a change in the use of the property or an enlargement of that use.

**701.2.2 Remediation of private sewage facility.** When any property previously connected to a private sewage facility is connected to the public wastewater system, the private sewage facility shall be abandoned, plugged, and disconnected in accordance with applicable law.

**701.2.3 City's right to connect property and recoup costs.** In the event that the required connection to the public wastewater system is not completed within 180 days of notification to the record owner of the property, in addition to any other rights, remedies, or penalties arising by virtue of the failure to connect, the City may plug and disconnect the private sewage facility on the property and may connect the property to the public wastewater system, including taking any and all actions necessary to complete every act required for such disconnection and connection, as provided for in this subsection.

**701.2.4 Required notice.** Prior to the City Manager taking the action permitted by 701.2.3, the record owner of the property shall be provided with a “Notice of Commencement,” which shall be addressed to the record owner of the property and sent by certified mail, return receipt requested, to the owner’s address as indicated on the tax records. Such notice shall be mailed at least thirty (30) days prior to commencement of the work and entry onto the property. If the City Manager has actual knowledge of an address for owner that is different from that listed in the tax records, notice by certified mail shall be sent to this address. A copy of such notice shall also be mailed or delivered to any tenant of the property. Evidence that notice was delivered or attempted to be delivered to the owner or tenant as directed above shall constitute proof that sufficient notice was given.

**701.2.5 Information contained within notice.** The notice required by 701.2.4 shall contain the following information:

- (a) The date and time that entry onto the property and commencement of the work will occur, and the estimated time it will take to complete the work;
- (b) A general description of the work to be done;
- (c) The address and legal description of the property on which the work is to be done;
- (d) An estimate of the costs and expense for completion of the work;
- (e) A statement that the work has been necessitated by the owner’s failure to comply with this subsection and that the owner shall be held liable for all costs of the work. The statement shall also provide that the owner shall pay the entire cost of the work within 120 days after receipt of a request for payment for these costs and failure of the owner to make payment as required will result in an assessment lien being filed against the property for such costs and expenses; and
- (f) A statement that the owner has thirty (30) days from the date of receipt of the notice to bring the property into compliance with this subsection and avoid incurring any of the costs associated therewith.

**701.2.6 Commencement of work.** If the owner fails to initiate the required disconnection and connection within thirty (30) days of receipt

of the notice, and/or fails to complete this work within ninety (90) days of such receipt, the City may enter the property and proceed to undertake the work described in the Notice.

**701.2.7 Payment request.** Upon completion of the work, the City shall send a request for payment to the owner, by certified mail, return receipt requested, to such address(es) as the original notice was sent, or to such other address that the City Manager has actual knowledge that the owner receives mail. This request for payment shall set forth the costs and expenses incurred by the City for the work done and shall state that a lien may be filed against the property if payment is not made in full within 120 days after the date the request for payment was mailed.

**701.2.8 Remedies in seeking repayment.** If payment is not made in full within 120 days after the date that request for payment was mailed, the City shall have all rights and remedies available to claimants under law to secure recovery of its costs and expenses, and shall be entitled to recover from the property owner all costs of work done, as well as costs incurred in the enforcement and foreclosure of such assessment lien, including attorney fees and costs of judicial foreclosure.

**701.2.9 Obligation for costs.** The costs and expenses payable under 701.2.8 shall be a personal obligation of the property owner(s) regardless of and independent of any lien claim and shall be the same as any obligation of such owner(s) for any service of the City, including without limitation water and/or wastewater charges and services.

**701.2.10 Right of entry.** The Manager may enter any building, structure, or premises at all reasonable times to make an inspection and/or to enforce the provisions of this subsection. When entering a building, structure, or premises for the purpose of making an inspection under this subsection, the Manager shall identify himself, present proper credentials, and request permission to enter and inspect. If the building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate and obtain permission from the owner or person having charge of the premises. If entry is refused, or the owner or person in charge of the premises cannot be located after reasonable efforts, the Manager shall have recourse to every remedy provided by law to secure entry and accomplish inspection.

**701.2.11 Refusal of entry prohibited.** No person, owner, or occupant shall refuse to permit a reasonable request for entry for the purpose of

inspection or work to be completed under this Chapter. Violation of this provision shall be punishable under Section 1-7 of the City's Code of Ordinances.

**701.2.12 No appeal right.** Decisions made by the Manager under this subchapter are not subject to appeal.

(9) 702.2 is amended by adding the following new subsection:

**702.2.1. The use of SDR 26 and SDR 35 for building drains or vents is prohibited.**

(10) 702.3 is amended by adding the following new exception:

**Exception:** The use of SDR 35 and SDR 26 for building sewers shall be prohibited except for sizes of six inches (6") or larger.

