



CITY OF KERRVILLE
BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA
REGULAR MEETING, JUNE 29, 2023 03:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

1. CALL TO ORDER

2. MINUTES

2A. Approval of Meeting Minutes from the May 25, 2023 meeting

3. CONSIDERATION AND ACTION

3A. Recommend adoption of the 2021 International Residential Code

3B. Recommend adoption of the 2021 International Energy Conservation Code

4. PUBLIC HEARING

4A. Unsafe Structure located at 516 W. Water Street

5. STAFF REPORT

6. ADJOURNMENT

The facility is wheelchair-accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of the meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: May 29, 2023, At 03:00 PM and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina

Deputy City Secretary, City of Kerrville, Texas



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 2A. Approval of Meeting Minutes from the May 25, 2023 meeting

AGENDA DATE OF: June 29, 2023 **DATE SUBMITTED:** June 22, 2023

SUBMITTED BY: Guillermo Garcia, Executive Director of Innovation

EXHIBITS:

MEMBERS PRESENT:

Bruce Motheral, Chair

Mack Edmiston, Board Member

Jennifer Hyde, Board Member

Daniel Lowery, Board Member

MEMBERS ABSENT:

Bob Rue, Board Member

Mike Asmus, Alternate

Steve Van Patten, Alternate

STAFF PRESENT:

Guillermo Garcia, Executive Director for Innovation

Aaron Barnes, Interim Chief Building Official

Dorothy Miller, Recording Secretary

1. CALL TO ORDER:

On May 25, 2023, the Kerrville Building Board of Adjustment and Appeals regular meeting was called to order at **3:00** p.m. in the City Hall council chambers, 701 Main Street.

2. APPROVAL OF MINUTES

2A. Approval of the minutes from the April 27, 2023 meeting.

Jennifer Hyde moved to approve the minutes as presented; the motion was seconded by Mack Edmiston and passed 4-0.

3. CONSIDERATION AND ACTION

3A. Recommend adoption of the 2020 National Electrical Code

Mr. Garcia presented a power point regarding the 2020 National Electrical Code amendments and discussed the following:

Major changes

Jennifer Hyde asked what changes in inspections on residential. AB - GFCI changes on new construction. Required if within 6 feet of a water source.

DL/JH moved to recommend the adoption of the 2020 National Electrical Code as presented; motion was seconded by _____ and passed 4-0.

3B. Recommend adoption of the 2021 International Mechanical Code

Mr. Garcia presented a power point regarding the 2021 International Mechanical Code amendments and discussed the following:

Jennifer Hyde asked about makeup air in HVAC systems. Aaron Barnes - 30% decrease. The bulk of changes affects commercial, not residential.

JH/DL moved to recommend the adoption of the 2021 International Mechanical Code as presented; the motion was seconded by _____ and passed 4-0.

4. STAFF REPORT

Guillermo Garcia announced that Aaron Barnes has been promoted to Interim Chief Building Official.

Next month may present one unsafe structure.

5. ADJOURNMENT

The meeting adjourned at 3:17 p.m.

ATTEST:

Bruce Motheral, Chair

Dorothy Miller, Recording Secretary



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 3A. Recommend adoption of the 2021 International Residential Code
AGENDA DATE OF: June 29, 2023 **DATE SUBMITTED:** June 22, 2023
SUBMITTED BY: Guillermo Garcia, Executive Director of Innovation
EXHIBITS: Article II. – Building Codes, Section 26-32 International Residential Code

SUMMARY STATEMENT:

The International Residential Code (IRC) establishes minimum requirements for one- and two-family dwellings and townhouses using prescriptive provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs.

RECOMMENDED ACTION:

Recommend adoption of the 2021 International Residential Code

Sec. 26-32. International Residential Code, 2018 Edition.

(a) *Adoption.* The *International Residential Code, 2018 Edition* ("IRC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Residential Building 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 IRC is on file in the office of the city secretary and within the city's department of development services.

