

**CITY OF KERRVILLE, TEXAS
BUILDING BOARD OF ADJUSTMENT & APPEALS**

September 28, 2023

MEMBERS PRESENT:

Mack Edmiston, Board Member
Jennifer Hyde, Board Member
Daniel Lowery, Board Member
Caleb Mizell, Board Member
Bob Rue, Board Member
Wayne Uecker, Alternate, *arrived at 3:16 p.m.*

MEMBERS ABSENT:

None

STAFF PRESENT:

Guillermo Garcia, Executive Director for Innovation
Aaron Barnes, Interim Chief Building Official
Dorothy Miller, Recording Secretary

1. CALL TO ORDER:

On September 28, 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. ELECTION OF OFFICERS

2A. Election of Chair and Vice Chair by BBAA members

Guillermo Garcia explained the ordinance and process regarding electing officers.

Bob Rue moved to nominated Jennifer Hyde for chair; motion was seconded by Daniel Lowery and passed 4-1.

Daniel Lowery moved to nominate Bob Rue for vice chair; motion was seconded by Jennifer Hyde and passed 5-0.

3. APPROVAL OF MINUTES

3A. Approval of the minutes from the August 24, 2023 meeting.

Bob Rue moved to approve the minutes as presented; motion was seconded by Daniel Lowery and passed 5-0.

4. CONSIDERATION AND ACTION

4A. Recommend adoption of the 2021 International Property Maintenance Code

Guillermo Garcia stated the Board will be reviewing the International Property Maintenance Code and discussed some minor administrative changes.

Aaron Barnes presented a power point regarding the 2021 International Property Maintenance Code and discussed the following:

Amendments:

(1) Section 103 Code Compliance Agency is deleted in its entirety:

(2) Section 107 is amended in its entirety to read as follows:

- (a) Section 107. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IPMC.

(3) Section 109 Violation is deleted in its entirety to read as follows:

- (a) Misdemeanor. Any violation of this article is a misdemeanor as provided in section 1-8 of this Code
- (b) Fines. The penalty for a violation of this article shall be a fine of not less than \$100.00 but not exceeding \$2,000.00 for each violation.
- (c) Cost of abatement. Upon conviction of a violation of this article, the court shall in addition to any fine levied assess against the defendant the costs incurred by city in abating the nuisance.
- (d) Entity officer liability. The partners, officers, commissioners, managers, agents, trustees, and employees of any private partnership, trust, corporation, company, business, or other entity which owns or occupies property that violates this article shall be jointly and severally liable with the owner or occupier for the penalties provided in this section.

(continued)

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(4) Section 110 Stop Work Order is deleted in its entirety to read as follows:

(a) Section 110 Notice of Violation

- (1) Notice to owner required. After the city health official has determined that a property violates any of the provisions of this article, the city health official or his designee shall promptly notify the owner of the property of the violation.
- (2) Methods of notice. Written notice of a violation of this article must be given in person, or by letter, return receipt requested. If personal service cannot be obtained, or the owner's post office address is unknown, notice may be given by:
 - (a) Publication in the city's official newspaper at least once;
 - (b) Posting notice on or near the front door of each building on the property to which the violation relates; or
 - (c) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (3) A statement that if the owner of the property does not comply with this article on or before the seventh day after the date of the notice, the city may:
 - (a) Do the work or make the improvements required to comply with this article;
 - (b) Pay for the work or improvements; and
 - (c) Charge the expenses to the owner; and
- (4) A statement that the owner may appear at the office of the city health official on or before the seventh day after the date of the notice to show cause why the violations should not or cannot be remedied within the time required.

(b) Notice to owner of additional violations. Notice of a subsequent violation of this article is not required if:

(1) The original notice was:

- (a) Mailed or emailed to the owner or posted on the property; and
- (b) Contained a statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may correct the violation and assess the expense against the property without further notice; and

(2) On or before the first anniversary of the date of the original notice, the owner commits another violation of this article of the same kind or nature as the original violation which poses a danger to the public health and safety.

(c) Notice of violations after change in ownership. Even if ownership of property previously found in violation of this article is transferred to another owner, notice of a subsequent violation of this article is not required if:

(1) The original notice was:

- (a) Mailed to the owner or posted on the property; and
- (b) Contained a statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may correct the violation and assess the expense against the property without further notice;

(2) On or before the first anniversary of the date of the original notice, another violation covered by the notice occurs;

(3) The property owner to whom the original notice was issued has transferred or conveyed his ownership interest to another person; and

(4) The city has not been informed in writing of the change in the property ownership by the owner.

(d) Validity of refused or unclaimed notice. If notice is mailed to the property owner but returned to the city by the U.S. Postal Service as "refused" or "unclaimed," the notice shall be considered valid and delivered.