(11) Section 708 is amended by adding the following new subsection:

**708.10. An approved two-way cleanout shall be installed at the property line.**

(12) 918.2 is amended by adding the following exception:

**Exception:** Where it is impractical to install a vent to the exterior as determined by the Code Official, an approved air admittance valve may be allowed to vent an island counter sink. All air admittance valves shall be listed, labeled, and shall comply with the requirements of ANSI/ASSE 1051 for the design, construction, and installation of air admittance valves. The air admittance valve shall be installed as high as possible and allow access for repair and/or replacement.

(13) 1003.1 is amended by adding the following new subsection:

**1003.1.1. All grease traps and grease interceptors shall be installed, sized, and shall meet all applicable City requirements, including the City's regulations pertaining to grease traps. In the case of conflicting requirements between the City's regulations and the IPC, the strictest requirement shall apply. The discharge line from the grease traps and/or grease interceptors shall be provided with an approved sample well, which meets all of the requirements of the City's regulations and specifications pertaining to sample wells.**

(c) Appendices. The following appendices of the IPC are adopted: B, C, D, and E.”

**SECTION FOUR.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-122 in its entirety and replacing it with new language that is underlined (added) as follows:

**Sec. 26-122. - International Fuel Gas Code, 2018 Edition.**

(a) Adoption. The International Fuel Gas Code, 2018 Edition (“IFGC”), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fuel Gas Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The IFGC is amended as follows:

(1) 106.6.1 is amended in its entirety to read as follows:

106.6.1. Work commencing before permit issuance. The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City’s utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City’s right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IFGC or other applicable laws.

(2) 109.1 is amended in its entirety to provide as follows:

109.1 Application for appeal. A person shall have the right to appeal a decision of the Code Official or the Fire Code Official to the Building Board of Adjustment and Appeals.

(3) 109.2 through 109.7 are deleted.

(4) Section 301 is amended by adding 301.16 to read as follows:

**301.16 Electrical code.** All references to the *ICC Electrical Code* within the IFGC shall instead refer to the applicable provisions of the Electrical Code currently adopted by the City.

(5) 307.2. is amended in its entirety to read as follows:

**307.2. Fuel-burning appliances.** Liquid combustion by-products of condensing appliances shall be collected and discharged to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or to any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance. Condensate piping shall be of approved corrosion-resistant material and shall not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth (1/8) unit vertical in 12 units horizontal (1 % slope).

(6) Section 307 is amended by adding 307.7 to read as follows:

**307.7 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance.

(c) Appendices. The following appendices of the IFGC are adopted: **NONE.**"

**SECTION FIVE.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-171 in its entirety and replacing it with new language that is underlined (added) as follows:

**Sec. 26-171. - International Mechanical Code, 2018 Edition.**

(a) Adoption. The *International Mechanical Code, 2018 Edition ("IMC")*, a publication of the International Code Council (I.C.C.), is adopted and designated as the Mechanical Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject

to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The IMC is amended as follows:

(1) 106.5.1 is amended in its entirety to read as follows:

**106.5.1. Work Commencing Before Permit Issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IMC or other applicable laws.

(2) 109.2 through 109.7 are deleted.

(3) 301.10 is amended in its entirety to read as follows:

**301.10. Listed and Labeled.** All references to the *ICC Electrical Code* within the IMC shall instead refer to the applicable provisions of the Electrical Code adopted by the City.

(4) Section 303 is amended by adding 303.10 to read as follows:

**303.10. Natural Draft and Forced Draft.** Equipment which utilizes a natural draft venting system shall not be installed in a room, enclosure, alcove, closet, or other space where a return air intake and/or equipment utilizing a forced draft venting system in close proximity thereto could prevent the natural draft system from functioning properly.

(5) 307.1 is amended in its entirety to read as follows:

**307.1. Fuel-Burning Appliances.** Liquid combustion by-products of condensing appliances shall be collected and discharged to the exterior of the building, an adequately sized French drain, the storm sewer. Condensate shall not be discharged into the sanitary sewer or to any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk.

patio, street, alley, public way, or any other location which could create a hazard and/or nuisance. Condensate piping shall be of approved corrosion-resistant material and shall not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth (1/8) unit vertical in 12 units horizontal (1% slope).