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

(1) R103.1 is deleted.

(2) Section R105 is amended by adding R105.1.1 to read as follows:

R105.1.1 Contractor's license required. Any person who is required by the IRC 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.

(3) R105.2 is amended by deleting exemption 5. under "Building".

(4) R108.6 is amended in its entirety to read as follows:

R108.6 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 IRC or other applicable laws.

(5) Section R202 is amended by adding the following definitions:

Occupancy. The fact or condition of holding, possessing, or residing in for the purpose of using a building or structure for the intended use. Occupancy exists when any activity or use, other than construction work on the building itself, is conducted within or from the building or structure, including the primary business of the occupancy and any ancillary activity of the occupancy classification, such as bookkeeping, telephoning, holding meetings and the like.

Occupancy Classification. The classifying of buildings or structures according to their proposed use for the purpose of determining construction requirements as they pertain to the *International Residential Code, International Electrical Code, International Mechanical Code, International Plumbing Code, International Energy Code, International Fuel Gas Code, International Fire Code*, and other City regulations. Occupancy classification takes place when plans and/or a permit application are received for review by the City or at the time that an existing building is changing occupancy type. The occupancy classification is determined by the Building Official.

(6) Tables R402.2 and R403.1(1) and (2) are amended to add the following specifications and tables:

Footing design. "Post-tension" tendonics cable-type foundations shall meet the following requirements, each of which shall be performed by a licensed engineer:

- (a) Submit complete layout of cable with all figures and calculations;
- (b) Inspect the installation immediately before pour along with City inspectors;
- (c) Conduct an on-site inspection while pour is in progress;
- (d) Supervise the pulling of the tendons along with City inspectors; and
- (e) Complete a certificate after completion that the above requirements have all been met, and submit same to City.

Minimum 2500 psi concrete placed with no more than a four-inch slump without admixtures or additives unless the mix is certified by a licensed engineer. Foundations shall be placed monolithically after the removal of all vegetation and compaction of placed fill. Reinforcing steel shall be clean and free of scale and extensive rust. No concrete shall be placed in conditions where the temperature is less than 40 degrees or where the temperature is expected to fall below 40 degrees within 24 hours unless provisions have been made to maintain a temperature of 40 degrees or greater for a period of at least 24 hours.

Frame Construction:

Exterior Beams Dimensions and Requirements	
Width	12" Minimum over all dimensions
Height	18" Minimum over all dimensions
Continuous Reinforcing	4 - #4 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Minimum 12" undisturbed soil

Interior Bearing Beams Width	
Width	12" Minimum over all dimensions
Height	16" Minimum over all dimensions
Continuous Reinforcing	2 - #4 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Into compacted fill

Masonry Veneer Construction:

Exterior Beams Dimensions and Requirements	
Width	12" Minimum over all dimensions
Height	24" Minimum over all dimensions
Continuous Reinforcing	4 - #5 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Minimum 12" undisturbed soil

Interior Bearing Beams Width	
Width	12" Minimum over all dimensions
Height	18" Minimum over all dimensions
Continuous Reinforcing	2 - #5 Rebar
Stirrups	#3 stirrups every 3' or as required
Depth	Into compacted fill

Not less than six-inch by six-inch, #6 gauge wire mesh shall be used for the reinforcement of all foundations and monolithic slabs.

When beams exceed twenty-four (24) inches in height, a detail of the reinforcing steel shall be shown on the drawing.

The minimum thickness of concrete floor slabs supported directly on the ground shall not be less than four (4) inches. An approved vapor barrier of at least 0.060 polyethylene plastic or equivalent with twelve-inch overlap at seams shall be installed underneath all slabs under spaces to be occupied but excluding patios, sidewalks, and driveways.

Sidewalks shall have a minimum six-inch by six-inch, #6 gauge wire mesh with one (1) #4 bar steel around perimeter.