(e) Determination of owner and owner's address. For purposes of this article, the owner of property in violation of this article and the owner's address shall be determined by the records of Kerr Central Appraisal District.

(5) Section 111 Unsafe Structures and Equipment is deleted in its entirety.

(6) Section 113 Demolition is deleted in its entirety.

(a) Cost of such demolition or emergency repairs definition is deleted.

(continued)

- (8) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of ~~JURISDICTION TO INSERT HEIGHT IN INCHES~~ 12-inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 114.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.
- (9) 302.4.1 Defense of violation is added
- (a) Regularly cultivated ornamental, fruit-bearing, vegetable-bearing, or flowering plants, bushes, or trees;
 - (b) Regularly cultivated crops grown on property that is classified as agriculture exempt according to the tax rolls of the county;
 - (c) Pasture lands on property that is classified as agriculture exempt according to the tax rolls of the county;
 - (d) Heavily wooded property or property with steep slopes, on which mowing equipment cannot reasonably be used; or
 - (e) Property which the city health official determines should be exempted because of the lack of harm to the public health, safety, and welfare.
- (10) 302.8 Motor vehicles is deleted in its entirety.
- (11) 304.1.1(8) is deleted in its entirety and items are renumbered.
- (12) 304.7 Roofs and drainage is deleted in its entirety.
- (13) 304.14 Insect screens is deleted in its entirety.
- (14) 308.3.1 Garbage facilities is deleted in entirety.
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- (15) 308.3.2 Containers renumbered as 308.3.1.
- (17) 402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times ~~with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm) to all coverage of the areas served~~. In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied ~~with not less than 1 footcandle (11 lux)~~ at floors, landings and treads.

- (18) 602.3 Heat Supply. Delete and replace with: An occupied commercial structure that includes dwelling units or sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas, bathrooms, and toilet rooms.
- (19) 602.4 Occupiable workspace. Deleted and replaced with: Except as otherwise provided, an occupied commercial structure with indoor occupiable work spaces must maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.
- (a) Add section 602.4.1 Processing, storage, and operation. A commercial structure with areas that require cooling or special temperature conditions is not required to maintain the temperature in Section 602.4.
- (b) Add section 602.4.2 Physical activities. Areas within a commercial structure where persons are primarily engaged in vigorous physical activities are not required to maintain the temperature in Section 602.4.
- (20) 604.2 Service is deleted and replaced with: In accordance with NFPA 70, the size and usage of appliances and equipment determines the need for additional electrical facilities. A dwelling unit must be served by an electrical service with a rating of at least 60 amperes.
- (21) 604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Electrical Code.
- (22) 604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Electrical Code.

Mack Edmiston moved to recommend adoption of the 2021 International Property Maintenance Code as presented; motion was seconded by Bob Rue and passed 5-0.

4B. Recommend adoption of the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, ISPSC, IPMC

Guillermo Garcia presented a power point regarding the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, ISPSC, and IPMC and discussed the following:

Amendments:
IBC

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(a) International Building Code, 2021 Edition

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

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

(2) Section 113 is amended in its entirety to read as follows:

(a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IBC.

IRC

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

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

(2) R105.2 is amended by deleting exemptions 2 and 5 under "Building".

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

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

IECC

(c) International Energy Conservation Code, 2021 Edition

(1) Section C110 is amended in its entirety to read as follows:

(a) Section C110. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IECC.

IEBC

(d) International Existing Building Code, 2021 Edition

(1) Section 115 Unsafe Structures and Equipment is deleted in its entirety

IMC

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

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

(2) Section 113 is amended in its entirety to read as follows:

- (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IMC.

(3) Section 114 Board of Appeals is deleted in its entirety.

ISPSC

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

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

(2) Section 111 is amended in its entirety to read as follows:

- (a) Section 111. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the ISPSC.

(3) Section 112 Board of Appeals is deleted in its entirety

IPC

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

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

(2) Section 113 is amended in its entirety to read as follows:

- (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IPC.

(3) Section 114 Board of Appeals is deleted in its entirety

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IFGC

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

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

(2) Section 114 Board of Appeals is deleted in its entirety to read as follows:

- (a) Section 114. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IFGC

Bob Rue moved to recommend adoption of the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, ISPSC, IPMC as presented; motion was seconded by Caleb Mizell and passed 5-0.

5. **STAFF REPORT**

Guillermo Garcia discussed the following:

1. Next BBAA meeting will be Thursday, October 26th
 - a) Unsafe structures
 - 516 W. Water St.
 - 608 Stephen St.
 - 421 Fifer St.

6. **ADJOURNMENT**

The meeting adjourned at 3:44 p.m.

ATTEST:



Jennifer Hyde, Chair



Dorothy Miller, Recording Secretary