

CITY OF SEGUIN
STATE OF TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLES I THROUGH VIII TO ADOPT 2015 INTERNATIONAL BUILDING CODES WITH THE EXCEPTION OF THE 2011 ELECTRIC CODE; ESTABLISHING ADMINISTRATIVE PROCEDURES; ESTABLISHING CERTAIN EXCEPTIONS SET FORTH IN THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES.

RECITALS:

WHEREAS, in order to maintain acceptable insurance ratings the City must keep its building codes up to date by adopting newer codes approximately every six years; and

WHEREAS, these insurance ratings directly affect the price that residents will pay for their homeowner's and fire insurance policies; and

WHEREAS, with the exception of the 2011 Electric Code the City has not adopted new codes since 2009; and

WHEREAS, to give contractors, builders, tradesman, and homeowners time to prepare for the new codes the effective date will set at January 1, 2016.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article I, In General, is amended as follows:

Section 18-1. Fire Limits established and described is repealed in its entirety.

SECTION TWO. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article 1, In General, is hereby amended by the addition of the following new sections:

18-1. The sections of this Article, In General, shall apply to all of the International Codes adopted by the City.

18-2. **Order of Precedence.** In cases where there may be conflict, in law or interpretation, between the International Codes and State or City Ordinances, the following order of precedence shall be followed:

- a. The Seguin Code of Ordinances, Seguin Unified Development Code and Ordinances passed, but not yet codified, by the Seguin City Council shall prevail to the extent that said ordinance conflicts with any part of the International Codes as adopted.

b. State Law shall prevail to the extent that state law conflicts any part of the International Codes adopted herein.

c. With the exception of administrative procedures, enforcement procedures and areas of law not specifically preempted by State law, State law shall prevail over City Ordinance.

18-3. **Administrative Procedures and Enforcement**

a. All administrative procedures regarding employment, the issuance of permits, required licenses, variances, enforcement, code officials and other similar administrative rules that may be set forth in the adopted ICC codes are not adopted and are hereby superseded by the procedures set forth in this Chapter, the City of Seguin Unified Development Code, or other applicable Chapters and Sections of the Seguin Code of Ordinances.

b. The building official or the official's designees shall have the authority to enforce the building codes, including issuing notices of violations and citations for any violation of the adopted codes as well as applicable city ordinances.

c. Citations may be issued in person, by certified mail or when personal service is not available by fastening the citation to the related building.

18-4. **Penalties**

A person charge with a violation of any requirement or provision of these codes may be charged in accordance with Section 1-14 of the Seguin Code of Ordinances.

SECTION THREE. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II Building Code, is amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

ARTICLE II. - BUILDING CODES

Sec. 18-26. - Code adopted; ~~penalty for violation.~~

(a) Adoption. The International Residential Code 2015, ~~and~~ the International Building Code 2015, and the International Energy Conservation Code 2015 along with appendices, published by the International Code Council, except for penalties contained therein, ~~is~~ are adopted and incorporated by reference as the building codes of the city, subject to and including by reference such amendments, corrections and additions as shall appear in this chapter. A copy is on file in the city inspection's office and the Seguin Public Library.

(b) Exclusions from the International Residential Code, 2015 ~~2009~~.

(1) Section R105.2

1. One-story detached accessory structures used as tool and storage sheds, provided floor area does not exceed 200 square feet.

2. Fences not over six feet in height.

- (~~12~~) Appendix F - Radon Control Methods
- (~~23~~) Appendix I - Private Sewage Disposal
- (~~34~~) Appendix L - Permit Fees
- (~~45~~) Appendix P - Fire Sprinkling
- (~~56~~) Appendix M - Home Day Care
- (~~67~~) Appendix Q - ICC Electrical Code and Part VIII - Electrical Chapters 33-42
- (~~78~~) Chapter 3, Section 313, Automatic Fire Sprinkler System

(c) Exclusions from the International Building Code, 2015 ~~2009~~.

- (1) Appendix A - Building Official Qualifications
- (2) Appendix H - Signs
- (3) Appendix C - Group U Agricultural Buildings
- (4) Appendix D - Fire Districts

Sec. 18-28. - Permit.

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish, roof, reroof or change the occupancy of a building or structure or to cause any such work to be done shall first make application to the building official and obtain the required permit for the work. Permits are also required to roof or reroof a structure.

