

STATE OF TEXAS

**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 THE 2018 INTERNATIONAL BUILDING CODES AND THE 2020 NATIONAL ELECTRICAL 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**

**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**, the City has not adopted new codes since 2016, when the 2015 International Codes were adopted.

**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 II, Building Code, Section 18-26, Code adopted, is amended as follows (underlining indicates added text, indicates deleted text):

(a) Adoption. The International Residential Code ~~2015~~ 2018, and the International Building Code ~~2015~~ 2018, and the International Energy Conservation Code ~~2015~~ 2018 along with appendices, published by the International Code Council, except for penalties contained therein, 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, 2018 ~~2015~~.

~~(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.~~

(1) Appendix D - Recommended Procedure for Safety Inspection of an Existing Appliance

(2) Appendix F - Radon

(3) Appendix I – Private ~~Sewage Disposal~~ Sewer

(4) Appendix L ~~K~~ – ~~Permit Fees~~ Sound Transmission

(5) Appendix P ~~L~~ – ~~Fire Sprinkling~~ Permit Fees

- (6) Appendix ~~R M~~ – ~~Home Day Care~~ Light Straw-Clay Construction
- (7) Appendix ~~S Q~~ – ~~ICC Electric Code and Part VII Electrical Chapters 33-42~~ Strawbale Construction
- (8) ~~Chapter 3, Section 313 Automatic Fire Sprinkler System~~ Appendix T – Solar-Ready Provisions
- (c) Exclusions from the International Building Code, 2018 ~~2015~~.
  - (1) Appendix A – ~~Building Official~~ Employee Qualifications
  - (2) Appendix ~~B H~~ – ~~Signs~~ Board of Appeals
  - (3) Appendix ~~D C~~ – ~~Group U Agricultural Buildings~~ Fire Districts
  - (4) ~~Appendix E D~~ – ~~Fire Districts~~ Supplementary Accessibility Requirements
  - (5) Appendix G – Flood Resistant Construction
  - (6) Appendix H – Signs
  - (7) Appendix K – Administrative Provisions
  - (8) Appendix L – Earthquake Recording Equipment
  - (9) Appendix M – Tsunami Generated Flood Hazard
  - (10) Appendix N – Replicable Buildings

**SECTION TWO.** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II, Building Code, Section 18-31, Amendments, is amended as follows (underlining indicates added text, ~~indicates deleted text~~):

- (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.~~
- (a) All references to the Department of Building Safety, as found in Section R103, International Residential and Section 103, International Building Code, are hereby deleted.
- (b) All references to the Floodplain Appeals Board, as found in Section 112, International Residential Code, are hereby deleted.
- (c) Foundation beams. All foundation beams shall be a minimum of 12 inches in width.

**SECTION THREE.** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II, Building Code, Section 18-35, Liability Insurance Requirements, is amended as follows (underlining indicates added text, indicates deleted text):

**Sec. 18-35.- ~~Liability insurance requirements.~~ Qualifications for Contractor registration**

~~Contractor registration requires the applicant to have on file with the city a \$500,000.00 liability insurance policy with the City of Seguin listed as the certificate holder.~~

- (a) General contractor. This designation applies to construction of residential homes, multifamily dwellings, office buildings, shopping centers, restaurants, and similar structures. A person applying for a general contractor's license shall provide verifiable documentation of contractor liability insurance in the amount of \$500,000.00.
- (b) 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.

**SECTION FOUR.** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II, Building Code, Section 18-36, Issuance, renewal of registration, is amended as follows (underlining indicates added text, indicates deleted text):

- ~~(a) Registration expires one year from date issued.~~
- ~~(b) Each contractor registration will include the person's name, phone number, email address, residential address, business address, and scope of work performed, i.e., roof contractor, pool contractor, demo company. If any changes occur in the information provided, the contractor 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 registration may be revoked.~~
- (a) Upon submitting a completed application, proper identification, payment of required fees, and proof of liability insurance a contractor will be registered to do work in the City of Seguin.
- (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.
- (c) A contractor shall have proof of registration 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 contractor is working, offers to work or has worked.
- (d) If a registration 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.