Concrete driveways shall have a minimum of six-inch by six-inch, #6 gauge wire mesh and one (1) #4 bar steel around perimeter.

(7) R905.7 is amended in its entirety to read as follows:

R905.7 Wood shingles and shakes. The installation of roof coverings shall comply with the provisions of this section.

R905.7.1 New wood roofs prohibited. Wood shingles and shakes are prohibited, are not allowed as an alternative material, and shall not be installed or used on any new construction or the re-roofing of any structure.

R905.7.2 Repair of existing roofs. Any existing structure which has wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the existing roof. Any percentage greater than twenty-five percent (25%) will be considered "re-roofing" in which event the use of wood shingles or shakes is prohibited as provided by R905.7.1. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken in an attempt to meet the definition of "repair".

(8) R905.8, including the subsections, is deleted.

(9) M1411.3 is amended in its entirety to read as follows:

M1411.3 Condensate disposal. Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to a place of disposal as approved by the Building Official. Condensate shall not be discharged into a street, alley, or other area so as to cause a nuisance or hazard. The condensate from any heating system, air conditioning system, or other source shall not be discharged into the sanitary sewer. Condensate shall discharge to the exterior, an adequately-sized French drain, or other location approved by the Building Official.

Exception: an air conditioning system that meets all of 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 condensate discharge may not exceed 15 gallons per day per lot or tract of land.

(10) Section P2501 is amended by adding P2501.1.1 to read as follows:

P2501.1.1 Requirements not covered by IRC. The Building Official may impose any requirement(s) necessary for the strength, stability, or proper operation of an existing or proposed plumbing system or to ensure the public safety, health, and welfare, not specifically covered by the IRC.

(11) P2503.8.2 is amended in its entirety to read as follows:

P2503.8.2 Reduced pressure principal, double check, double check detector, and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation or immediately after repairs or relocation. Any backflow assembly installed to protect from contamination or health hazard shall be tested annually.

(12) A new Section P2610 is added to read as follows:

SECTION P2610. CROSS-CONNECTION (BACKFLOW) CONTROL.

P2610.1 Applicability of section. This section applies to anyone who receive potable water from the City. No water service connection from the City's public water supply system shall be allowed to any residence, 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. At any residence, 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 section. 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 section.

P2610.2 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.

P2610.3 Definitions.

- (a) **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.
- (b) **City.** The City of Kerrville, Texas, or any authorized person acting on its behalf.
- (c) **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.
- (d) **Customer.** The person receiving potable water service from the City or another water purveyor.
- (e) **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.

- (f) **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.
- (g) **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.
- (h) **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.
- (i) **Potable water.** Water that complies with TCEQ rules for human consumption and other domestic uses.
- (j) **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.
- (k) **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.
- (l) **Reclaimed water.** Treated water from a wastewater treatment facility.
- (m) **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.
- (n) **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.
- (o) **Utility.** Water and/or wastewater utility.
- (p) **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.

P2610.4 Landscape Irrigation. A double check backflow prevention assembly may be used for landscape irrigation if there are no conditions that present a health hazard.

P2610.5 Rainwater Harvesting System. Installation and use of a rainwater harvesting system shall comply with 30 TX. Administrative Code, §290.44, et seq., as amended.

P2610.6. Customer Service Inspection. The City shall complete a customer service inspection certificate 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, in accordance with 30 TX. Administrative Code, §290.44, et seq., and as may be amended.

P2610.7 Civil Remedies.

P2610.7.1 Equitable relief. The City Attorney may enforce this section 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 section, 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 section shall be liable to the City for expenses, loss, or damage incurred by the City.

P2610.7.2 Termination of service. The Manager may terminate service in accordance with this section. 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 section. The Manager may require submission of test and maintenance reports before the final release of water or wastewater inspections.

(12) Section P3002.1 is amended by adding a new exception as follows:

Exception: The use of SDR 35 and SDR 26 is prohibited except for those sizes six inches (6") and larger.