Sec. 18-29. - Fees.

(a) Schedule of permit fees. Fees for the permit required in the building code adopted in section 18-26 and inspections required by this article shall be collected by the city at the time of issuing the permit. The permit and inspection fees shall be as established by the city council and set forth in appendix C to this Code.

(b) Work commencing before permit issuance. Where work for which a permit is required by the building code is started or proceeded prior to obtaining a permit, the fees specified in appendix C shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the building code in the execution of the work or from any other penalties prescribed in this article.

(c) Plan checking fees. When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by section 103.2 of the building code adopted in section 18-26, a plan checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. The plan checking fee shall be equal to one-half of the building permit fee as set forth in appendix C. Such plan checking fee is in addition to the building permit fee.

(d) Building permit valuations. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be

underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

(e) Reinspection fee. For all reinspections an additional charge as established by the city council and set forth in appendix C to this Code shall be made and this fee shall be paid to the city by the applicant at the time of making application for the extra inspection.

(f) Liens. Prior to building permit approval, all city liens shall be paid in full on property for which a building permit application has been submitted.

Sec. 18-30. - Created; contractor's advisory board; composition; terms; absenteeism; appointments; duties; rules and procedures.

(a) Creation of board; composition. There is created a contractor's advisory board. Such board shall consist of seven members and two alternates, comprised as follows:

- (1) A licensed electrician;
- (2) A licensed plumber;
- (3) One member from the Seguin Building Board of Appeals;
- (4) One ~~member from the Seguin Contractor's Association~~ Design professional;
- (5) A licensed general contractor;
- (6) A licensed mechanical contractor;
- (7) A representative from the construction industry;
- (8) Two alternates from any of the above referenced groups.

(b) Terms. Terms shall be for three years. An individual may serve a maximum of two terms.

(c) Term schedule. The terms of three members or alternates shall expire each year. In order to establish staggered terms, the initial appointments shall include one-year and two-year terms, but said terms shall not be counted towards the maximum of two three-year terms.

(d) Absenteeism. Any member who is absent more than three meetings in a 12-month period shall automatically be removed from the board.

(e) Appointments. Members shall be appointed by the mayor and approved by city council ~~city manager~~.

(f) Board duties. The responsibilities assigned to the board shall include, but not limited to:

- (1) Review proposed revisions to the building codes and development procedures.
- (2) Submit recommendations to city staff relating to building codes, inspection procedures, code interpretations, etc.

- (3) Review complaints relating to building codes and inspections and submit recommendations to the director of planning and the city manager.
- (4) Review inspection checklist and submit recommendations.
- (5) Present recommendations on ways for city staff to distribute information to educate contractors on city regulations.

(g) Rules and procedures. The board shall adopt rules and procedures for its proceedings in accordance with generally accepted policies for such activities.

(h) Meetings. Meetings shall be held at least quarterly and as needed. A meeting may be called by the chairman, city manager or director of planning.

(i) Quorum. A minimum of five members and/or alternates is required for a quorum.

Sec. 18-31. - Amendments.

(a) All references to the International Electric Code, including those references found in their entirety in Chapters 27, International Building Code, and Part 8, Chapter 33, International Residential Code are hereby deleted.

(b) All references to the Department of Building Safety, as found in Section R103, International Residential and Section 103, International Building Code, are hereby deleted.

(c) All references to the Floodplain Appeals Board, as found in Section 112, International Residential Code, are hereby deleted.

(d) The International Sign Code, as found in the Appendix H, International Building Code, is hereby deleted.

(e) Foundation beams. All foundation beams shall be a minimum of 12" in width.

(f) Vent Pipe. A three inch vent pipe on the main building drain furthest from City tap.

~~Sec. 18-32. - Code adopted. Deleted.~~

~~The International Energy Conservation Code, 2009, along with appendices, published by the International Code Council, except for penalties contained therein, is adopted and incorporated by reference as the energy conservation code of the city, subject to and including by reference such amendments, corrections and additions as shall appear in this chapter. A copy is on file in the city inspection's office and the Seguin Public Library.~~

Sec. 18-33. - Inspections.