**Exception:** an air conditioning system that meets the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and
3. total, combined condensate discharge from all of the eligible systems shall not exceed 15 gallons per day per lot or tract of land.

(6) 307.2.1 is amended in its entirety to read as follows:

**307.2.1. Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance.

**Exception:** an air conditioning system that meets the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and

3. total, combined condensate discharge from all of the eligible systems shall not exceed 15 gallons per day per lot or tract of land.

(7) Section 801 is amended by adding 801.4.1 to read as follows:

**801.4.1. Natural Draft and Forced Draft.** Equipment which utilizes a natural draft venting system shall not be installed in a room, enclosure, alcove, closet, or other space, where a return air intake and/or equipment utilizing a forced draft venting system in close proximity thereto could prevent the natural draft system from functioning properly.

(c) Appendices. The following appendices of the IMC are adopted: A.”

**SECTION SIX.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-201 in its entirety and replacing it with new language that is underlined (added) as follows:

**Sec. 26-201. - International Energy Conservation Code, 2018 Edition.**

(a) Adoption. The International Energy Conservation Code, 2018 Edition (“IECC”), a publication of the International Code Council (I.C.C.), is adopted and designated as the Energy Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The IECC is amended as follows:

(1) Section C105 is amended by adding a new subsection to read as follows:

**C105.2.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with 4(CE) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect

the air barrier as per R402.4 Air leakage, of the IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the IECC.

(2) Section C402.3 is amended in its entirely to read as follows:

**C402.3 Roof solar reflectance and thermal emittance.** Low-sloped roofs, with a slope less than or equal to 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces in *Climate Zones 1, 2, and 3* shall comply with one or more of the options in Table C402.3. Roof surfaces with a slope greater than 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces shall have a minimum reflectance of 0.35 or a minimum Solar Reflective Index of 29.

(3) C402.4.2 is amended by adding the following exception:

6. In warehouses protected by Early Suppression Fast Response (ESFR) fire sprinklers where vertical wall fenestration is provided with a minimum area.

(4) Section C404.6.1 is amended in its entirely to read as follows:

**C404.6.1 Circulation systems.** Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermosyphon circulation systems are prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. pump starts upon identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water; or
2. include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.

(5) Section C501.6 is amended in its entirely to read as follows:

**C501.6 Historic buildings.** No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.

(6) Section R105.2 is amended in its entirely to read as follows:

**R105.2 Required inspections.** The code official or his or her designated agent, upon notification, shall make the inspections set forth in R105.2.1 through R105.2.5 and C105.2.1 through C105.2.7.

(7) R105.2 is amended by adding new subsections to read as follows:

**R105.2.6 Duct test for one- and two-family dwellings and townhomes.** All ducts for one- and two-family dwellings as well as townhomes, in unconditioned spaces, shall be duct tested prior to covering or concealment to disclose leaks and defects. Tests shall be made by an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria and results provided to the code official. Apparatus, material, and labor required for testing a mechanical system shall be furnished by the independent certified RESNET energy rater or code official approved alternate. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this chapter. The work or installation shall then be re-submitted to the code official for inspection and testing. *See also 403.3.3 of the IECC.*

**R105.2.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with 4(CE) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect the air barrier as per R402.4 Air leakage, of the 2018 IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the 2018 IECC.

(8) R402.4.1.1 is amended in its entirely to read as follows:

**R402.4.1.1 Installation.** The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. An approved third party shall inspect all components and verify compliance. Insulation letters shall not be submitted to the code official prior to the inspection being performed and shall be submitted on a form approved by the code official.

(9) Section R402 is amended by adding a new subsection to read as follows:

**R402.6 Radiant Barrier.** In new dwellings, a roof radiant barrier with an emittance of 0.10 or less as tested in accordance with ASTM C-1371 or ASTM E-408 is required above conditioned spaces. The radiant barrier shall be installed according to the manufacturer's instructions.

**Exceptions:**

1. Roofs covered with materials that have a solar reflectance of 0.4 or greater.
2. Residential buildings with sealed attics such as foam type insulation or similar.
3. Residential buildings with all mechanical equipment and all ductwork located wholly within the conditioned space.

(10) R403.5.1.1 is amended in its entirety to read as follows:

**R403.5.1.1 Circulation systems.** Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water; or
2. include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature

sensor switch to pause the re-circulating pump whenever the return water is hot.