(13) Section P3002.2 is amended by adding a new exception as follows:

Exception: The use of SDR 35 and SDR 26 is prohibited except for those sizes six inches (6") and larger.

(14) Section P3005.2 is amended to add the following new section:

P3005.2.12. Two-Way Cleanout Required. The owner or occupant shall provide an approved two-way cleanout on the building sewer at the property line.

(15) *Tables P3107.3, P3108.3, and P3109.4* are amended by adding the following footnote to each table:

Fn: The minimum size of a vent serving a water closet shall be two inches (2").

(16) Section P2903.1 is amended by adding the following new subsection:

P2903.1.1 Water service shut-off valve. An approved shut-off valve 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 should become 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 supply 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.

(c) *Appendices.* The following appendices of the IBC are adopted: AA through AE, AG, AH, AJ, AM, AN, AO, and AQ."

(Ord. No. 2002-06, art. 7-I-2, 4-9-2002; Ord. No. 2003-33, § 2, 12-9-2003; Ord. No. 2008-10, § 2, 3-25-2008; Ord. No. 2009-22, § 2, 11-10-2009; Ord. No. 2021-03, § 1, 1-26-2021)



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 3B. Recommend adoption of the 2021 International Energy Conservation Code
AGENDA DATE OF: June 29, 2023 **DATE SUBMITTED:** June 22, 2023

SUBMITTED BY: Guillermo Garcia, Executive Director of Innovation

EXHIBITS: Article VI. – Energy Conservation Code, Sec. 26-101 2018 IECC

SUMMARY STATEMENT:

The International Energy Conservation Code (IECC) establishes minimum requirements for energy-efficient buildings using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new energy-efficient designs.

RECOMMENDED ACTION:

Recommend adoption of the 2021 International Energy Conservation Code.

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. ~~Commercial~~ 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. ~~Residential~~ Inspections shall be made to determine compliance with 4(~~ER~~E) 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 entirely 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.

(Ord. No. 2003-34, § 1(art. 7-VII-1), 12-9-2003; Ord. No. 2008-14, § 1, 3-25-2008; Ord. No. 2016-17, § 1, 9-27-2016; Ord. No. 2021-05, § 6, 1-26-2021)



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 4A. Unsafe Structure located at 516 W. Water Street

AGENDA DATE OF: June 29, 2023 **DATE SUBMITTED:** June 22, 2023

SUBMITTED BY: Guillermo Garcia, Executive Director of Innovation

EXHIBITS: Findings and Conclusion on 516 West Water Street

SUMMARY STATEMENT:

On April 10, 2023, Code Enforcement received a call about a potentially unsafe structure located at 516 W. Water Street. After an investigation, it was found that the property was in a poor state due to a structural fire. The Chief Building Official and Deputy Fire Marshal were called to further investigate and found the structure to be unsafe and a health hazard to the public.

On May 18, 2023, the Chief Building Official in coordination with the Deputy Fire Marshal declared the structure to be unsafe as per Sec. 26-233 Emergency Action. Under this section, the Chief Building Official ordered the structure to be secured, a notice was posted on the property, and a notification letter was sent to the property owner.

The Chief Building Official proceeded to communicate to the property owner, mortgagee, and lienholders via a letter of notification and by posting in the local newspaper a notification of a public hearing to appear before the Building Board of Adjustment and Appeals.

The Chief Building Official will present evidence that the structure is unsafe, dilapidated, dangerous, and a public nuisance due to the health hazard to the public. Sec. 26-242 Application Standards apply:

- (1) The building, dwelling, or any part is likely to partially or fully collapse
- (7) The building has been damaged by fire, ..., or other cause to such an extent that it has become dangerous to the public health, safety, and welfare.

RECOMMENDED ACTION:

Order to demolish the structure located at 516 W. Water Street and remove it from the premises within 30 days.

