



CITY OF KERRVILLE
BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA
REGULAR MEETING, AUGUST 24 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 June 29, 2023 meeting

3. CONSIDERATION AND ACTION

3A. Recommend adoption of the 2021 International Building Code

3B. Recommend adoption of the 2021 International Fire Code, 2021 NFPA 101 Life Safety Code, and Section 50-4 Conflict with Federal and State Law

4. PUBLIC HEARING

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

5. STAFF REPORT

6. ADJOURNMENT

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: 8/18/2023 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina
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 June 29, 2023 meeting
AGENDA DATE OF: August 24, 2023 **DATE SUBMITTED:** July 20, 2023
SUBMITTED BY: Aaron Barnes, Interim Chief Building Official
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

Trina Sanchez, Assistant Director of Building Services

Donna Bowyer, Neighborhood Enhancement/Code Enforcement Manager

Dorothy Miller, Recording Secretary

1. CALL TO ORDER:

On June 29, 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 May 25, 2023 meeting.

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

3. CONSIDERATION AND ACTION

3A. Recommend adoption of the 2021 International Residential Code

Guillermo Garcia reviewed the codes that the Board has previously discussed and approved. He then announced the following adoption schedule:

- August
 - Property Maintenance Code
 - Administrative Amendments
 - Additional Changes
 - City Council Workshop
- September
 - 1st Reading for Adoption
 - 2nd Reading for Adoption
- October
 - Codes are in effect

Aaron Barnes presented a power point regarding the 2021 International Residential Code amendments and discussed the following:

Major changes:

- Braced wall lines must be placed on a physical wall or placed between multiple walls.
- The rated separation for two-family dwellings is 1 hour whether or not a lot line exists between units.
- Emergency escape and rescue openings require a clear 36-inch-wide path to a public way.
- An engineered design is required for storm shelters.
- A habitable attic is limited to one-half the area of the story below and the dwelling requires sprinklers.
- Updated Wind Speed maps match IBC and ASCE 7 maps.
- Deck design now considers snow load, tributary area for footing and post height, and guard details.
- Specific requirements for deck guardrails were added.
- Component and cladding wind pressures in Table R301.2(2) are updated for new design wind speeds and hip or gable roof profiles. (Does not apply to Kerrville.)
- Minimum footing size tables are revised to more accurately reflect current practice.
- Cripple wall requirements apply only to exterior cripple walls.
- New appendices for cob construction and 3D printed construction are added.
- A 30 percent reduction of airflow is permitted for balanced ventilation systems.
- Commercial gas cooking appliances are prohibited.
- The head pressure for a water test of DWV systems increased to 10 feet.
- Air vacuum testing is now permitted for plastic piping DWV systems.
- Section P2904 for dwelling sprinklers is expanded to more closely align with NFPA 13D.
- An emergency service disconnect is required in a readily accessible outdoor location.
- A surge-protective device (SPD) is now required at the service panel.
- The number of receptacle outlets required for peninsular and island countertops in kitchens is determined by the area of the countertop surface.

- GFCI protection is now required for damp and wet locations not included in the other 10 areas requiring GFCI protection.

Many of these changes can also be found in the electrical, plumbing and/or fuel codes previously presented to this Board.

Amendments:

The recommended change is to eliminate the requirement that a copy of the IEBC is on file at the City Secretary's Office. After a discussion with the City Secretary, they have not been asked by citizens to see a copy of the I-Codes. They are normally referred to Development Services. It is our intent to make available our code books and provide linkages on our webpage to the digital ICC code web pages.

Appendix AO Automatic Vehicular Gates

- Appendix AO provides requirements for automatic vehicular gates, including a definition of and references to standards that regulate such gates.

Jennifer Hyde moved to recommend adoption of the 2021 International Residential Code as presented; motion was seconded by Daniel Lowery and passed 4-0.

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

Aaron Barnes presented a power point regarding the 2021 International Energy Conservation Code amendments and discussed the following:

Major Changes

- Digital Plans
- Climate zone definitions
- Compliance Paths
- Envelope Certificate
- Minimum R-values
- Insulation and fenestration U-Factor criteria
- Roof assembly and insulation
- Air leakage
- Operable openings interlocking
- Automatic start and stop
- Occupant sensor control in warehouse storage areas
- Parking garage lighting control
- Automatic receptacle control
- Energy monitoring (in commercial, not residential)

Amendments:

(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.~~

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.~~

R105.2.7 Energy efficiency inspections. ~~Residential~~ 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.

Bruce Motheral asked about getting a copy of the power points presented to date along with a link to ICC to see all the changes in writing.

Jennifer Hyde moved to recommend adoption of the 2021 International Residential Code as presented; motion was seconded by Mack Edmiston and passed 3-1.

4. PUBLIC HEARING

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

Guillermo Garcia presented the unsafe structure located at 516 W. Water St.

Code Enforcement:

- April 10, 2023 – Complaint
- Investigation
- May 18, 2023 – Chief Building Official Investigation

Chief Building Official Investigation:

- Pictures of front, side, rear, and interior of structure
- Damage from structural fire
- Fire damage through the roof
- Interior damage

- Damage to room with holes
- Beams are burnt
- Damage to roof and side of house

Emergency Order:

- Structure was secured from entry
- Notice placed on structure
- A notice of emergency action was mailed to the property owner.

Notification:

- Notification to all interested parties via newspaper and letter

Recommended Action:

- Order for the structure to be demolished

Daniel Lowery stated the property owner is deceased and asked if other family members were contacted. Guillermo Garcia responded that yes, other family members were notified but they declined interest in the property.

Bruce Motheral opened the public hearing at at 3:45 p.m.

Bob Reeves, Kerr County Tax Assessor, spoke, stating he is in the process of initiated litigation for taxes owed on the property. A deferral was removed the first of year, but they were just notified in June. The tax assessor's office will sell the property at the initial bid of taxes owed to include KISD taxes and any city liens.

Hearing no one else speak, Bruce Motheral closed the public hearing at 3:47 p.m.

Jennifer Hyde asked about the extent of the damage to the home as to whether it is salvageable. Aaron Barnes stated during his inspection, he saw fire and weather damage to areas not just inside the home, but also under the home and in the attic area.

Danny Lowery, who lives in the surrounding area of the subject property, stated the property burned for several hours and said that KFD had to cut holes into the home to get water inside.

Donna Bowyer confirmed that she has in writing that the deceased's daughters do not want anything to do with the estate.

Mack Edmiston moved to recommend the city take whatever steps are necessary to demolish the structure located at 516 W. Water Street and proceed with county and KISD to reclaim any funds that are available; motion was seconded by Danny Lowery and passed 4-0.

5. **STAFF REPORT**

Guillermo Garcia announced there are two openings for alternates on this board.

Mr. Garcia reported the next thing going before city council is a modification of two things:

- 1) Changing the requirement as to how often BBAA meets. The current ordinance states BBAA is to, at minimum, meet quarterly, but staff has not had anything to present each quarter so staff wants to change the requirement to meet as needed.
- 2) When Covid happened, BBAA members were reappointed for another extended period of time but did not identify the roll off period of each board member so the city attorney's office is working on addressing this to get board members back on a regular schedule where three members' terms would end at a certain point in time and the other two members would roll off at another appointed time.

5. ADJOURNMENT

The meeting adjourned at 3:56 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 Building Code
AGENDA DATE OF: August 24, 2023 **DATE SUBMITTED:** July 20, 2023
SUBMITTED BY: Aaron Barnes, Interim Chief Building Official
EXHIBITS: Sec. 26-31. International Building Code, 2018 Edition.
International Building Code Major Changes

SUMMARY STATEMENT:

The International Building Code (IBC) establishes minimum requirements for building systems using prescriptive and performance-related 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 Building Code

Sec. 26-31. International Building Code, 2018 Edition.