(11) R501.6 is amended in its entirety to read as follows:

**R501.6 Historic buildings.** No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.”

**SECTION SEVEN.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding Section 26-210 as indicated by the new language that is underlined (added) as follows:

**“Sec. 26-210. - International Swimming Pool and Spa Code, 2018 Edition.**

(a) *Adoption.* The International Swimming Pool and Spa Code, 2018 Edition (“ISPSC”), a publication of the International Code Council (I.C.C.), is adopted and designated as the Pool and Spa Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the ISPSC is on file in the office of the City Secretary and within the Department of Development Services.

(b) *Amendments.* The ISPSC is amended as follows:

(1) Section 105 is amended by adding 105.1.1 to read as follows:

105.1.1 Contractor’s license required. Contractor’s license required. Any person who is required by the ISPSC to make application for a building permit shall first obtain a contractor’s license from the City. The City will issue a contractor’s license for a period not exceed one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.

Exceptions: i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor’s license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner’s primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to

obtain a single-permit license from the City prior to being issued a permit for the project.

(2) 105.6.1 is amended in its entirety to read as follows:

**105.6.1 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the ISPSC or other applicable laws.

(3) 105.6.3 is amended in its entirety to read as follows:

**105.6.3 Fee Refunds.** The building official is authorized to establish a refund policy.

(4) Section 108 is deleted.”

**SECTION EIGHT.** Future amendments, not including clarifications or technical notices of any type, of the Codes must be subsequently approved and adopted by City Council.

**SECTION NINE.** The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

**SECTION TEN.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

**SECTION ELEVEN.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances in direct conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any

such inconsistency or conflict. This Ordinance is not intended to and does not replace the following laws of the City: Zoning Code, Subdivision Code, or Sign Code, as such codes exist or as may be amended.

**SECTION TWELVE.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

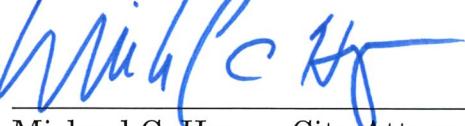
**SECTION THIRTEEN.** In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication. The Ordinance shall then become effective in accordance with this Charter section.

PASSED AND APPROVED ON FIRST READING, this the 12 day of January, A.D., 2021.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 26 day of JANUARY, A.D., 2021.

  
Bill Blackburn, Mayor

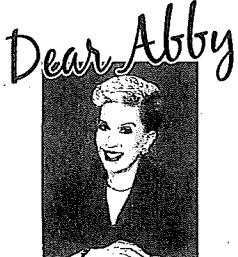
APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

ATTEST:

  
Shelley McElmannon, City Secretary

## CLASSIFIEDS

Overwhelmed  
New Parents  
Struggle To Eat  
Healthy Food

by Abigail Van Buren

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DEAR ABBY: I have a close friend who recently had a baby with serious health problems. Unfortunately, we live on opposite sides of the country, and I can't afford to fly out there. I want to help, but short of calls and texts to let her know I'm thinking of her, I'm out of ideas.

She's mentioned several times that with all the work of being a new parent plus the extra work involved with a child with special needs, she often doesn't have time to prepare healthy meals and reverts to junk food that she can grab easily. Ordinarily, I'd bring over a few meals to help out, but that's impossible to do when she's so far away.

Restaurant gift cards would be an option, but unfortunately she and her husband don't have the time to go to one. I'm hoping you might have other ideas on how I can help out from afar.

PUZZLED ABOUT HELPING

DEAR PUZZLED: Go online and research food delivery services in the city or town where your friend lives. Some businesses deliver prepared meals on a weekly basis. Other companies ship boxes of wonderful fruits every month. But before doing anything, ask your overwhelmed friend what she and her husband think might be helpful rather than try to second-guess.

\*\*\*

DEAR ABBY: I'd like to know if there is a nice way of asking my niece and her boyfriend, who are in their mid- to late-20s, not to bring their phones to the dinner table? I have spent days preparing for and cooking holiday meals. The evening was less than enjoyable for me because they were only partly there, and spent most of their time texting and presumably on Facebook.

It's awkward to ask an adult to practice good manners. Any words of wisdom will be much appreciated.

WELL-MANNERED LADY  
IN THE WEST

DEAR LADY: Explain to your niece that you spend a lot of time, money and effort on presenting these meals, and that you were hurt and offended at their apparent lack of appreciation. It's the truth. Do not pre-occupy yourself with trying to be nice or you will weaken the message. Some families solve this problem by insisting their guests place their cellphones in a basket before dinner and reclaim them as they depart. (Just a thought!)

\*\*\*

DEAR ABBY: My friend from church casually mentioned that he and his wife recently helped themselves to several buckets of sand from a national park. I'm beside myself trying to understand how they can justify pillaging a natural resource so they can pretend they are at the beach. It's beyond selfish.