(a) City staff shall inspect any permitted project for compliance with the adopted building codes of the City of Seguin. Manufacturer's recommendations for any particular building material or component, including, but not limited to, plumbing, electrical, and mechanical products, are the primary responsibility of the contractor and are deemed to fall outside of the scope of the inspection process.

(b) In lieu of city inspection, foundation and structural framing elements designed by a professional engineer licensed to practice in Texas may be inspected by the design engineer, provided the design engineer provides the city with written certification that said design engineer accepts full structural design responsibility for foundation and/or structural framing elements as constructed.

Sec. 18-34. - License required; exception.

(a) It is unlawful for any person to perform construction work subject to this article unless the person is licensed as a contractor or is exempt under one of the following:

(1) A maintenance person may perform maintenance work only upon property owned by the person's employer. A maintenance person who performs work upon the property of more than one property owner is deemed to be performing work for the general public and shall be licensed as a city residential or general contractor.

(2) A property owner may perform construction work with the owner's own hands in/on an existing residence owned and occupied by the owner as his homestead. All work is subject to permit, inspection and approval in accordance with this chapter.

(b) A contractor holding a license issued prior to March 31, 2012, may continue to perform construction work under that license until it expires. Upon expiration of a contractor license issued prior to March 31, 2012, an applicant shall complete 12 hours of continuing education. This applies to both commercial and residential licenses.

Sec. 18-35. - Qualifications for license or registration.

(a) Residential contractor. This designation applies to construction limited to one- and two-family dwellings, swimming pools, fencing, and remodeling, moving, and accessory buildings. A person applying for a residential contractor's license shall provide verifiable documentation of passing the required ICC examination for the license with the minimum of \$300,000.00 liability insurance for residential contractor. A person may obtain a residential contractor license without passing the examination if he has a license from a reciprocating jurisdiction under section 18-39

(b) General contractor. This designation applies to construction limited to multifamily dwellings, office buildings, shopping centers, restaurants and similar structures. A person applying for a general contractor's license shall provide verifiable documentation of passing the required examination for the license with the minimum of \$1,000,000.00 liability insurance for contractor commercial. A person may obtain a general contractor license without passing the examination if he has a license from a reciprocating jurisdiction under section 18-39

(c) Maintenance person. This designation applies to maintenance of existing buildings or structures. A person applying for a property maintenance person registration shall have a letter from the property owner he is working under. The letter is to be on company letterhead and show maintenance personnel's information, address, license number and phone number.

(d) Roofing contractor. This designation applies to the installation of new roofing or replacement of roofing systems, not to include any structural components of the building structure. A person applying for a roofing contractor's license shall satisfy the minimum of \$300,000.00 liability

insurance for a residential license and a minimum of \$1,000,000.00 liability insurance for a commercial license. License fees shall be set per appendix C; article II, building codes; (a) contractor's license.

Sec. 18-36. - Examination fees.

Payment of an examination fee to the test provider is required each time a contractor applies for an examination.

Sec. 18-37. - Examination.

The contractors advisory board, working in conjunction with the city staff, will require licenses through the use of ICC tests.

Sec. 18-38. - Issuance, renewal of license or registration.

(a) Upon receiving a passing grade on the examination for a license or registration under this division, the building official can issue a license or registration to the successful candidate, with an appropriate fee to be assessed as set forth in appendix C, chapter 18, article 2(a).

(b) No license will be issued for more than one year. A license may be renewed from year to year upon application of the holder. All licenses issued under this division expire on the last day of December.

(c) Any licensee failing to make application for renewal of a license within 60 days after its expiration is considered as an applicant for an original license. This section does not permit construction work by a contractor with an expired license.

(d) A licensee shall have the appropriate license in his immediate possession at all times when doing any construction work, and shall display it upon demand by any peace officer, by the building inspector or building official, or by the owner or manager of the premises or property upon which the licensee is working, offers to work or has worked.

(e) If a license or permit issued under this article is lost or destroyed, the person to whom it is issued may obtain a duplicate upon furnishing proof satisfactory to the building official that the permit or license was lost or destroyed and upon payment of a fee.

(f) Each person who obtains a license shall register with the building official. The registration will include the person's name, phone number, email address, residential address, and business address. If any changes occur in the information provided, the licensee shall amend the registration to reflect the changes within ten business days of the change. If the building official is not notified within 60 days of an address change, the license may be revoked.