CASE NO. 2023-__

IN THE MATTER OF
THE APPLICATION TO
THE BUILDING BOARD OF ADJUSTMENT AND APPEALS
FOR THE CITY OF KERRVILLE, TEXAS
FOR AN ORDER DECLARING BUILDING UNSAFE
AND ORDERING DEMOLITION (516 WEST WATER STREET)

FINDINGS AND CONCLUSIONS

On the 29th day of June, 2023, the above styled and numbered case came on for consideration at a public hearing before the Building Board of Adjustment and Appeals (“Board”) for the City of Kerrville, Texas. The Applicant, City of Kerrville, appeared by and through its Interim Chief Building Official, Aaron Barnes, and the Respondent, Jackie Smith Luckenbach, failed to appear, despite having been previously notified of the need for the repair or removal of the buildings and of the date, time, and location of this public hearing and of its purpose. No lienholder(s) or mortgagee(s) of this Property were identified.

The Board hereby finds that proper notice was given and that all of the other necessary prerequisites for this hearing contained within the Code of Ordinances for the City of Kerrville were accomplished (Chapter 26, Article VII “Unsafe Building Abatement”) as required. The Board considered the evidence and arguments presented and at the conclusion of the hearing unanimously approved a motion declaring that the building that was the subject of this hearing, located at 516 West Water Street in Kerrville, Texas, is unsafe, in that it is more than 50% damaged and deteriorated, and ordering the Respondent to demolish the said building and remove it from the premises within 30 days from the date of this Order. The Board further

Ordered that any mortgagee or lienholder be provided with a copy of this Order and be notified of their right to take the ordered action within the same 30 days, if the Owners do not act.

In accordance with the City Code of Ordinances, Chapter 26, Article VII, the Board further orders that this Order be mailed to the Owner(s) and all lienholder(s) or mortgagee(s), if any, within one working day of the date of this Order, and that the Applicant shall also post an unsafe building notice at the subject property, in a conspicuous location at each entrance to the building. This notice shall remain posted until the building is demolished and removed.

It is further Ordered that the Chief Building Official for the City of Kerrville shall file a copy of this Order with the City Secretary and publish in the City's official newspaper a notice containing:

- a. The street address or legal description of this property;
- b. The date of the hearing;
- c. A brief statement indicating the results of the Order;
- d. Instructions stating where a complete copy of the Order may be obtained.

If is further Ordered that if the Owner(s), lienholder(s), or mortgagee(s) fails to complete the work as ordered herein within the time specified, the Chief Building Official may cause the work to be performed at the City's expense. In this event, the Owner(s) shall be charged for the expenses of the City's work, which charges shall include, but not be limited to:

- a. Inspection or testing by third parties;

- b. Photograph;
- c. Publication of notices;
- d. Postage and/or other charges related to the delivery of notices, orders, and other documents;
- e. Title search;
- f. Attorney's fees;
- g. Recording fees;
- h. Labor and equipment costs for preparation of the premises;
- i. Work to secure, repair, demolish, clean up and remove debris;
- j. Costs related to the removal and/or disposal of hazardous materials, including asbestos and asbestos-containing materials; and
- k. Landfill and other disposal fees.

The Chief Building Official shall execute and file a notice of lien in the Real Property records for Kerr County, in the Kerr County Clerk's Office, and a copy of such notice of lien shall be sent to the Owner(s) and any lienholder or mortgagee. The contents of this lien notice shall be the same as set forth in the City Code of Ordinances for the City of Kerrville, §26-247(e). This lien shall be privileged lien, subordinate only to tax liens, and shall accrue interest at the rate of 10% per annum until paid.

The Respondents and any lienholder or mortgagee is hereby placed on notice that they have the right to appeal this decision in accordance with the provisions of TEXAS LOCAL GOVERNMENT CODE §214.0012.

BRUCE MOTHERAL, CHAIR
CITY OF KERRVILLE
BUILDING BOARD OF ADJUSTMENT
AND APPEALS