Weekend, January 30-31, 2021

Call: 896-7777

Fax: (830)896-1150

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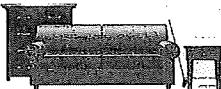
## January Classified Special

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for One Week

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Public Notice

Public Notice

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Public Notice

Public Notice

Lost &amp; Found

Our Kobe went missing on Jan, 25th from Quinlin St and Barnett. He's a White Shiba Inu.

We are very worried about him and want him home. We are offering a \$500 reward for his safe return. Please Contact Emily Flores 830-377-2229 Or Antonio Flores 830-377-0336 if you find him or hear something about him. 830-377-2229

Public Notice

CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-04

AN ORDINANCE AMENDING SECTION 26-31 OF CHAPTER 26 "BUILDING AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, IN ITS ENTIRETY BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2018 EDITION, REGULATING THE CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES WITHIN THE CITY EXCEPT ONE- AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLEFAMILY DWELLINGS (TOWNHOUSES), AND INCLUDING THE NATIONAL ELECTRICAL CODE AS REFERENCED HEREIN; ADOPTING LOCAL AMENDMENTS; ADOPTING A NEW SECTION 26-39 TO REQUIRE A PERMIT FOR THE CONSTRUCTION OF A FENCE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-01

AN ORDINANCE ANNEXING AN APPROXIMATE 33.81 ACRE TRACT OF LAND OUT OF THE SAMUEL WALLACE SURVEY NO. 113, ABSTRACT NO. 347, INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SAID TRACT BEING LOCATED WITHIN KERR COUNTY, TEXAS, AND THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF KERRVILLE, TEXAS; AND GENERALLY LOCATED IN THE 3200 BLOCK OF LOOP 534 (VETERANS HIGHWAY); FURTHER DESCRIBING THE PROPERTY TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE PROPERTY ANNEXED; AND ESTABLISHING THE ZONING FOR THE PROPERTY ANNEXED

CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-05

AN ORDINANCE AMENDING ARTICLES II, III, IV, V, AND VI CHAPTER 26 "BUILDING AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, IN THEIR ENTIRETY BY ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE, NATIONAL ELECTRICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL ENERGY CONSERVATION CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITIONS (UNLESS OTHERWISE STATED), AS TO BUILDINGS, STRUCTURES, SYSTEMS, AND OTHER APPLICATIONS WITHIN THE CITY; ADOPTING LOCAL AMENDMENTS TO EACH CODE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-03

AN ORDINANCE AMENDING SECTION 26-32 OF CHAPTER 26 "BUILDING AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, IN ITS ENTIRETY BY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, FOR ONE- AND TWO-FAMILY DWELLINGS, REGULATING THE CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL ONE- AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) WITHIN THE CITY; ADOPTING LOCAL AMENDMENTS; RENUMBERING SECTION 26-1 CONCERNING THE MOVING OF A HOUSE UPON CITY STREETS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

## ADVERTISEMENT FOR BID

Sealed bids for the Loop 534 Ellenburger Water Well Improvements Project will be received electronically through [www.civcastUSA.com](http://www.civcastUSA.com) by the City of Kerrville, Texas until 3:00 p.m. on February 16, 2021 and will then be publicly opened and read aloud in Council Chambers at City Hall.

The bidding documents, plans, specifications, etc. may be examined by all bidders at the City of Kerrville Engineering Office, 200 Sidney Baker Street, Kerrville, Texas, 78028, 830-258-1528, or on the City's website [www.kerrvilletx.gov](http://www.kerrvilletx.gov). Copies of such instruments may be obtained from the following website: <http://www.civcastUSA.com>. Copies may also be purchased at Lone Star Reprographics in San Antonio, Texas (210-366-4808) or Hill Country Reprographics in Kerrville, Texas (830-896-2679). The cost for printed Contract Documents is not refundable and the documents are not returnable.

This website will be updated with addenda, plan holder lists, bid tabulations, additional reports or other information relevant to bidding the Project. Official plan holders list will

The Annual Returns and  
Exemption Application of  
the Coast Foundation, Inc.  
are available for public  
inspection during regular  
business hours at:

Principal Office  
707 Hill Country Drive  
Suite 114

NOTICE TO CREDITORS:

Notice is hereby given that original Letters Testamentary for the Estate of BETTIE DELORIS BOYTE BICKLEY, Deceased, were issued

Public Notice

Public Not