(g) Prior to the renewal of any contractor's license, the contractor shall complete six hours of continuing education annually approved by the building official.

Sec. 18-39. - Reciprocal ~~agreements and~~ licenses.

(a) The city may ~~enter into agreements with~~ accept from other jurisdictions ~~for the fact that an applicant has a residential and general contractors license to obtain similar licenses in the city without taking the required examinations, provided the~~ other jurisdiction tests its licensees using

ICC tests and the licensee can show that the licensee has passed such a test that was based on ICC codes no more than two iterations previous to the current code as adopted by the City of Seguin. privilege is extended by the other jurisdictions to allow residential and general contractors licensed by the City of Seguin to obtain licenses in those jurisdictions in a similar manner.

~~(b) Evidence shall be presented that the licensing jurisdiction issues licenses under conditions no less restrictive than those in this article. Licensees seeking reciprocal licensing shall meet all other licensing conditions imposed by the City of Seguin.~~

~~(c) The applicant shall have obtained the license in the other jurisdiction through testing. Double reciprocating is not allowed.~~

~~(d) The process of obtaining the reciprocal license must be similar in both jurisdictions, with any constraints placed on an applicant in one jurisdiction applying equally in the other.~~

~~(e) All reciprocal agreements will be in writing and will detail the requirements and administrative procedures referred to in this section. A copy of these agreements will be kept available for public inspection in the building inspection division offices.~~

~~(f) Each agreement will state whether the board of adjustments and appeals retains the right to rule individually on each applicant, or whether authority to issue licenses will be delegated to the building official.~~

~~(g) A residential or general contractor applying for a reciprocal license shall have held a residential or general contractor's license for not less than one year in the reciprocating jurisdiction.~~

~~(h) A fee will be charged for each letter issued by the building inspection division to a locally licensed residential and general contractor to facilitate reciprocal licensing in another city.~~

(i) A reciprocal license may be granted to any residential or general contractor who has been licensed for at least one year and holds a current license from another jurisdiction upon proof that said contractor has passed the appropriate ICC test covering the current, or immediately preceding, ICC code adopted by the City of Seguin. The grant of a license under this subsection is subject to all other non-examination requirements, including application and fees.

Sec. 18-40. - Prohibited acts.

It is unlawful for any person to:

(a) Display or cause a permit to be displayed or to have in one's possession any license for doing any construction work, knowing it to be fictitious or to have been canceled, suspended or altered;

(b) Lend or permit the use of any license for doing any construction work to any person not entitled to it;

(c) Display or to represent as one's own any license for any construction work when the license has not been lawfully issued to the person displaying it;

(d) Fail or refuse to surrender to the building official any license for any construction work that has been suspended or canceled;

- (e) Apply for or have in one's possession more than one current city construction license of the same type;
- (f) Use a false or fictitious name or address in any application for any license or permit provided for in this chapter or any renewal or duplicate or make a false statement or conceal a material fact or otherwise commit fraud in making any application;
- (g) Perform any construction work for which a license is required without having the license or while the license is suspended, expired or canceled;
- (h) Perform any construction work for which a permit is required without having the permit or after the permit has been canceled;
- (i) Fail or refuse to make the necessary repair or changes as provided in a written notice issued by the inspections division. A separate offense is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected;
- (j) Permit any construction work covered by this article to be performed by any person not properly licensed, while owning or in control of premises covered by this article;
- (k) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the building inspection division; or
- (l) Place or leave the property in such condition that it injures or endangers persons or property.

Sec. 18-41. - Grounds for disciplinary action.

(a) A person is subject to disciplinary action if the person violates this chapter, an order issued by the board, or a board rule. A violation of this chapter includes:

- (1) Obtaining a license, endorsement, or registration through error or fraud;
- (2) Willfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;
- (3) Making a misrepresentation of services provided or to be provided;
- (4) Making a false promise with the intent to induce a person to contract for a service; or
- (5) Employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or registration is required under this chapter.

(b) Retesting procedures may be used to determine whether grounds exist for suspension or revocation of a license, endorsement, or registration due to incompetence or a willful violation by a person licensed under this chapter.

Sec. 18-42. - Suspension and revocation of license.