**SECTION FIVE.** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II, Building Code, Section 18-39, Grounds for disciplinary action, is amended as follows (underlining indicates added text, indicates deleted text):

- (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) Willfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;
- (2) Obtaining a registration, endorsement, or permit through error or fraud;
- (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) Registration renewal procedures may be used to determine whether grounds exist for suspension or revocation of an endorsement or registration due to incompetence or a willful violation by a person registered under this chapter.

**SECTION SIX.** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II, Building Code, is amended by adding a new Section 18-42 to read as follows:

Sec. 18-42. - Surrender and return of suspended registration.

Any registration 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 registration will be returned to the contractor and will again be valid. If the period of suspension extends beyond the normal expiration date, the contractor shall pay all license renewal fees in order for the building official to return the registration.

**SECTION SEVEN.** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II, Building Code, is amended by adding a new Section 18-43 to read as follows:

Sec. 18-43 - Appeals.

Under this division, any contractor who has been denied a registration or whose registration 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 contractor 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 EIGHT** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article III Electrical Code modified, Division I, Generally, Section 18-47, is amended as follows (underline) indicates added text, (~~strike through~~) indicates deleted text):

Sec. 18-47. - Code adopted.

(a) The National Electrical Code, ~~2011~~ 2020 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.

~~(e) 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 gauge.

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

(a) The International Plumbing Code, 2018 ~~2015~~, 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.

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

(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) feet head of water.~~

(c). All drainage, sewer, water, vent and water piping shall be installed after bagging, fill, and ditching has been established within the foundation forms.

**SECTION ELEVEN** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article V Fuel Gas Code, Section 18-211, Code adopted is amended as follows (underlining) indicates added text, (~~striketrough~~) indicates deleted text):

(a) The International Fuel Gas Code, 2018 ~~2015~~, 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~~

**SECTION TWELVE** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article V Fuel Gas Code, Section 18-212, Amendments, is amended as follows (underlining) indicates added text, (~~striketrough~~) indicates deleted text):

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

(a). To the full extend applicable Sections 18-27 supersedes all the adoption and enforcement, of any city code with respect to Liquified Petroleum Gas.

(b) 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.

Re-inspection fee. For all re-inspections an additional charge as established by the city council. This fee shall be paid to the city by the applicant at the time of making application for the extra inspection.

**SECTION THIRTEEN** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article VI Mechanical Code, Section 18-231, Code Adopted, is amended as follows (underlining) indicates added text, (~~striketrough~~) indicates deleted text):

**Sec. 18-231. - Code adopted-penalties**

(a) The International Mechanical Code, 2018 ~~2015~~, 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.

**SECTION FOURTEEN** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article VII, Property Maintenance Code, Section 18-251, Code Adopted, is amended as follows (underlining) indicates added text, (~~striketrough~~) indicates deleted text):

(a) The International Property Maintenance Code 2018~~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.

**SECTION FIFTEEN** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article VII, Property Maintenance Code, Section 18-253, Exclusions, is amended as follows (underlining) indicates added text, (~~striketrough~~) indicates deleted text):

(I) Section 1 10. 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~~

~~Section 308: Rubbish and Garbage Section-~~

~~309: Pest Control~~

~~Chapter 7. Fire Safety Requirements~~

**SECTION SIXTEEN.** The Seguin Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article VIII, Swimming Pools, Division I, Generally, Section 18-271, Code Adopted is amended as follows (underlining) indicates added text, (~~striketrough~~) indicates deleted text):

(a) The International Swimming Pool and Spa Code 2018~~2015~~ 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.

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

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

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

**PASSED AND APPROVED** on first reading on the 19<sup>th</sup> day of July, 2022.

**PASSED, APPROVED AND ADOPTED** on second reading this 2<sup>nd</sup> day of August 2022.

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DONNA DODGEN, Mayor

Attest:

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Naomi Manski, City Secretary