- (a) *Adoption.* The *International Building Code*, 2018 Edition ("IBC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Building 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 IBC is on file in the office of the city secretary and within the department of development services.
- (b) *Amendments.* The IBC is amended as follows:
- (1) 101.4.1 is amended in its entirety to read as follows:

101.4.81 Electrical. The Electrical Code currently in effect for the City applies to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
 - (2) ~~101.4.4 is deleted.~~
 - (3) ~~102.6 is amended by deleting the reference to the International Property Maintenance Code.~~
 - (4) 105.1.1 is amended in its entirety to read as follows:

105.1.1 Contractor's license required. Any person who is required by the IBC 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.
 - (5) 105.2 is amended by deleting 6. under "Building".
 - (6) 109.4 is amended in its entirety to read as follows:

109.4 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.
 - (7) ~~Section 113 is deleted in its entirety~~
 - (8) ~~Section 116 is deleted in its entirety~~
 - (97) Section 202 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 Building 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.

(~~108~~) 1101.1 is amended in its entirety to read as follows:

1101.1 Scope. The provisions of this chapter shall control the design and construction of facilities for accessibility for disabled persons. In addition, the City shall apply and enforce applicable federal and state laws, including those administered by the Texas Department of Licensing and Regulation.

(~~119~~) 1507.8 is amended in its entirety to read as follows:

1507.8 Wood shingles and shakes. The installation of wood shingle and wood shake roof covering must comply with the following:

1507.8.1 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.

1507.8.2 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 herein. 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".

(~~1012~~) 1507.9, including the subsections, is deleted.

(~~1113~~) 1907.1 is amended by revising its first sentence as follows with the remainder of the section to remain the same:

1907.1 General. The thickness of concrete floor slabs supported directly on the ground shall not be less than 4 inches.

(c) *Appendices.* The following appendices of the IBC are adopted: C, E, F, G, I, J, L, and N.

(Ord. No. 2002-06, art. 7-I-1, 4-9-2002; Ord. No. 2003-33, § 1, 12-9-03; Ord. No. 2008-10, § 1, 3-25-2008; Ord. No. 2009-22, § 1, 11-10-2009; Ord. No. 2010-11, § 1, 7-13-2010; Ord. No. 2021-04, § 1, 1-26-2021)

2021 INTERNATIONAL BUILDING CODE MAJOR CHANGES

Change	Code Sec	Impact
Puzzle rooms (escape rooms) are now defined and regulated as special amusement areas, requiring compliance with Section 411 and special means of egress requirements.	SEC. 411 SPECIAL AMUSEMENT AREAS https://codes.iccsafe.org/content/IBC2021P2/chapter-4-special-detailed-requirements-based-on-occupancy-and-use#IBC2021P2_Ch04_Sec411	Unaware of any Puzzle rooms in Kerrville at this time. If one comes into it will be considered a Special Amusement Building with the Fire, egress, and other component requirements for section 411
For the purposes of determining the allowable number of control areas in a building, each portion separated by one or more firewalls is now considered as a separate building.	SEC 414.2 CONTROL AREAS https://codes.iccsafe.org/content/IBC2021P2/chapter-4-special-detailed-requirements-based-on-occupancy-and-use#IBC2021P2_Ch04_Sec414.2	This applies to Hazardous occupation classifications. The use of one or more firewalls to create separate buildings is now applicable to the control area concept, allowing the permissible number of control areas to be increased. Where a structure is divided into separate buildings through the use of complying firewalls, each such separate building may now contain the maximum number of control areas permitted by Table 414.2.2.
The requirements for metal composite materials and systems (MCM) installed on the exterior walls of Types I, II, III and IV construction were simplified and sprinkler allowances were deleted	SEC. 1406 METAL COMPOSITE MATERIALS (MCM) https://codes.iccsafe.org/content/IBC2021P2/chapter-14-exterior-walls#IBC2021P2_Ch14_Sec1406	From an application perspective, requirements for metal composite materials installed on exterior walls of buildings of Type I, II, III, and IV construction have been significantly simplified and limited by the deletion of the alternate conditions previously set forth in <u>Section 1406.11</u> .
The use of intermodal shipping containers as buildings is now specifically addressed through provisions intended to supplement existing applicable IBC requirements.	SEC. 3115 INTERMODAL SHIPPING CONTAINERS https://codes.iccsafe.org/content/IBC2021P2/chapter-31-special-construction#IBC2021P2_Ch31_Sec3115	Previously not addressed in 2018. The use of intermodal shipping containers as buildings and structures is now recognized in the <u>IBC</u> , and criteria have

2021 INTERNATIONAL BUILDING CODE MAJOR CHANGES

Change	Code Sec	Impact
		been established to address the minimum safety requirements
Automatic sprinkler protection is now required in Group S-2 open parking garages where any fire area exceeds 48,000 square feet. •	SEC. 903.2.10 GROUP S-2 PARKING GARAGES https://codes.iccsafe.org/content/IBC2021P2/chapter-9-fire-protection-and-life-safety-systems#IBC2021P2_Ch09_Sec903.2.10	Open parking garages have historically been exempt, due to previous data. Changes in the construction of automobiles (more plastic and addition of other fuel sources) has caused the determination to require sprinkler protection.
Parapets of a minimum height are now required for aggregate-surfaced roofs to prevent blow-off. •	SEC. 1503 WEATHER PROTECTION 1503.3 PARAPET WALLS https://codes.iccsafe.org/content/IBC2021P2/chapter-15-roof-assemblies-and-rooftop-structures#IBC2021P2_Ch15_Sec1503.3	This revision establishes a requirement based on real wind speeds to keep roofing aggregate material on the roof, versus what they thought building height and surface pressure would accomplish.
Mixed occupancy buildings with assembly spaces are placed in Risk Category III when the total public assembly occupant load is greater than 2500 people.	SEC. 1604 GENERAL DESIGN REQUIREMENTS 1604.5 https://codes.iccsafe.org/content/IBC2021P2/chapter-16-structural-design#IBC2021P2_Ch16_Sec1604	This is going to affect mostly hotels/or very large assembly facilities. This new threshold requires both an assembly space of 300 occupants and a cumulative occupant load exceeding 2500
Special inspection requirements were added to address the anchorage and connection of mass timber structural elements.	SEC 1705.3 MASS TIMBER CONSTRUCTION https://codes.iccsafe.org/content/IBC2021P2/chapter-17-special-inspections-and-tests#IBC2021P2_Ch17_Sec1705.3	Mass Timber Construction are large buildings with heavy timber bearing walls (which is unique) supporting more than 2 floors and will now require special inspections of the anchoring of those elements as needed. An example is for Field-glued mass timber beam or panel splice
Installation of firestop, fire-resistant joint systems and perimeter fire barrier systems in residential-use buildings now	SEC. 1705.18 FIRE RESISTANT PENETRATIONS AND JOINTS	Addressed in Fire code. Similar to special inspection for mass timber anchoring.

2021 INTERNATIONAL BUILDING CODE MAJOR CHANGES

Change	Code Sec	Impact
requires special inspection in Group R fire areas having an occupant load exceeding 250 people.	https://codes.iccsafe.org/content/IBC2021P2/chapter-17-special-inspections-and-tests#IBC2021P2_Ch17_Sec1705.18	This will apply to hotels/motels and apartments with higher occupant loads
Three new types of construction (Types IV-A, IV-B, and IV-C) allow mass timber buildings of taller heights, more stories above grade, and greater allowable areas compared to existing provisions for heavy timber buildings.	SEC. 602 TYPES OF CONSTRUCTION 602.4.1—602.4.3 https://codes.iccsafe.org/content/IBC2021P2/chapter-6-types-of-construction#IBC2021P2_Ch06_Sec602.4.1	While the past allowances for Type IV buildings have been maintained as Type IV-HT construction, three new construction types have been introduced to recognize other forms of mass timber construction. The code text continues the establishment that the materials used shall meet the fire-resistance rating requirements of the IBC.