(a) The building official may suspend the license or registration of a building contractor or maintenance person who has been convicted three times within one year of a violation of section

18-34 or 18-40 of this chapter. The suspension will be for a period not to exceed six months. For purposes of this section, deferred adjudication will be treated as a conviction.

(b) If the building official decides to suspend a license, the official will notify the licensee of the suspension by first class mail to the licensee's last address on the building official's records, or by hand delivery to the licensee. Notice by mail is deemed to be received three days after posting.

(c) The building official can refuse to issue permits while there are outstanding violations against a contractor until the violations have been resolved by court disposition or arranging a court hearing.

(d) The licensee may appeal a suspension decision to the contractors advisory board by filing a written request within 15 days of receiving notice of the suspension. The board will hold a hearing to determine whether the suspension decision should be sustained or reversed. The board will follow the hearing procedures outlined in subsection 14.380(b) [section 18-43].

(e) If a licensee's license has been suspended twice in a three-year period, and the licensee then commits another violation under section 18-34 or 18-35 [18-40], the building official will notify the contractors advisory board. The board will then hold a hearing under section 113 of the International Building Code.

(f) Enforcement actions taken under this section are not exclusive, and do not affect any other remedies for violations of section 18-34 or 18-40

(g) Maintenance registration can be revoked upon charge or conviction of any code violation.

Sec. 18-43. - Hearing procedures for revocation of license; notice of revocation.

(a) When the contractors advisory board is notified that a licensee's license has been suspended twice in a three-year period under subsection 18-42(a) [18-42(e)], and that the licensee has committed another violation under section 18-34 or 18-40, the board will set a license revocation hearing within 30 days and will send a copy of the information to the licensee by certified mail or by hand delivery not less than ten days before the date of the hearing.

(b) The licensee may appear in person at the hearing and may be represented by an attorney or any other person. All hearings will be open to the public. The City of Seguin and the licensee are entitled to present evidence and arguments at the hearing. The board may, through its chair or secretary, administer oaths and compel the attendance of witnesses by subpoena issued by the chair. If the licensee does not appear, the board may proceed to hear and determine whether to revoke the licensee's license.

(c) If the licensee admits the truth of the charges, or if the board, by vote of three or more members, finds them to be true, the board will revoke the license of the licensee. The decision of the board in each revocation hearing will be entered into the minutes of the board.

(d) Notice of the revocation will be given by the board either in person at the hearing, by first class mail to the licensee's last address on the building official's records, or by hand delivery to the licensee. Notice by mail is deemed to be received three days after posting.

(e) A licensee whose license is revoked under this section may not apply for another license until one year after the effective date of revocation.

Sec. 18-44. - Surrender and return of suspended license.

Any license suspended under this division shall be surrendered to the building official. At the end of the period of suspension, in the absence of further violations, the surrendered license will be returned to the licensee and will again be valid. If the period of suspension extends beyond the normal expiration date, the licensee shall pay all license renewal fees in order for the building official to return the license.

Sec. 18-45. - Appeals.

Under this division, any licensee who has been denied a license or whose license has been suspended or revoked may file a petition with the municipal court within ten days of the date of the denial, suspension, or revocation. The licensee shall also file a copy of the petition with the building official on the same day that the petition is filed with the municipal court. The municipal court will give all parties at least three days' notice of the hearing. The municipal court judge will determine whether there is a reasonable basis for the license denial, suspension, or revocation. The judge will determine factual issues by a preponderance of the evidence.

SECTION FOUR The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article III Electrical Code modified, Division I, Generally, Section 18-47 (all remaining sections remain unchanged), is amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Sec. 18-47. - Code adopted.

(a) The National Electric Code, 2011 edition, except for penalties contained therein, is adopted and incorporated by reference as the electric code of the city subject to and including by reference such amendments, corrections and additions as shall appear in this article. A copy is on file in the city inspection's office and the Seguin Public Library.

(b) The electrical code adopted in this section, except for the sections enumerated below in subsection (c), is made a part of this article as fully and to the same extent as if copied in this article in full. Such electrical code shall be admitted in evidence before the examining and supervising board of electrical contractors and electricians without other or further proof, and the interpretation of such code by the inspector shall be final and conclusive.