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

SUBJECT: 3B. Recommend adoption of the 2021 International Fire Code, 2021 NFPA 101 Life Safety Code, and Section 50-4 Conflict with Federal and State Law

AGENDA DATE OF: August 24, 2023 **DATE SUBMITTED:** July 20, 2023

SUBMITTED BY: Aaron Barnes, Interim Chief Building Official

EXHIBITS: Sec. 50-3. International Fire Code, 2021 Edition, Sec. 50-2. National Fire Prevention Association 101, Life Safety Code, 2021 edition, Sec. 50-4. Conflict with Federal and State law; and/or between NFPA 101 and IFC.
International Fire Code Major Changes

SUMMARY STATEMENT:

The International Fire Code (IFC) establishes minimum requirements for fire prevention and fire protection systems using prescriptive and performance-related provisions.

RECOMMENDED ACTION:

Recommend adoption of the 2021 International Fire Code, 2021 NFPA 101 Life Safety Code, and Section 50-4 Conflict with Federal and State Law

Sec. 50-3. International Fire Code, ~~2018-2021~~ Edition.

- (a) *Adoption.* The *International Fire Code*, ~~2018-2021~~ Edition ("IFC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fire Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this section, subject to the amendments prescribed herein. A copy of the IFC shall remain on file in the office of the city secretary, within the department of development services, and in the office of the Fire Marshal.
- (b) *Appendices.* The following appendices of the IFC are adopted: B, C, D, E, F, G, I, and N.
- (c) *Amendments.* The IFC is amended as follows:
 - (1) Section 101.1 is deleted and replaced with a new section to read as follows:

101.1 Title. These regulations will be known as the *Fire Code of the City of Kerrville, Texas*, hereinafter referred to as the "Code".
 - (2) A new Section 101.6 is added to read as follows:

101.6 Requirements of other agencies. The City's Code of Ordinances do not include all requirements for buildings and structures that may be imposed by other entities, including the state, county, and occupational licensing boards. It is the responsibility of a permit holder, design professional, contractor, or occupational license holder to determine whether any additional requirements exist.
 - (3) A new Section 104.3.2 is added to read as follows:

104.3.2 Photographic Documentation. In the course of his or her right to conduct an inspection on a property, the fire code official shall have the right and authority to take photographs or videos for the purpose of inspection and examination pursuant to this code.
 - (4) Section 105.4.1 is deleted and replaced with a new section to read as follows:

105.4.1 Submittals. Construction documents and supporting data shall be submitted in two or more sets, and at least once by portable document format (PDF) accepted on electronic/digital copy, with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by law.

Exception: The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.
 - (5) Section 105.6.14 is deleted and replaced with a new section to read as follows:

105.6.14 Explosives. The manufacture, storage, handling, sale, or use of any quantity of explosives, explosive materials, fireworks, or pyrotechnic special effects within the City is prohibited, unless authorized by a City-issued permit.
 - (6) Section 105.6.32 is deleted and replaced with a new section to read as follows:

105.6.32 Open burning.

 - (a) *Adoption of Texas Administrative Code Regarding Outdoor Burning.* The City hereby adopts the outdoor burning rules as outlined in the Texas Administrative Code, Title 30, Part I, Chapter 111, Subchapter B, as may be amended ("TAC"). If a conflict occurs between TAC and this section, the most stringent provision shall prevail.
 - (b) *Outdoor burning prohibited.* Outdoor burning of any kind is prohibited except where such burning is authorized pursuant to an exception as specified below or by a permit issued by the

City. This prohibition includes the burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste, including grass, leaves, and branch trimmings.

- (c) *Outdoor disposal or deposit of spontaneously ignitable material prohibited.* The outdoor disposal or disposition of organic materials, such as mulch, capable of igniting spontaneously, with the exception of solid fossil fuels, is prohibited.
- (d) *Exceptions and Permits.* Outdoor burning may be authorized under the following exceptions or pursuant to a permit issued by the City:
 - (i) *Fire training - EXCEPTION.* Outdoor burning is authorized for training fire-fighting personnel. Facilities dedicated solely for fire-fighting training shall provide an annual written notification of intent as to such burning to the fire code official and the Texas Commission on Environmental Quality ("TCEQ") or its successor, and shall provide each with notice at least 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial notice includes the specific dates and times of all sessions.
 - (ii) *Outdoor fires for non-commercial food preparation - EXCEPTION.* Outdoor fires are authorized for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbeque pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. Outdoor fires for non-commercial food preparation do not require a burn permit. This exception does not permit or authorize the burning of waste or other matters not being prepared for consumption.
 - (iii) *Fires used for recreation and ceremony - PERMIT.* The City may authorize outdoor burning for fires used solely for recreational or ceremonial purposes pursuant to the issuance of a City permit.

EXCEPTION: for one and two family dwellings, such a fire may be used for recreation or any other purely domestic purpose without a permit. However, such fire must be built within an appropriate fire-resistant container made of brick, stone, metal, or other fire-resistant material, and must include an appropriate screen and be set in such a manner as to prevent the fire from escaping. The fire-resistant container must not exceed three (3) feet in diameter and must be located a minimum of 25 feet from any structure or combustible materials. This exception does not apply to the burning of leaves, trash, construction waste, yard debris, or vegetation, which remains strictly prohibited. In addition, no such fire may occur where a burn ban is in effect.

- (iv) *Disposal fires - PERMIT.* The City may authorize outdoor burning for the following purposes, such activities subject to a City-issued permit:
 - A. Diseased animal carcass burning where burning is the most effective means of controlling the spread of disease.
 - B. On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water ways when a practical alternative to burning does not exist for any such purpose and when the materials are generated only from that property. Sensitive receptors, such as neighboring properties, persons, animals, must not be negatively affected by the burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute circumvention of any other provision provided herein and with the

understanding that the fire code official may revoke such permit after issuance for reasons such as where conditions change or a violation occurs.

- C. Crop residue burning for agricultural maintenance purposes when no practical alternative exists. Structures containing sensitive receptors must not be negatively affected by the burn.
 - D. Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by a local government at a site it owns upon receiving approval from the fire code official. Such a burn may only be authorized where there is no practical alternative and, it may be done no more frequently than once every two months. Such burning is prohibited at the City's landfill.
- (v) *Prescribed burn - PERMIT.* The City may authorize outdoor burning for prescribed burning for forest, range, and wildland/wildlife management purposes pursuant to the issuance of a City permit. Such burning is prohibited where the fire code official determines that the burning will have an adverse effect on any building or structure. In addition, the fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of the permit, or causes a violation of any air quality standard.
 - (vi) *Hydrocarbon burning - PERMIT.* The City may authorize outdoor burning for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification to the TCEQ or the appropriate state agency, and after the fire code official has determined that the burning is necessary to protect the public health, safety, and welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.
 - (vii) *Other necessary burning - PERMIT.* If not otherwise authorized by this section, outdoor burning may be authorized by the City if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or violate any federal or state law. The fire code official may specify procedures or methods to control or abate emissions from outdoor burning as authorized. The fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision the permit, or causes a violation of any air quality law.
- (e) *Revocation of permit or authority to burn.* The fire code official may revoke any person's or entity's right to conduct an outdoor burn and may pursue any legal recourse against the person or entity if the fire code official determines that federal or state law, this section, or a permit was violated.
 - (f) *Requirements and procedures for obtaining an outdoor burning permit.*
 - (i) The owner of the property upon which a burn is to occur must submit an application for a "Permit to Burn", as provided by City, to the fire code official (Fire Marshal).
 - (ii) The permit is effective for the specific time period indicated on the permit.
 - (iii) The permit is effective only if the burn is conducted in strict compliance with and under the conditions specified in the permit.
 - (iv) The applicant shall obtain final approval to burn from the fire code official immediately prior to the start of burning and at the beginning of each day upon which burning is to take place to ensure that weather conditions are and will remain conducive to the type of burning authorized by the permit.