(c)The following sections of the 2011 National Electric Code are deleted from the City of Seguin's adoption of the code:

Section 110.26(E)(1)(a)

Section 110.12.(B)

Section 225.32

Section 230.70(A)(1)

Section 230.70(A)(3)

Section 250.119(A)

Article 320

Section 334.10(3)

Article 394

Section 410.36(B)

Section 680.23(A)(4)

~~(d) Any person violating any provision of the electrical code incorporated by reference in this section shall be subject to the penalties set forth in section 1-14~~

(d) All wiring used in residential circuits shall be no less than #12.

SECTION FIVE. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article IV Plumbing Code, Division I, Generally, Section 18-172 is amended (all other sections of Division I remain unchanged) as follows (underlining indicates added text, strikethrough indicates deleted text):

Sec. 18-172. - Code adopted; penalties.

(a) The International Plumbing Code, 2015 ~~2009~~, as amended, revised and corrected in this article, except for penalties contained therein, is adopted and incorporated by reference as the plumbing code of the city, subject to and including by reference such amendments, corrections and additions as shall appear in this article. A copy is on file in the city inspection's office and the Seguin Public Library.

~~(b) Any person violating any provision of the plumbing code incorporated by reference in this section shall be subject to the penalties set forth in section 1-14~~

SECTION SIX. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article IV Plumbing Code modified, Division II, Plumber's License, Section 18-196 is amended (all other sections remain unchanged) as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 18-196. - Amendments.

(a) Section 312.4, (smoke test required) International Plumbing Code, is hereby deleted.

(b) All drainage, water, vent and sewer testing, where required in Section 312, International Plumbing Code, shall be tested with no less than ten (10 ~~4'~~) feet head of water.

SECTION SEVEN The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article V Gas Code, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

ARTICLE V. - FUEL GAS CODE

Sec. 18-211. - Code adopted; ~~penalties.~~

(a) The International Fuel Gas Code, ~~2015 2009~~, as amended, revised and corrected in this article, except for penalties contained therein, is adopted and incorporated by reference as the gas code of the city, subject to and including by reference such amendments, corrections and additions as shall appear in this article. A copy of the adopted code is on file in the city inspection's office and the Seguin Public Library.

~~(b) Any person violating any provision of the gas code incorporated by reference in this section shall be subject to the penalties set forth in section 1-14~~

Sec. 18-212. - Amendments.

The fuel gas code adopted in section 18-211 is amended to read as follows:

Section 103.7.4, Schedule of permit fees, is amended by deleting the reference to the applicable appendix and inserting the following:

Fees for the permit and inspections required by this article shall be collected by the City of Seguin at the time of issuing the permit. The permit and inspection fees shall be as established by the city council by resolution and set forth in appendix C of the Code of Ordinances of the city. Where work for which a permit is required by this gas code is started or proceeded prior to obtaining such permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this gas code in the execution of the work or from any other penalties prescribed herein.

Reinspection fee. For all reinspections an additional charge as established by the city council and set forth in appendix C to this Code shall be made and this fee shall be paid to the city by the applicant at the time of making application for the extra inspection. Secs. 18-213—18-230. - Reserved.

SECTION EIGHT The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article VI Mechanical Code, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 18-231. - Code adopted; ~~penalties.~~

(a) The International Mechanical Code, ~~2015 2009~~, with appendices, as amended, revised and corrected in this article, except for penalties contained therein, is adopted and incorporated by reference as the mechanical code of the city, subject to and including by reference such amendments, corrections and additions as shall appear in this article. A copy of the adopted code is on file in the city inspection's office and the Seguin Public Library.

(b) Any person violating any provision of the mechanical code incorporated by reference in this section shall be subject to the penalties set forth in section 1-14 and all of the terms and conditions of section 1-14 shall apply for the violation of any section of the mechanical code adopted in this section.

Sec. 18-232. - Amendments to code.

The mechanical code adopted in section 18-231 is amended to read as follows:

(1) Chapter 1, section 103.5 is amended to add a new subsection to read:

103.5.1 Licenses. All persons who engage in or work at the actual installation, alteration, repair and renovating of mechanical work shall possess a valid state license or be an employee of such person and have a current identification card. Homeowners are allowed to do work on their homestead without a license.