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- (v) The fire code official may void a permit in any instance where he or she determines, in his or her sole discretion, that conditions have changed to the extent that the burn is no longer safe and possesses a risk to the public health, safety, and welfare.
 - (g) *Fee for permit.* The fees for all permits under this section are established by City Council.
 - (h) *General requirements for burning.* Outdoor burning which is otherwise authorized will also be subject to the following requirements, though such requirements are not applicable to ceremonial or recreation fires:
 - (i) Burning is permitted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, navigable water, or have a negative effect on any building, structure, or sensitive receptor.
 - (ii) If at any time the burning causes or may tend to cause smoke to blow onto or across a public street, road, or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.
 - (iii) Fires shall be maintained at least 300 feet from any neighboring structure or sensitive receptors, unless prior written approval is obtained from the adjacent occupant with possessory control and such approval is submitted to the fire code official prior to the burn. "Sensitive receptors" means any natural or human-constructed feature which may be adversely affected by such activities.
 - (iv) Burning shall be conducted in compliance with the following meteorological and timing considerations:
 - A. The burning may not commence earlier than 9:00 a.m. Burning shall be completed on the same day not later than one hour before sunset and shall be monitored by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
 - B. In cases where fires will occur over more than one day pursuant to a permit, the permittee or designee shall contact the fire code official each day of continued burning prior to the fire being lit, to determine whether and under what conditions burning will be allowed on that day.
 - C. Burning shall not be commenced when surface wind speed is predicted to be less than 5 miles per hour or greater than 15 miles per hour during the burn period.
 - D. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions where such weather conditions may adversely impact such activities.
 - E. The permittee or designee shall be present at all times when a burn is active. Such person shall have a water hose connected to a reliable water supply or have other appropriate fire extinguishing equipment, such as a bulldozer or water tankers, readily available for use.
 - F. In order to allow time for the extinguishments of a fire, no new material shall be added to the burning pile after 3:00 p.m.

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- G. Any residual fires and/or smoldering objects that continue to emit smoke shall be extinguished each day at the end of the burn.
- H. Only brush and vegetation generated and gathered from the burn site area shall be permitted. There shall be no importation of brush or any other material from another property for the purpose of burning.
- (i) *Responsibility for consequences of outdoor burning.* The authority to conduct outdoor burning under this section does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this section. Further, each permittee assumes liability and responsibility for damages to persons or property caused by burning.
- (7) Section 105.6.37 is deleted.
- (8) Section 105.7.21 is deleted and replaced with a new section to read as follows:
- 105.7.21 Solar photovoltaic power systems.** A construction permit is required to install or modify solar photovoltaic power systems. Photovoltaic power systems shall be installed and maintained according to listed manufacturer instructions and the most current standards established by the International Electrotechnical Commission (IEC).
- (9) Section 106.5 is deleted and replaced with a new section to read as follows:
- 106.5 Refunds.** Once paid, the City will not refund any fee paid for a permit or another type of application.
- (10) A new Section 108.3.1 is added to read as follows:
- 108.3.1 Records of Hazardous Materials.** An owner, or designee, of a building or property that stores or uses hazardous materials shall maintain chemical documents (SDS) and building/site data, construction, maintenance, and modifications over the entire life of the building or property. The owner shall maintain a copy(s) of the documents at an off-site location. In addition, a secondary source of this information shall be made available in suitably designed hard copy or electronic format for use by emergency responders within a reasonable timeframe. The primary source of information shall be easily accessible by responders during emergencies.
- (11) Sections 109.1 and 109.3 are deleted and Section 109.1 is replaced with a new section to read as follows:
- 109.1 Appeals.** Appeals of orders, decisions, or determinations made by the fire code official in interpreting or applying the code shall be to the Building Board of Adjustments and Appeals ("Board") for the City, with an appeal from this Board to City Council. The Board may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration. The Board may adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with duplicate copy delivered to the fire code official.
- (12) Section 110.4 is deleted and replaced with a new section to read as follows:
- 110.4 Violation penalties.** Any person, firm, or corporation violating any of the provisions or terms of this code shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.
- (13) Section 111 is deleted in its entirety

(14) Section 114 is deleted in its entirety

(1314) Section 202 is amended to add the following new definitions:

DEVELOPMENT. As defined by the City's Subdivision Code.

FIRE HAZARD. Any condition or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fires; or, which may obstruct, delay, hinder, or interfere with the operations of the fire department or the egress of occupants in the event of fire.

FIRE LANE. Any area appurtenant to entrances or exits of a building deemed necessary by the Fire Chief to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him/her as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits or any fire hydrant.

FIRE WATCH. Qualified individuals are defined as State Certified Fire Inspectors assigned to the City's Fire Prevention Division, or, if approved by the fire code official, Texas Certified Firefighters, Peace Officers, individuals employed by a private security firm, or other designated individuals whose sole duty when assigned a fire watch is to perform constant patrols of the premises and keep watch for signs of unwanted fire. A written attendance log must be maintained and personnel must have at least one approved means of notifying the fire department of fire or other emergencies.

HIGH WINDS. Sustained wind velocity of 15 mph or gusts of 25 mph.

MOBILE FOOD UNIT. A mobile food operation using any heat producing equipment to cook, fry, or warm products for consumption from a motorized vehicle, towable trailer, or watercraft.

(1415) Section 307.1 is deleted and replaced with a new section to read as follows:

307.1 General. Except for domestic purposes to include cooking food or heating, open burning of any material, to include leaves, trash, yard debris, and any vegetation is prohibited.

Exception: When authorized and supervised by the fire department, open burning for ceremonial or training purposes, such as a flag retirement or live fire training by and for fire department personnel is allowed.

(1516) Sections 307.2, 307.2.1, 307.4, 307.4.1, and 307.4.2 are deleted.

(1617) A new Section 307.6 is added to read as follows:

307.6 Sky lanterns. Sky lanterns, also known as Chinese lanterns, sky candles, or fire balloons, and which are airborne lanterns constructed of combustible material and contain a candle or fuel cell that when lit, cause the device to go airborne and travel in the air are prohibited.

(1718) A new Section 308.1.1.2 is added to read as follows:

308.1.1.2 Commercial barbeques. A permit shall be obtained from the fire code official to install or utilize a barbeque pit for commercial purposes.

(1819) Section 308.1.4 is deleted and replaced with a new section to read as follows:

308.1.4 Open-flame cooking devices. Charcoal grills and other similar devices used for cooking may not be constructed, installed, stored, maintained, located, or used on combustible balconies, decks, or within 10 feet of combustible construction.

Exception: One- and two-family dwellings.

~~(19)~~ A new Section 319.4.1.1 is added to read as follows:

~~**319.4.1.1 Fire protection for cooking equipment.** Mobile food units not equipped with a fire protection system as required under this code must meet a distance of not less than 50 feet from any structure.~~

~~(201920)~~ A new exception is added to Section 503.1.1 to read as follows:

3. For any one or two family dwelling that the fire code official determines is unable to meet the requirement of 503.1.1, the driveway shall have an unobstructed width of not less than 12 feet (6096 mm), except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet, 6 inches (4115 mm).

~~(2021)~~ Section 503.2.1 is amended by repeal and replaced with the following language:

~~Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7,924.8 mm), except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm)~~

~~(2122)~~ A new Section 503.2.1.2 is added to read as follows:

503.2.1.2 Mountable/Rollover curbs. Mountable or rollover curbs are permitted when approved by the fire code official. Upon approval, such curbs must meet the City's public improvement specifications.

~~(2223)~~ SECTION 503.2.3 Surface is amended as follows:

~~503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support a 75,000-pound imposed load of fire apparatus and the surface shall be made all-weather utilizing concrete or asphalt materials. A signed and sealed letter from a Geotechnical Engineer shall be provided to verify the design meets the standard.~~

~~(22324)~~ Section 503.2.4 is deleted and replaced with a new section to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official. The turning radii of a fire apparatus access roadway requires a minimum of 50 feet outside radius and a minimum of 25 feet clear distance to the inside radius on all turns.

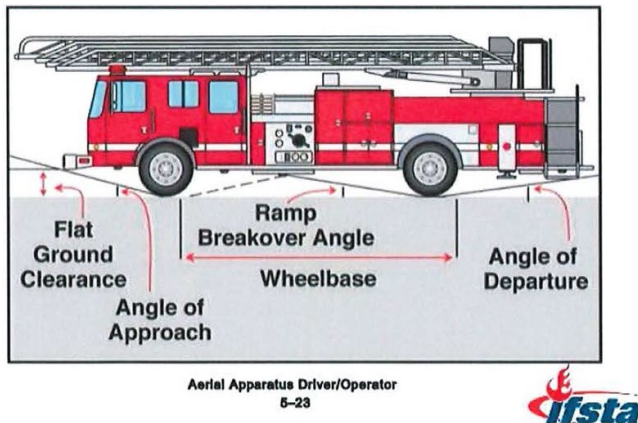
~~(232425)~~ Section 503.2.7 is deleted and replaced with a new section to read as follows:

503.2.7 Grade. The gradient for a fire apparatus access road may not exceed ten percent (10%).

~~(242526)~~ Section 503.2.8 is deleted and replaced with a new section to read as follows:

503.2.8 Angles of approach and departure. An angle of approach and an angle of departure must be designed so that at least 8 degrees is maintained at the front and the rear of the fire department's apparatus when loaded to the estimated in-service weight.

Points of Potential Contact of Aerial Apparatus



(~~252627~~) Section 503.3 is deleted and replaced with a new section to read as follows:

503.3 Marking. Where the fire code official requires approved signs or other approved notices, such signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate visibility. Whenever any provision regarding the regulation of fire lanes contained in the code is in conflict with the provisions of this section, the provisions of this section will apply. The owner of a building or property for which fire lanes have been approved or required by the fire code official shall mark and maintain said fire lanes as follows.

- (a) Fire lanes may not be located immediately adjacent to a structure if other possible locations exist that are not immediately adjacent but close enough to give sufficient access to at least three sides of the structure. The minimum corner radius on the turns must be 25 feet on the inside and 50 feet on the outside.
- (b) All curbs and curb ends must be painted red with white lettering 4 inches high and at least one half-inch (1/2") stroke, stating "NO PARKING - FIRE LANE." Wording may not be spaced more than 25 feet apart. Fire lanes must be marked on both sides of access roads so as to assure a minimum of ~~20~~-26 foot clear width in the middle of said access roads.
- (c) In areas where fire lanes are required but no continuous curb is available, one of the following methods must be used, in conjunction with curb markings where possible, to indicate that the fire lane is continuous:
 - (i) Signs may be not less than twelve inches (12") wide by eighteen inches (18") tall. Signs must read "NO PARKING-FIRE LANE" and have a white, reflective background with red lettering not less than two inches (2") tall and with three-eighths inch (3/8") stroke. Signs must be installed conspicuously along the edge of the fire lane, spaced no greater than 25 feet apart, alternating on either side of the road, and their height must equal 6 feet to the bottom of the sign.
 - (ii) From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, there must be painted one continuous red stripe having a minimum width of at least six inches (6"). Fire lanes must be stenciled every 25 feet apart "NO PARKING FIRE LANE" with white lettering four inches (4") high and at least one half-inch (1/2") stroke. Fire lanes must be so marked on both sides of the lane.

(~~262728~~) A new Section 503.3.1 is added to read as follows:

503.3.1 Maintenance of markings. The owner of a building or property on which a fire apparatus access roadway or fire lane is required shall be solely responsible for the maintenance of such roadways or fire lanes and all required signs. No such person(s) shall abandon, close, or alter the fire apparatus roadway or any part thereof without permission of the fire chief. The owner shall be responsible for ensuring that the fire apparatus roadways are clear at all times.

(~~272829~~) Section 503.6 is deleted and replaced with a new section to read as follows:

503.6 Security Gates. The installation of a security gate across a fire apparatus access road must first be approved by the fire chief. Where a security gate is authorized, such gate must include a siren operated sensor and/or manual access controls (KNOX Gate opener). The siren operated sensor must open the gate when approached by a fire emergency apparatus. Manual access controls must open the gate during non-emergency responses and serve as a backup in the event that the siren operated sensor fails to operate. The owner is responsible for maintaining the access controls and the siren operated sensor system at all times so that the gate remains accessible for emergency access. Electric gate operators, where provided, must be listed in accordance with UL 325. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F 2200.

(~~282930~~) Section 506 is deleted and replaced with a new section to read as follows:

506.1 Key boxes required. The following structures and properties must be equipped with a key lock security system box at or near their main entrance or at such other location and/or specification as the fire code official may require:

- (a) Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire systems or fire detection alarm systems that report to an alarm monitoring center;
- (b) Multi-family residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;
- (c) Buildings that contain 6 or more occupancies within the same structure that have restricted common entryways and exit ways into the common area of the building.
- (d) Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to private streets in subdivisions, apartment complexes, condominiums, or other residential developments which contain more than two residential units; or
- (e) Commercial properties with parking garages or secured parking and storage unit areas that will restrict access for emergency services.

Exception: Single family residential dwellings

506.2 New construction. All newly constructed structures subject to this section must have the key lock box installed and operational prior to the issuance of an occupancy permit. Any existing structure subject to the key lock box requirement that does not have a key lock box installed and operational must have the same installed as soon as practicable, but in no event later than 30 days after the effective date of these regulations.

506.3 Type of key lock box required. The fire code official shall designate the type of key lock box system to be implemented within the City and shall have the authority to require owners of all structures and/or properties to use the designated system.

506.4 Access to buildings. The owner of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure or property. Required keys must not include keys to individual living units.

(~~293031~~) Section 507.3 is deleted and replaced with a new section to read as follows:

507.3 Fire flow. The approved method to determine the required fire-flow for buildings or portions of buildings and facilities must comply with Appendix B of this code.

(3132) Section 507.5.1 is deleted and replaced with a new section to read as follows:

507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 75 feet (22 860 mm) of the fire department connections.

Exception: The distance shall be permitted to exceed 75 feet (22 860 mm) where approved by the fire code official.

(303233) Section 901.4.6 is deleted and replaced with a new section to read as follows:

901.4.6 Pump and riser room size. The main fire sprinkler valve assembly and riser area must be installed inside the building. The fire chief may require a door that provides direct access from the exterior wall into the room containing fire sprinkler controls. The main fire sprinkler valve assembly and riser area must be installed in accordance with NFPA 13 and must be equipped with a listed double horizontal or vertical backflow prevention device(s) sized to match the riser piping. Clearance around the fire riser and other equipment may not be less than 36 inches. This room must be designed and used for fire protection and fire detection equipment only. Fire pump and automatic sprinkler system riser rooms must be provided with a door(s) and an unobstructed passageway large enough to allow removal of the largest piece of equipment.

(313334) A new Section 901.4.6.5 is added to read as follows:

901.4.6.5 Exterior identification of main fire sprinkler valve assembly and riser area. Where an exterior access door is required by the fire chief, a weatherproof horn and strobe unit must be installed on the exterior wall outside of the main fire sprinkler valve assembly and riser area. The horn and strobe unit must be installed according to the requirements for a water-flow notification appliance referenced in NFPA 13 and interconnected to actuate concurrently with the water-flow alarm-initiating device of the system, but its placement is in addition to the minimum requirements for water-flow alarm, unless otherwise approved by the fire chief.

(323435) Section 901.5 is deleted and replaced with a new section to read as follows:

901.5 Installation Acceptance Testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains, and all other fire protection systems and appurtenances thereto must be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official must be notified before any required acceptance testing. The fire code official shall witness all required acceptance tests for all these systems.

(333536) A new Section 903.3.1.4 is added to read as follows:

903.3.1.4 NFPA 13D sprinkler system. If by definition, a one- and two-family dwelling is defined as an R1 occupancy, a 13D dedicated system, at a minimum, is required to be installed. A 13D multi-purpose system is not allowed under this application.

(343637) Section 906.1 is amended by deleting the exceptions.

(353738) A new Section 912.2.1.1 is added to read as follows:

912.2.1.1 Remote Fire Department Connections. Remote fire department connections ("FDC(s)") must be located at a distance of 1½ times the building or structure height or at least 40 feet away from the building, whichever is greater; and in a remote location approved by the fire code official. FDCs must be located within 75 feet of a fire hydrant and 25 feet of a fire lane; a minimum of two (2) feet above finished grade and a maximum of four (4) feet above finished grade for standard inlets; and a minimum of 30 inches at lowest point above finished grade and maximum of four (4) feet above finished grade

for the five inch (5") inlet. The approval of the fire code official is required as to the location of any freestanding FDCs.

(~~363839~~) A new Section 912.5.1 is added to read as follows:

912.5.1 Signs. All signs utilized for the following must be as listed below for FDC and Dry Stand Pipe Only and comply with the following:

- (a) Constructed from a 15 inches high by 18 inches wide metal substrate no thinner than .063";
- (b) Have rounded corners;
- (c) Background color must be "Fire Engine Red" non-reflective; and
- (d) White reflective letters must be used as follows:
 - (i) Letters must be a font comparable to "Folio medium" or "Helvetica medium";
 - (ii) First line must be six inch (6") high letters with three inch (3") spacing between letters;
 - (iii) Second and third lines shall be two inch (2") high letters with one-half inch (½") spacing between letters;
 - (iv) Must be a one inch (1") margin completely around sign and one inch (1") spacing between lines of text;
 - (v) Must be two inch (2") spacing between complete words;
 - (vi) Second line must have the building address numbers; and
 - (vii) Where applicable, the third line shall have the building number (alpha or numeric as assigned by Kerr County 911) if the FDC system supplies the fire sprinkler system to only one building in a multi-building complex or the individual lease space number where the FDC only supplies a sprinkler system to an individual lease space.
- (e) The sign must be permanently attached to a wall directly above a wall mounted FDC on existing buildings and subject to the following:
 - (i) Where sign is attached to an existing building, it must be 72 inches from the ground to the bottom of sign, unless otherwise approved by the fire code official; and
 - (ii) Where the sign is to be mounted to a remote FDC, it must be mounted on a galvanized steel pipe, such as a chain link fence post. The post must be mounted behind the FDC within 1 to 1½ feet from the FDC or an area approved by the fire code official. The post must be set in concrete below ground. The sign must be mounted to the post four to six inches (4-6") above the FDC. The sign must be mounted to the post using stainless one-way screws or stainless bolts using a stainless locking nut. The post must be cut to four inches (4") above the sign and a cap placed on top of the post.

(~~373940~~) A new Section 912.6.1 is added to read as follows:

912.6.1 Backflow Prevention. When distance from City tap to riser is greater than 100 feet, the backflow prevention must be placed at the tap in a vault. Where such distance is less than 100 feet, the backflow prevention may be placed on the riser.

(~~384041~~) A new Section 1003.8 is added to read as follows:

1003.8 Special Provisions. Rooms in E occupancies used for kindergarten or daycare with children age 5 or under may not be located above or below the first story.

(~~394142~~) A new Section 1010.1.10.3 is added to read as follows:

1010.1.10.3 Exit hardware. Panic and fire exit hardware is required on all exit doors with the exception the main/front door in all commercial occupancies. Regardless if additional exit doors are required by this code or placed at the request of owner or occupant, additional exit doors must also have panic and fire exit hardware with self-closures installed.

(404243) A new Section 2301.7 is added to read as follows:

2301.7 Responsibility for cleanup. A person responsible for any unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual. When the fire code official deems necessary to minimize damage or to protect public health, safety or welfare, the City may initiate cleanup. Costs associated with such cleanup must be borne by the person responsible for the unauthorized discharge. Costs incurred by the City for the cleanup must be reimbursed to the City within 10 days after written demand.

(414344) A new Section 2303.2.2 is added to read as follows:

2303.2.2 Additional emergency disconnect for attended self-service. Attended facilities must have an additional emergency disconnect switch located inside the building for attendant use at a location approved by the fire code official.

(424445) A new Section 2304.3.8 is added to read as follows:

2304.3.8 Additional fire protection devices. Additional fire protection must be provided where required by the fire code official. Additional fire protection considerations may include such items as fixed suppression systems, automatic fire detection, manual fire alarm stations, and/or transmission of alarms to offsite locations.

(434546) A new Section 5607.16 is added to read as follows:

5607.16 Blasting permits.

(a) *General requirements for blasting permits.* An operational permit is required from the City prior to the commencement of blasting operations. The fire code official shall deny issuing the permit when in his or her opinion a substantial danger exists to life, health, or property in the immediate area exposed to the blasting for which a permit is being requested. Should no such condition exist, the fire code official shall seek the review and approval of City departments which may be affected by such activities. When in the opinion of the fire code official such departments have a valid objection to the issuance of a permit, no permit may be approved until such objection has been resolved to the satisfaction of the fire code official.

(b) *Insurance requirements.* Any applicant for a blasting permit shall meet the following insurance requirements:

WORKERS' COMPENSATION as required by law

COMPREHENSIVE GENERAL LIABILITY -

\$1,000,000.00 per occurrence

\$2,000,000.00 annual aggregate

AUTOMOBILE LIABILITY -

\$10,000.00 each occurrence

\$250,000.00 medical

Each insurance policy must name the City as an additional insured on the certificate of insurance. The policies must include a waiver of subrogation in favor of the City. The certificate of insurance must provide that the City will be provided at least 30 days prior written notice of cancellation or modification of coverage.

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- (c) *General requirements for blasting permit.* A blaster shall:
- (i) Be at least 21 years of age;
 - (ii) Have general knowledge of federal, state, and local laws and regulations pertaining to explosive materials; and
 - (iii) Have no record of criminal charges or convictions relating to blasting activities from a federal, state, county, or municipal court.
- (d) *Blast monitor required.* A blast monitor, such as a seismic blast recording machine, and a monitoring technician not employed by a blasting operator is required during all blasting operations. Monitoring technicians must be trained in the proper placement of monitor sensors and proper function of the instrument to be used. All monitoring reports must carry the seal of a State of Texas Professional Engineer and must be retained by the permit holder. These reports must be made available to the City upon request.
- EXCEPTION:** When, in the opinion of the City Engineer, the damage to structures or buildings due to blasting operations is unlikely, (a) the requirements for the need for a monitor may be waived; or, (b) the fire code official may allow a trained blasting operator, rather than an independent technician, to operate the monitor and maintain the required records.
- (e) *Wire specifications.* Blasting trunk wire of 18 gauge minimum must be used while conducting blasting operations.
- (f) *Blasting machine specification.* Approved blasting machines must be used. All other equipment is prohibited.
- (g) *Detonating cord use.* A detonating cord may be used only when approved by the blasting permit. Unauthorized use of detonating cord will result in the revocation of the blasting permit and is unlawful.
- (h) *Additional conditions.* The fire code official or City Engineer may establish or require other conditions for approval of a permit application if those conditions are necessary, in the judgment of the fire code official or City Engineer, to adequately protect public health, safety, and welfare. Such conditions may include: reduction of allowable particle velocities; additional monitoring requirements; modifications to permissible hours of operation; changes in type and amount of explosives used; and requirement that blasting plans be approved by a professional engineer.

(444647) A new Section 5608.1.1 is added to read as follows:

5608.1.1 Prohibition of sale or shooting of fireworks inside city limits; exception. It is unlawful for any person to possess, sell, use, shoot, discharge, explode, ignite, or display any fireworks within the City, except as provided in this section. A public fireworks displays is permissible provided that all state and local laws are met and a permit is issued by the City. The applicant shall meet the insurance requirements specified below as a prerequisite to obtaining a permit. Insurance requirements for a public fireworks display must include commercial general liability insurance. All insurance must name the City as an additional insured and the insurance certificates must provide that the City is provided 30 days prior written notice of cancellation or modification of coverage. Insurance must include a waiver of subrogation in favor of the City. The insurance provided by the supplier and/or operator also must name the sponsor as an additional insured. Any applicant for a fireworks display permit must meet the following insurance requirements:

AGGREGATE -

\$3,000,000.00 combined single limit.

Bodily injury/property damage per occurrence \$1,000,000.00 combined single limit.

Personal injury \$500,000.00

Medical \$5,000.00

No such permit will be granted to any applicant more than twice during any calendar year. A fireworks display must be concluded not later than 10:00 p.m. on the date specified.

As used in this Section, the term "fireworks" is given its usual and ordinary meaning and includes the following: firecrackers, Roman candles, sparklers, torpedoes, buzz bombs, skyrockets, atomic wings, aerial flash salutes, and trailblazers.

(~~454748~~) Section 5704.2.9.6.1 is amended to add the following Zoning Districts as to where such storage tanks are prohibited: RE, R-1, R-1A, R-2, R-3, RM, RT, C-1, DAC, and MU.

(~~464849~~) A new Section B105.4 is added to read as follows:

B105.4 Fire Flow Testing. Where a fire flow test(s) is required, a person must submit an application and the applicable fee to the City for the City to perform such test. The City shall conduct the test by utilizing a modeling system. If for any reason a live fire flow is requested or a person seeks an alternative method for testing, the City Engineer must approve.

(~~474950~~) The following notes under Table C102.1 are deleted: f and g.

(~~485051~~) A new Section C103.4 is added to read as follows:

C103.4 Additional Distribution. A fire hydrant must be located not more than 75 feet from an unobstructed and approved route to a fire department connection (FDC) located at ground level. The FDC may be installed in an approved remote location and within 75 feet to a fire hydrant. This distance and route is as approved by the fire code official.

(~~495152~~) A new Section C103.5 is added to read as follows:

C103.5 Hydrant location in relation to a building or structure. A fire hydrant must be located remotely 1.5 times the building height or 40 feet from the building or structure, whichever is greater. This distance and route is as approved by the fire code official.

(~~5253~~) **SECTION D102 REQUIRED ACCESS is amended to read as follows:**

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt or concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34,050 kg).

(~~5354~~) Figure D103.1 is amended to add the following:

Dead-End Fire Apparatus Access Road Turnaround. Any street 150 feet long or longer must have a hammerhead or cul-de-sac at its end, which dimensions must be no smaller than the dimensions set out in Figure D103.1. Dead-end turnarounds are only permitted as one of the following: an Acceptable Alternative 120 foot Hammerhead, a round cul-de-sac with a 100 foot diameter, or a 150 foot hammerhead.

NOTE: See IFC Appendix D, Figure D103.1, diagram No. 4 amended from 60 foot distance from edge of hammerhead to middle of intersection, to 75 foot distance from edge of hammerhead to middle of intersection."

(~~5455~~) Section D104.1 is deleted and replaced with a new section to read as follows:

D104.1 Buildings that are three stories or more in height; exceeding 30 feet or more in height to any portion of the building. Buildings or facilities that are three stories or more in height; exceeding 30 feet or more in

height to any portion of the building shall have not fewer than two means of fire apparatus access for each structure.

~~(50) Figure D103.1 is amended to add the following:~~

~~**Dead-End Fire Apparatus Access Road Turnaround.** Any street 150 feet long or longer must have a hammerhead or cul-de-sac at its end, which dimensions must be no smaller than the dimensions set out in Figure D103.1. Dead-end turnarounds are only permitted as one of the following: an Acceptable Alternative 120 foot Hammerhead, a round cul-de-sac with a 100 foot diameter, or a 150 foot hammerhead.~~

~~**NOTE:** See IFC Appendix D, Figure D103.1, diagram No. 4 amended from 60 foot distance from edge of hammerhead to middle of intersection, to 75 foot distance from edge of hammerhead to middle of intersection."~~

~~(5556)) Section D105.1 is deleted and replaced with a new section to read as follows :~~

~~D105.1 Where required. Where buildings or facilities that are three stories or more in height; exceeding 30 feet or more in height to any portion of the building, an approved aerial fire apparatus road or roads shall be provided.~~

~~(5657) Section D105.1 is amended by deleting the exception~~

~~(5758) Section D106.1 is deleted and replaced with a new section to read as follows:~~

~~D106.1 Projects having more than 100 dwelling units.~~

~~Multiple-family residential projects having more than 100 dwelling units, three stories or more, shall be equipped throughout with two separate and approved fire apparatus access roads.~~

~~Exception: Projects having up to 200 dwelling units, or less than three stories shall have not fewer than one approved fire apparatus access road where all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

~~(5859) Section D106.2 is deleted and replaced with a new section to read as follows:~~

~~D106.2 Projects having more than 200 dwelling units.~~

~~Multiple-family residential projects having more than 200 dwelling units, three stories or more, shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.~~

~~(515960) Section D107.1 is deleted and replaced with a new section to read as follows:~~

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units will exceed 60 units shall be provided with two separate fire apparatus access roads, subject to approval from the fire code official.

Exceptions and conditions:

1. Where all dwelling units are or will be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.21 or 903.3.1.3.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with a future development, as determined by the fire code official.
3. Where there are or will be more than 60 but less than 120 dwelling units on a single public or private fire apparatus access road and the access road is built as a collector street, as approved

by the City. All single access (non-looped) streets within the subdivision must be built and approved as collector streets.

(~~526061~~) Section D107.2 is deleted and replaced with a new section to read as follows:

D107.2 Remoteness. Where two fire apparatus access roads are required, such roads shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between the two accesses to the development.

Exception and conditions: Where it is geographically impossible to be one-half of the maximum overall diagonal dimension apart, the secondary access road will be evaluated by the fire code official based on meeting any one of the following; however such exceptions and conditions do not apply where the development has or will have more than 120 dwelling units:

1. The owner may acquire a secondary fire apparatus access road from an adjoining property owner(s), where such access is conveyed via a legal instrument (*e.g.*, easement) that is filed with the County in its real property records. A copy of such filing must be provided to City.
2. The two separate fire apparatus access roads must be separated as far as physically possibly. However, at a minimum, the accesses must be 150 feet apart, measured in a straight line between the center lines of the two accesses.
3. The two separate fire apparatus entrances may share a common path of travel into and/or within the development as long as a blockage in any area of this path will not block access from both the primary and secondary access simultaneously. *See Addendum D 107.1.3. above for street design specifications.*

For purposes of this section, "geographically impossible" means that the area is surrounded on at least three sides (*i.e.*, 75% of its perimeter) by natural or manmade barriers such as creeks and flood plains, a golf course, a linear park, or utility easements or its topography is such that it prohibits a designed roadway to be constructed at a maximum slope of 10% in compliance with this code.

(Bk. 5, p. 263, §§ 1, 2, 12-5-1924; Code 1968, art. 10-II-5; Ord. No. 2021-06, § 3, 1-26-21; Ord. No. 2022-13, §§ 2—4, 4-12-22)

Editor's note(s)—Former § 50-3. See Editor's Note at chapter title.

Sec. 50-2. National Fire Prevention Association 101, Life Safety Code, ~~2018~~2021 edition.

- (a) *Adoption.* The ~~2018~~2021 edition of the *NFPA Life Safety Code 101* ("NFPA 101"), as published by the National Fire Protection Association, is adopted and designated as the Life Safety 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. Copies of the NFPA 101 shall remain on file in the office of the city secretary, within the department of development services, and in the office of the Fire Marshal.
 - (b) *References to Officials.* Where the NFPA 101 references duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official is deemed the responsible official.
 - (c) *Annexes.* The following annexes of the NFPA 101 are adopted: A, C, and D.
 - (d) *Amendment.* The NFPA 101 is amended by deleting section 24.3.5.1.
- (Ord. No. 2021-06, § 2, 1-26-2021)

Sec. 50-4. Conflict with Federal and State law; and/or between NFPA 101 and IFC.

- (a) This article shall be construed and applied under and in accordance with the Constitution and laws of the United States and the State of Texas ("Federal and State law"). For the purpose of this section, Federal and State law include administrative agency interpretative rules required or allowed to be adopted pursuant to law. In the event of a conflict between the NFPA Life Safety 101, ~~2018~~2021 Edition, and the International Fire Code, ~~2018~~2021 Edition and applicable Federal or State law, Federal or State law shall control and the City Code shall be interpreted and applied accordingly.
- (b) In the event a conflict occurs between the NFPA Life Safety 101, ~~2018~~2021 Edition, and the International Fire Code, ~~2018~~2021 Edition, the IFC shall control.

(Ord. No. 2021-06, § 4, 1-26-21)

2021 INTERNATIONAL FIRE CODE MAJOR CHANGES

Change	Code Sec	Impact
Requirements for Additive Manufacturing (3-D Printing) equipment and operations for both non-industrial and industrial applications are now provided.	SEC. 320 ADDITIVE MANUFACTURING (3D PRINTING) https://codes.iccsafe.org/content/IFC2021P2/chapter-3-general-requirements#IFC2021P2_Pt02_Ch03_Sec320	The use of additive manufacturing also referred to as 3D printing, is becoming more prevalent in industrial, business, and personal (nonindustrial) applications. Definitions are added to the code to differentiate between industrial and nonindustrial equipment. This differentiation is critical because the requirements differ between the applications.
Flame propagation performance of permanently installed artificial combustible vegetation is required to be verified when exceeding certain heights located on roofs or in close proximity to buildings.	SEC. 321 ARTIFICIAL COMBUSTIBLE VEGETATION https://codes.iccsafe.org/content/IFC2021P2/chapter-3-general-requirements#IFC2021P2_Pt02_Ch03_Sec321	<p>The new trend to occupy rooftop areas has resulted in increased use of decorative artificial vegetation on roofs. Artificial combustible vegetation is placed on occupied roofs, adjacent to building entrances, and in courtyards or break areas. When placed in close proximity to a building they can spread fire to a building if ignited. Outdoor use poses weathering problems due to moisture, UV exposure or cleaning chemicals necessary to freshen up the vegetation.</p> <p>Decorative artificial vegetation is largely composed of plastic materials. When the decorative vegetation ignites, the fire spreads rapidly and produces large volumes of thick, black smoke.</p>
Provisions for emergency responder communication were revised to reflect the expansion of such systems beyond radios and the need for increased performance of such systems.	SEC. 510.4.1 EMERGENCY RESPONSE COMMUNICATION COVERAGE-SIGNALS https://codes.iccsafe.org/content/IFC2021P2/chapter-5-fire-service-features#IFC2021P2_Pt03_Ch05_Sec510.4.1	The 2018 <i>International Fire Code</i> (IFC) used several different terms interchangeably to refer to these systems. This new term is now consistently used throughout

2021 INTERNATIONAL FIRE CODE MAJOR CHANGES

Change	Code Sec	Impact
		the <i>International Building Code</i> (IBC) and IFC when referring to ERCCS. The new term provides a clear description of the communication system and is intended to avoid confusion. It is imperative that emergency communication, for both transmitting and receiving, is available
Sprinkler requirements for the storage, manufacture and sale of upholstered furniture and mattresses were updated and clarified. Part of this update is a new exception for single-story self-storage facilities accessed directly from the exterior.	SEC. 903.4, 903.2.4.3 (NEW), 903.2.7.2 (NEW), 903.2.9, 903.2.9.4 (NEW) UPHOLSTERED FURNITURE AND MATTRESSES https://codes.iccsafe.org/content/IFC2021P2/chapter-9-fire-protection-and-life-safety-systems#IFC2021P2_Pt03_Ch09_Sec903	This code change modifies the sprinkler requirements for these special hazard items in Groups F-1, M and S-1 occupancies to clarify not only when the sprinkler requirements apply, but also what portions of the building require fire sprinkler systems.
An automatic sprinkler system is now required for open parking garages exceeding a certain fire area threshold.	SEC. 903.2.10 GROUP S-2 PARKING GARAGES https://codes.iccsafe.org/content/IFC2021P2/chapter-9-fire-protection-and-life-safety-systems#IFC2021P2_Pt03_Ch09_Sec903.2.10	Open parking garages have historically been exempt, due to previous data. Changes in the construction of automobiles (more plastic and addition of other fuel sources) has caused the determination to require sprinkler protection.
The requirements for energy storage system (ESS) were further refined to reflect the variety of new technologies and applications (in building and standalone) and the need for proper commissioning and decommissioning of such systems.	SEC 1207 ELECTRICAL ENERGY STORAGE SYSTEMS (ESS) https://codes.iccsafe.org/content/IFC2021P2/chapter-12-energy-systems#IFC2021P2_Pt03_Ch12_Sec1207	The addition of energy storage system (ESS) requirements into the 2018 code was an initial effort to address safety hazards associated with the increased use of lithium-ion batteries, capacitors and other modern energy storage system (ESS) technologies for a growing number of energy storage applications. As written the requirements made it difficult to apply appropriate safety requirements for different installations, each with their own risks and exposures

2021 INTERNATIONAL FIRE CODE MAJOR CHANGES

Change	Code Sec	Impact
A new chapter was added that provides clarification and specific requirements for the storage of distilled spirits and wines in barrels and casks.	CHAPTER 40 STORAGE OF DISTILLED SPIRITS AND WINES https://codes.iccsafe.org/content/IFC2021P2/chapter-40-storage-of-distilled-spirits-and-wines#IFC2021P2_Pt04_Ch40	Chapter 40 addresses the storage of distilled spirits and wines when stored in barrels and casks and the requirements applicable to storage such as, ventilation, smoking (not allowed) open flame devices, lighting protection, sprinkler system requirements.
The provisions for construction fire safety were reorganized and expanded with an emphasis on the owner's responsibilities. The new language requires a site safety plan and designation of a site safety director.	SEC. 3303 OWNER'S RESPONSIBILITY FOR FIRE PROTECTION https://codes.iccsafe.org/content/IFC2021P2/chapter-33-fire-safety-during-construction-and-demolition#IFC2021P2_Pt04_Ch33_Sec3303	The number of fires during building construction have increased in recent years. These fires are normally quite destructive. Combustible framing is not yet protected by sheetrock and fire spreads quickly. While many of these fires are considered accidental, they are often the result of carelessness and failing to follow basic fire safety practices. The total number of construction fires may represent a relatively small percentage of the overall population of buildings under construction, but the consequences of these fires severely impact nearby buildings and neighborhoods with increasing frequency and increasing levels of damage.



**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: August 24, 2023 **DATE SUBMITTED:** July 20, 2023
SUBMITTED BY: Aaron Barnes, Interim Chief Building Official
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 (deceased), 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.

City staff provided a copy of the notice per code, however, in preparation to proceed with demolition of the property it was discovered that a legal form (Lis Pendens) was needed to record the proceeding within the county property record. Therefore, the process for declaration and order to demolish the structure needed to be restarted.

RECOMMENDED ACTION:

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