~~(2) Chapter 1, section 103.5 is amended to add a new subsection to read:~~

~~103.5.2 Identification cards. Each employee of a state-licensed mechanical contractor is required to carry an identification card registering his place of employment. This card must be carried by that employee when doing mechanical work. This card shall be good for one year from date of issuance. The registration fee shall be as established by the city council and set forth in appendix C to the Code of Ordinances.~~

~~(2 3)~~ Section 103.7.2 is amended to read:

103.7.2 Work commencing before permit issuance. Where work for which a permit is required by this mechanical code is started or proceeded prior to obtaining a permit, the fees specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this mechanical code in the execution of the work nor from any other penalties prescribed herein.

~~(3 4)~~ Section 103.7.4 is amended by adding the following to read:

103.7.4 Schedule of permit fees. Fees for the permit and inspections required shall be collected by the City of Seguin at the time of issuing the permit. The permit and inspection fees shall be as established by the city council and set forth in appendix C to the Code of Ordinances.

Reinspection fee. For all reinspections an additional charge as established by the city council and set forth in appendix C to this Code shall be made and this fee shall be paid to the city by the applicant at the time of making application for the extra inspection.

SECTION NINE. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article VII Housing Code, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

ARTICLE VII. - ~~HOUSING CODE~~ PROPERTY MAINTENANCE CODE

Sec. 18-251. - Code adopted; penalties.

(a) The International ~~Existing Building Code, 2009~~, Property Maintenance Code 2015 as amended, revised and corrected in this article, except for penalties contained therein, is adopted and incorporated by reference as the existing building code of the city, subject to and including by reference such amendments, corrections and additions as shall appear in this article. A copy of the adopted code is on file in the city inspection's office and the Seguin Public Library.

~~(b) A person in violation of the housing code adopted in this section shall, upon conviction, be punished pursuant to section 1-14~~

18-252. Exclusions.

(1) Section 110, Demolition

(2), The following subsections of Section 302, Exterior property areas are excluded:

(a) 302.1 Sanitation

(b) 302.4 Weeds

(c) 302.8 Motor Vehicles

(3) The following areas of Section 304, Exterior Structure are excluded:

(a) 304.2 Protective Treatment

(b) 304.14 Insect screens

(c) 304.18 Building Security

(4) Section 308: Rubbish and Garbage

(5) Section 309: Pest Control

(6) Chapter 7, Fire Safety Requirements

SECTION TEN. The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article VIII, Swimming Pools, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

ARTICLE VIII. - SWIMMING POOLS

DIVISION 1. - GENERALLY

Sec. 18-271. - Code adopted; ~~penalties.~~

(a) The International Swimming Pool and Spa Code 2015 Residential Code 2009, Appendix G, in its entirety, and the 2011 National Electric Code Article 680, Swimming Pools, ~~excepting penalties contained therein~~, is adopted and incorporated by reference as the swimming pool code of the city, subject to and including by reference such amendments, corrections and additions as shall appear in this article. A copy is on file in the city inspection's office and the Seguin Public Library.

~~(b) Any person violating any provision of this article and code incorporated by reference in this section shall be subject to the penalties set forth in section 1-14 of the Code.~~

Sec. 18-272. - Fees.

(a) Fees for swimming pool permits and inspections required by this article shall be collected by the city at the time the permit is issued. The permit and inspection fees shall be established by the city council and set forth in appendix C to the Code of Ordinances.

(b) Where work for which a permit is required by this code is started or proceeded prior to obtaining the permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

SECTION ELEVEN. . The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article X, Dangerous Buildings, Division 2, Building and Standards Commission, is amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Sec. 18-367. - Appointment; terms; presiding officer.

(a) Each member of the building and standards commission shall reside within the corporate limits of the City of Seguin. The members of the building and standards commission shall be appointed for staggered terms of two years. Each member's term shall expire on December 31 ~~September 30~~. ~~Appointments will be made in September~~. Vacancies resulting in unexpired terms shall be filled by the mayor with the approval of city council. Members shall be limited to serving no more than two full consecutive terms, not including any time served to complete an unexpired term caused by a vacancy.

(b) The commission shall elect its own presiding officer from among its members.

SECTION TWELVE. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION THIRTEEN. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION FOURTEEN. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION FIFTEEN. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on first reading on the 20th day of October, 2015.

PASSED AND APPROVED on second reading on the 3rd day of November, 2015.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary