

**ORDINANCE NO. 2022-22**

**AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING CHAPTER 6 BUILDING REGULATIONS, ARTICLE 6.02, DIVISION 2, SUBSECTION 6.02.051 THROUGH DIVISION 11, SUBSECTIONS 6.02.552, OF THE CODE OF ORDINANCES; ADOPTING CERTAIN INTERNATIONAL CODES AND MAKING AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Buda, Texas (the "City") is a home rule municipality located in Hays County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and

**WHEREAS,** the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and

**WHEREAS,** the regulation of building and building construction by the City of Buda is necessary to protect the public health and welfare; and

**WHEREAS,** the City of Buda deems it necessary to adopt such codes and regulations; and

**WHEREAS,** the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, THAT:**

**Section 1:** The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2:** The Buda Code of Ordinances is hereby amended by deleting Divisions 2-11 of Article 6.02, in their entireties and adopting new Divisions 2-11 of Chapter 6 Building Regulations, Article 6.02 to read in accordance with Attachment A which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in Attachment A.

**Section 3:** Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is

necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

**Section 4:** Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

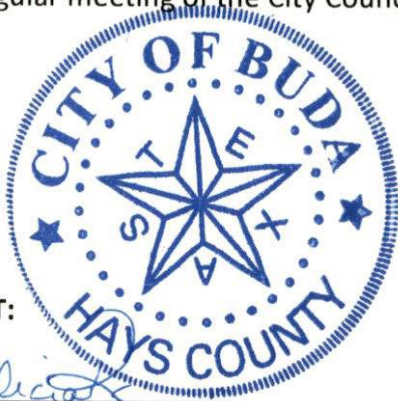
**Section 5:** Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances are hereby repealed.

**Section 6:** Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

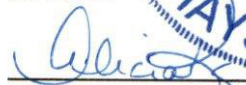
**Section 7:** Effective Date. This Ordinance shall take effect January 1, 2023, after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

**PASSED and APPROVED** on the first reading this the 6<sup>th</sup> day of **September, 2022.**

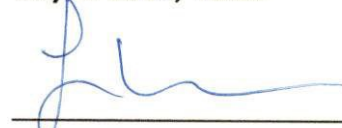
**PASSED, APPROVED, and ADOPTED** on the second reading of this 20<sup>th</sup> day of **September, 2022** at a regular meeting of the City Council of Buda, there being a quorum present.



**ATTEST:**

  
Alicia Ramirez, City Clerk

**City of Buda, Texas**

  
Lee Urbanovsky, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

## Attachment A

### Division 2. Building Code

#### Sec. 6.02.051 Adopted

The International Building Code, 2021 edition, and appendices A, C, D, G, I, J and K as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.052.

#### Sec. 6.02.052 Amendments

The International Building Code, 2021 edition and appendices as adopted in section 6.02.051 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

**101.1 Title.** These regulations shall be known as the Building Code of the City of Buda, Texas, hereinafter referred to as "this code."

(2) Section 103 is hereby deleted.

(3) Subsection 105.2 is hereby deleted and replaced with the following:

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

#### Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 7 feet (2,134 mm) high.
3. Retaining walls that are not over 4 feet (91,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ration of height to diameter or width is not greater than 2:1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Temporary motion picture, television and theater stage sets and scenery.

7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
10. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
11. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Electrical:**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and to the installation of towers and antennas.
3. Temporary testing systems: The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Mechanical:
4. Portable heating appliance.
5. Portable ventilation equipment.
6. Portable cooling unit.
7. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
8. Replacement of any part which does not alter its approval or make it unsafe.
9. Portable evaporative cooler.
10. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphonage such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

(4) New subsection 107.2.1.1 is hereby added to read as follows:

**107.2.1.1.** Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional's seal. The seal shall bear the professional's name and the legend "licensed professional engineer," "registered professional engineer." "Registered architect" or "certified professional building designer."

(5) New subsections 107.3.4.2 and 107.3.4.3 are hereby added to read as follows:

**107.3.4.2.** The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering, as applicable.

**107.3.4.3.** In addition to the state law that requires certain types of buildings to be designed by a registered design professional, privately owned buildings with classifications A, B, F, S, E, H, M, R-1, R-2, R-4, I and U occupancies shall be designed by registered design professionals. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional or waive requirements.

**Exceptions.** The following shall not require design by a registered design professional:

1. A new application for a certificate of occupancy, provided the new occupancy is remaining in the same risk category of the previous use or changing to lower risk category from the previous use.
2. A finish-out occupancy with an occupant load under 50 persons for any classification except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
3. Any occupancy under 750 square feet except S-1, F-1, H-1, H-2, H-3, H-4 and H-5.
4. A low hazard building classification of S-2 or F-2 under 2,000 square feet.

The above exceptions to the requirements for professionally prepared and sealed plans do not apply to projects which have been rejected by the building official three times. The fourth and all subsequent submittals for such projects shall be designed by registered design professionals and shall bear such registered professional's seal.

- (6) Subsection 109.6 is hereby deleted and replaced with the following:

**109.6 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

- (7) Section 113 is hereby deleted.

- (8) Section 903.2.4.2 is hereby deleted and replaced with the following:

**903.2.4.2 Group F-1 distilled spirits.** An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

- (9) Section 903.2.9.3 is hereby deleted and replaced with the following:

**903.2.9.3 Group S-1 distilled spirits or wine.** An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

- (10) Section 903.2.10 is hereby deleted and replaced with the following:

**903.2.10 Group S-2.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where one of the following conditions exist:

1. Where a Group S-2 fire area exceeds 18,000 square feet.
2. Exception: Open parking garages less than < 48,000 square feet.
3. Where the fire area of an enclosed parking garage exceeds 12,000 square feet;  
or
4. Where enclosed parking garages are located beneath other groups.
5. Exception: Enclosed parking garages located beneath Group R-3 occupancies.

- (11) Section 903.2.11.3 is hereby deleted and replaced with the following:

**903.2.11.3 Buildings 55 feet or more in height.** An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

**Exception:** Occupancies in Group F-2 less than < 18,000 square feet.

- (12) New subsections 903.2.13 and 903.2.14 are hereby added to read as follows:

**903.2.13 Other occupancy classifications.** An automatic sprinkler system shall be provided throughout all buildings classified as Group B or Group F-2 having fire area exceeding 18,000 square feet.

**903.2.14 Additions and Expansions.** Any building constructed after January 1, 2007 that exceeds 18,000 sq. ft. or any attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 18,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

- (13) Subsection 903.3.1.1.1 is hereby deleted and replaced with the following:

**903.3.1.1.1 Exempt Locations.** When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Elevator machine rooms, machinery spaces, and hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
6. Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008 of the International Building Code.

(14) Section 903.3.1.2 is hereby deleted and replaced with the following:

**903.3.1.2 NFPA 13R sprinkler systems.** Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 35 feet (10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet (10668 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from grade plane.

(15) New subsection 903.3.1.4 is hereby added to read as follows:

**903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**903.3.1.4.2 Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe

(16) Section 907.2.13, Exception 3, is hereby deleted and replaced with the following:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.



- (17) Section 913.2.1 is hereby deleted and replaced with the following:

**913.2.1 Protection of fire pump rooms.** Fire pumps shall be located in rooms that are separated from all other areas of the building by 2-hour fire barriers constructed in accordance with Section 707 or 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

**Exceptions:**

1. In other than high-rise buildings, separation by 1-hour fire barriers constructed in accordance with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711, or both, shall be permitted in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Separation is not required for fire pumps physically separated in accordance with NFPA 20.
3. When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

- (18) Subsection 905.8 is hereby deleted and replaced with the following:

**905.8 Dry standpipes.** Dry standpipes are prohibited unless approved by the fire code official. The fire code official is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

- (19) Section 1612.3 is hereby deleted and replaced with the following:

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Buda, Texas," dated September 02, 2005, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions

thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

- (20) Section 1705.3 Concrete Construction, Exception 1, is hereby deleted and replaced with the following:

**Exceptions:** Special inspections and test shall not be required for:

1. Isolated spread concrete footings of building additions or supporting poles, monument signs and similar structures where approved by the building official.
- (21) Section 1705.3 Concrete Construction, Exceptions 2 and 4, are hereby deleted in their entireties.
- (22) Section 1807.2.1 is hereby deleted and replaced with the following:

Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the top of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by the City Engineer of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the building permit.

On lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent

property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and shall, at a minimum, include all of the fill area. Any incursion into a retaining wall fill for maintenance and construction of utilities shall require the submission to, and approval by, the building official of the City of detailed design plans, sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction on such incursion. All other incursions are prohibited.

(23) Section 1802.1 is hereby deleted and replaced with the following:

**1802.1 Requirements**

1. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Documentation shall include: The foundation design shall reference the geotechnical investigation report number(s), date of report, and geotechnical engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, design plasticity index (as applicable), and potential vertical rise.
2. Each foundation plan shall identify the Registered Design Professional in Responsible Charge (RDPiRC). Prior to issuing a certificate of occupancy, The Registered Design Professional in Responsible Charge shall provide the building official the following certification:

Registered Design Professional in Responsible Charge Letterhead

[Date]

FINAL REPORT OF REQUIRED RESIDENTIAL FOUNDATION INSPECTIONS

Project: [Builder Name]  
[Project Address]  
Buda, Texas

City of Buda Permit Number [#]

As the Registered Design Professional in Responsible Charge for all required foundation inspections for this project during construction, to the best of my information, knowledge and belief, the following required inspections and tests for this project have been performed and all discovered discrepancies have been resolved.

\_\_\_ Verify materials below shallow foundations are adequate to achieve the design bearing capacity.

\_\_\_ Verify excavations are extended to proper depth and have reached proper material.

\_\_\_ Perform classification and testing of compacted fill materials.

\_\_\_ Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill.

\_\_\_ Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.

\_\_\_ Inspection of reinforcing steel, including prestressing tendons, and placement.

\_\_\_ Verify use of required design mix. ACI 318: Ch. 4, 5.2-5.4 1904.2.2, 1913.2,1913.3 (as applicable)

\_\_\_ At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and ASTM C 172 air content tests, and determine the temperature - ASTM C 31 1913.10 of the concrete. ACI 318: 5.6, 5.8

\_\_\_ Inspection of concrete placement for proper application techniques. ACI 318: 5.9, 5.10 1913.6,1913.7,1913.8 9 (as applicable)

\_\_\_ Inspection for maintenance of specified curing temperature and techniques. ACI 318: 5.11-5.13 1913.9 (as applicable)

\_\_\_ Verify in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs and prior to vertical construction on foundation. ACI 318: 6.2

\_\_\_ Inspect formwork for shape, location and dimensions of the concrete member being formed. ACI 318: 6.1.1

\_\_\_ Verify moisture Barrier is properly installed.

\_\_\_ Verify that geotechnical report remains valid for cut/fill on site.

\_\_\_ Joinery details are adequately installed if required by the foundation design.

\_\_\_ Design calculations have been performed in accordance with adopted versions of WRI and/or PTI or other alternative rational methods as described in IBC Section 1808.6.2.

\_\_\_ The engineer has maintained all records applicable to inspections performed for this project.

Respectfully,

[Signature of RDPIRC]  
[RDPIRC Firm Name]

[RDPIRC Seal]

(24) Sections G104 and G105 of Appendix G are hereby deleted.

### Division 3. Energy Conservation Code

Sec. 6.02.101 Adopted

The International Energy Conservation Code, 2021 edition, and all Appendices thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.102.

Sec. 6.02.102 Amendments

The International Energy Conservation Code, 2021 edition and appendices as adopted in section 6.02.101 are hereby amended as follows:

(1) Subsection C101.1 is hereby deleted and replaced with the following:

**C101.1 Title.** The commercial provisions of the International Energy Conservation Code shall be known as the commercial energy conservation code of the City of Buda, Texas, hereinafter referred to as "this code."

Subsection C101.5 is hereby deleted and replaced with the following:

**C101.5 Compliance.** Residential buildings, except single-family residential construction, shall meet the provisions of the Residential Energy Conservation Code of the City of Buda, Texas. The energy efficiency chapter of the Residential Code for One- and Two-Family Dwellings of the City of Buda, Texas applies to single-family residential construction. Commercial buildings shall meet the provisions of the Commercial Energy Conservation Code of the City of Buda, Texas.

(2) Subsection C104.2 is hereby deleted and replaced with the following:

**C104.2 Schedule of permit fees.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(3) Subsection 104.5 is hereby deleted and replaced with the following:

**104.5 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

(4) Section 110 is hereby deleted in its entirety.

(5) New subsection C407.4.1.1 is hereby added:

**C407.4.1.1.** The standard reference design and proposed design shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner) or 77 (Commercial Energy Inspector)
2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
  - a. Reports will be required to bear a digital seal and signature or wet seal and signature.
3. RESNET or BPI certified individual.
4. Any other representative approved by the AHJ or Code Official.

(7) Subsection R101.1 is hereby deleted and replaced with the following:

**R101.1 Title.** The residential provisions of the International Energy Conservation Code shall be known as the Residential Energy Conservation Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (8) Subsection R104.5 is hereby deleted and replaced with the following:

**R104.5 Schedule of permit fees.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (9) Section R110 is hereby deleted.

#### **Division 4. Fuel Gas Code**

##### **Sec. 6.02.151 Adopted**

The International Fuel Gas Code, 2021 edition, and Appendices A, B, C and D thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.152.

##### **Sec. 6.02.152 Amendments**

The International Fuel Gas Code, 2021 edition and appendices as adopted in section 6.02.151 are hereby amended as follows:

- (1) Subsection 101.1 is hereby deleted and replaced with the following:

**101.1 Title.** These regulations shall be known as the Fuel Gas Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (2) Section 103 is hereby deleted.

- (3) New Subsection 106.3.2 is hereby added:

##### **106.3.2 Permits; licensing**

- (a) A person applying for a plumbing permit shall be:

- (1) A State of Texas licensed master plumber; or
- (2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master plumber shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because the owner is planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(4) Subsection 109.2 is hereby deleted and replaced with the following:

**109.2 Fee schedule.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 109.6 is hereby deleted and replaced with the following:

**109.6 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) Subsections 115.2, 115.3, 115.4 and 115.5 are hereby deleted.

(7) Section 113 is hereby deleted.

(8) Section 114 is hereby deleted.

## Division 5. Mechanical Code

Sec. 6.02.201 Adopted

The International Mechanical Code, 2021 edition, and Appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.202.

Sec. 6.02.202 Amendments

The International Mechanical Code, 2021 edition and appendices as adopted in section 6.02.201 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

**101.1 Title.** These regulations shall be known as the Mechanical Code of the City of Buda, Texas, hereinafter referred to as "this code."

(2) Section 103 is hereby deleted.

(3) New subsection 106.1.3 is hereby added:



**106.1.3 Permits; licensing**

(a) A person applying for a mechanical permit shall be:

- (1) A State of Texas licensed air conditioning and refrigeration contractor; or
- (2) Exempt under state law from the licensing requirement.

(b) A state licensed air conditioning and refrigeration contractor shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because the owner is planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

(4) Subsection 109.2 is hereby deleted and replaced with the following:

**109.2 Fee schedule.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(5) Subsection 109.6 is hereby deleted and replaced with the following:

**109.6 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

(6) Section 114 is hereby deleted.

**Division 6. Plumbing**

**Sec. 6.02.281** Adopted

The International Plumbing Code, 2021 edition, and appendices B, C, D, and E thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.282.

**Sec. 6.02.282** Amendments

The International Plumbing Code, 2021 edition and appendices as adopted in section 6.02.281 are hereby amended as follows:

- (1) Subsection 101.1 is hereby deleted and replaced with the following:

**101.1 Title.** These regulations shall be known as the Plumbing Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (2) Section 103 is hereby deleted.

- (3) New subsection 106.3.3 is hereby added:

**106.3.3 Permits; licensing**

- (a) A person applying for a plumbing permit shall be:

- (1) A State of Texas licensed master plumber; or
- (2) Exempt under state law from the licensing requirement.

(b) If applicable, a state licensed master plumber shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.

(c) If a building owner is claiming an exemption under state law because they are planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.

- (4) Subsection 109.2 is hereby deleted and replaced with the following:

**109.2 Fee schedule.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (5) Subsection 109.5 is hereby deleted and replaced with the following:

**109.5 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

- (6) Section 114 is hereby deleted.

- (7) Subsection 305.4.1 is hereby deleted and replaced with the following:

**305.4.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches below grade.

- (8) Subsection 312.10 is hereby deleted and replaced with the following:

**312.10 Inspection and testing of backflow prevention assemblies.** Inspection and testing shall comply with Section 312.10.1 and 312.10.2.

**312.10.1 Inspections.** Inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable and to ensure compliance with 30 Texas Administrative Code § 290.44, as may be amended from time to time, and to be managed by the applicable water purveyor.

**312.10.2 Testing.** Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation and as required by 30 Texas Administrative Code § 290.44 and to be managed by the applicable water purveyor. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

- (9) Subsection 903.1.1 is hereby deleted and replaced with the following:

**903.1.1 Roof extension unprotected.** Open vent pipes that extend through a roof shall be terminated no less than 12 inches(mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet above the roof.

- (10) Chapter 14 is hereby deleted.

### **Division 7. Property Maintenance Code**

#### **Sec. 6.02.331 Adopted**

The International Property Maintenance Code, 2021 edition, and appendix A thereto as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.332.

#### **Sec. 6.02.332 Amendments**

The International Property Maintenance Code, 2021 edition and appendix as adopted in section 6.02.331 are hereby amended as follows:

- (1) Subsection 101.1 is hereby deleted and replaced with the following:

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Buda, Texas, hereinafter referred to as "this code."

- (2) Subsection 102.3 is hereby deleted and replaced with the following:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all codes adopted by the City of Buda, Texas.

- (3) Subsection 104.1 is hereby deleted and replaced with the following:

**104.1 Schedule of permit fees.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (4) Subsection 104.2 is hereby deleted and replaced with the following:

**104.2 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

- (5) Sections 107 and 108 are hereby deleted.

- (6) Subsection 302.4 is hereby deleted and replaced with the following:

**302.4 Weeds.**

Premises and exterior property shall be maintained free of weeds and plant growth in excess of twelve (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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter the property in violation and cut and destroy the weeds growing there on, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- (7) New Section 302.4a is hereby added to read as follows:

**302.4a Maintenance of Abutting Property.** It shall be unlawful for the owner of any lot or premises in the city to allow or permit weeds, rubbish or any other unsightly,

objectionable, or unsanitary matter of whatever nature to grow, accumulate or remain on the area between the property line and the curb line of adjacent streets and alleys, and where no curb exists, the area extending to the adjacent street or alley surface.

(A) Exemptions. The following property is exempted from the provisions of this section:

- (1) State highway median or right-of-way; and
- (2) The cultivation of concentrated wildflowers from April 1<sup>st</sup> to May 31<sup>st</sup> of each year in areas where weeds and grasses do not exceed 18 inches in height.

(B) Declaration of Nuisance. Unless otherwise provided, an offense under this section is declared a public nuisance and subject to the penalties provided for in Section 1.01.009 of the Code of Ordinances.

(8) A new subsection 302.7.1 is hereby added to read as follows:

**302.7.1 Fences.** All fences shall be maintained structurally sound and in good repair. Any of the following conditions shall be constitute a violation of this Code:

1. Any fence, or any portion thereof, out of vertical alignment by more than fifteen (15) degrees.
2. Rotted, fire damaged or broken wooden support posts or cross members.
3. Broken, fire damaged or missing wooden slats.
4. Broken or bent metal posts or torn, cut or ripped metal fencing materials.
5. Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or similar materials.

(9) A new subsection 303.1 is hereby deleted and replaced with the following:

**303.1 Swimming pools, spas and hot tubs.** Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

(10) Subsection 304.14 is hereby deleted

(11) New Subsection 308.4 is hereby added to provide as follows:

**308.4 Notice; removal or correction by city.**

(a) Should any owner of a lot or parcel of real property that has places thereon where stagnant water may accumulate or which are not properly drained, or should any owner of any premises upon or building in which carrion, filth or other impure, or unwholesome matter may be, fail to drain or fill such hole or place in which water may

accumulate or fail to remove such carrion, filth, or other impure or unwholesome matter, or fail to remove such rubbish, as the case may be, within ten (10) days after notice to said owner to do so, the city may do such draining, filling or removal, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or other parcel of real property or real estate, and if such work is done or improvements made at the expense of the city, such expense or expenses shall be assessed on such real property upon which such expense was incurred.

(b) Should any owner of any lot or parcel of real property within the city, who shall allow weeds to grow or accumulate thereon, fail to cut down and/or remove such weeds, within ten (10) days after notice to said owner to do so, the city may do such cutting down and/or removing of such weeds, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done to the owner of such lot or parcel of real property or real estate, and if such work is done or improvements made at the expense of the city then such expense shall be assessed on such real property upon which such expense was incurred.

(c) Such notice referenced above shall be given:

(1) Personally, to the owner in writing.

(2) By letter addressed to the owner at the owner's address as recorded in the appraisal district's records; or

(3) If personal service cannot be obtained, notice may be given by:

(A) Publication at least once.

(B) Posting the 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.

(4) If a municipality mails a notice to a property owner in accordance with this subsection (b) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(d) Annual notice. After a property owner has been given one (1) notice of violation on a lot, tract, or parcel of land, annual notice may be given to the property owner. If the city opts to provide annual notice, such notice shall be mailed to the owner at the

address recorded with the appraisal district and posted on the property. Once the city has given such annual notice, no further notice shall be required prior to abatement for that lot, tract, or parcel of land for a one-year period. If the city does not receive notice in a change of ownership, the city may abate any nuisance contained on the property covered by this article without further notice and assess expenses to the owner.

(e) Contents of notice. The notice of violation shall at a minimum contain the following:

- (1) The name of the owner, if known, of the premises proposed to be entered upon by the city;
- (2) The address or legal description of the premises proposed to be entered upon by the city;
- (3) The offending conditions existing on the lot, tract or parcel of land;
- (4) A statement that the recipient has ten (10) days from the date of notice to correct the violation, that if he/she fails to do so, the city will enter the premises and remedy the same, and that the city is entitled to attach a lien to the property to secure payment for services rendered; and
- (5) A statement that the recipient is entitled to a hearing.

(f) If annual notice is given, it shall state, in addition to the foregoing, that the city may enter upon the premises to remedy any violation at thirty-day intervals during the year.

(g) Owner requested work. In the event the owner of any such property requests that the city do such work as is necessary in order to abate or prevent a violation of this article, then such request will negate the requirement for notification of violation by the city, and the city will have the same remedies as hereinafter set forth.

(h) Exception. Notwithstanding the foregoing provisions, the city may abate, without prior notice, any weeds that have grown to a height of forty-eight (48) inches and are an immediate danger to health, life, or safety of any person. In the event that the city abates weeds pursuant to this subsection, the requirements set forth in the Texas Health and Safety Code for such abatement shall govern.

(12) New Subsection 308.5 is hereby added to provide as follows:

**308.5 Filing of statement of city's expenses; lien.** The mayor or building official of the city shall file a statement of such expenses incurred under this section, giving the amount of such expenses, and the date on which said work was done or improvements made, with the county clerk, and the city shall have a privileged lien on such lot or other

parcel of real property or real estate upon which said work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Texas Health and Safety Code, chapter 342, which lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent (10%) interest from the date said statement was filed. It is further provided that for any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

- (13) New Section 310 is hereby added to provide as follows:

**SECTION 310 PROHIBITED LIVING AND RESIDENTIAL USES**

**Section 310.1 Prohibited use of recreational vehicles and utility equipment.** No recreational vehicle or utility equipment shall be used for living, sleeping, or housekeeping purposes. For purposes of this section, a recreational vehicle is defined as a motorized dwelling, travel trailer, boat, or similar vehicle. For purposes of this section, utility equipment is defined as a horse trailer, portable storage unit, or similar equipment.

**Section 310.2 Prohibited Conversion of structure.** It shall be unlawful for a person to convert a structure into a residence, or use a non-residential structure for residential purposes, without first meeting the requirements of the International Building Code and the adopted Unified Development Code.

- (14) Subsection 401.2 is hereby deleted and replaced with the following:

**401.2 Responsibility.** A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

- (15) Subsection 501.2 is hereby deleted and replaced with the following:

**501.2 Responsibility.** A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

- (16) Subsection 601.2 is hereby deleted and replaced with the following:

**601.2 Responsibility.** A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.



(17) Subsection 602.3 is hereby deleted and replaced with the following:

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the Plumbing Code of the City of Buda, Texas.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(18) Subsection 602.4 is hereby deleted and replaced with the following:

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during to maintain a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(19) Subsection 701.2 is hereby deleted and replaced with the following:

**701.2 Responsibility.** A person shall not occupy, or permit another person to occupy, any premises that does not comply with the requirements of this chapter.

**Division 8. Residential Code**

Sec. 6.02.381 Adopted

The International Residential Code, 2021 edition, and appendices A, C, D, E G, H, I, J, M, N, P, and T as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.382.

Sec. 6.02.382 Amendments

The International Residential Code, 2021 edition and appendices as adopted in section 6.02.381 are hereby amended as follows:

(1) Subsection R101.1 is hereby deleted and replaced with the following:

**R101.1 Title.** These regulations shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Buda, Texas, hereinafter referred to as “this code.”

(2) Section R103 is hereby deleted.

(3) Subsection R105.1 is hereby deleted and replaced with the following:

**R105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy classification of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. If the owner is to do the work themselves, then the owner shall provide proof to the building official stating that they own and presently occupy the building as a homestead.

(4) Subsection R105.2 is hereby deleted and replaced with the following:

**R105.2. Work exempt from permit.** Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over 7 feet high.
3. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches deep.
7. Swings and other playground equipment.

8. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
9. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

**Electrical:**

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of pipes, valves or fixtures.
3. The replacement of lavatory or kitchen faucets, provided the plumbing fixture is not relocated or will require additional plumbing to be added to the existing system.
4. The replacement of ballcocks or water control valves, unless said control valves are required for water protection against cross contamination or back siphonage such as atmospheric pressure breakers, vacuum pressure breakers, double check assemblies, or reduced pressure zone devices.
5. The replacement of garbage disposals.
6. The replacement of water closets.

(5) New Subsection R105.10 is hereby added:

**R105.10 Homestead.** A permit shall not be required for work on a homestead, provided the owner provides proof to the building official stating that they owns and presently occupy the existing building as a homestead and certify they will do the work with their own hands; however, in no circumstance shall work create or constitute a danger to life or safety.

(6) Section R106.1 is hereby deleted and replaced with the following:

**R106.1. Submittal Documents.** Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets, or in digital format with each application. Construction documents shall be prepared by a registered design professional where required by statutes within the city limits or for property located in the City's extraterritorial jurisdiction that is part of a development agreement, or for property connected to the City's water or wastewater system in which the project is to be constructed. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional's seal. The seal shall bear the professional's name and the legend "Licensed Professional Engineer," "Registered Professional Engineer" or "Registered Architect." The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering.

**Exemption:** The building official is authorized to waive the submission of construction documents and other 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 the reviewing of construction documents is not necessary to obtain compliance with this code

(7) New Subsection R106.6 is hereby added:

**R106.6.** The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed, and upon completion of the structure, electrical, gas, mechanical, and plumbing systems, a certification that the structure, electrical, gas, mechanical, and plumbing system has been erected in accordance with the requirements of the city's adopted codes. Where the building official relies upon such affidavit, the architect or engineer assures and assumes full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(8) Subsection R108.2 is hereby deleted and replaced with the following:

**108.2 Schedule of permit fees.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(9) Subsection R108.5 is hereby deleted and replaced with the following:

**108.5 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

(10) New subsections R110.1.1 and R110.1.2 are hereby added:

**R110.1.1.** No certificate of occupancy will be issued until the city has been fully paid all fees and costs that are related to the building or structure. The fees and costs include those related to the infrastructure of the building, such as impact fees and fees for the installation of water meter and water and wastewater connections.

**R110.1.2.** It is unlawful for a builder, building contractor, or building owner to allow any person to occupy a building until a certificate of occupancy is issued. Occupancy without

an active certificate of occupancy will be subject to the penalty provisions of this charter.

- (11) Section R112 is hereby deleted.
- (12) New Subsection R110.5.1 is hereby added.

**R110.5.1 Revocation by failure of Registered Design Professional in Responsible Charge.**  
The building official or designee is also authorized to, in writing, suspend or revoke a certificate of occupancy where the Registered Design Professional in Responsible Charge is required to maintain information in accordance with this ordinance or code and such information is found to be inadequate, incorrect and/or is not provided when requested by the building official.

- (13) Subsection R401.2 is hereby deleted and replaced with the following:

**R401.2 Requirements**

Foundation construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Documentation shall include: The foundation design shall reference the geotechnical investigation report number(s), date of report, and geotechnical engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, design plasticity index (as applicable), and potential vertical rise.

Each foundation plan shall identify the Registered Design Professional in Responsible Charge (RDPiRC). Prior to issuing a certificate of occupancy, The Registered Design Professional in Responsible Charge shall provide the building official the following certification:

Registered Design Professional in Responsible Charge Letterhead

[Date]

FINAL REPORT OF REQUIRED RESIDENTIAL FOUNDATION INSPECTIONS

Project: [Builder Name]  
[Project Address]  
Buda, Texas

City of Buda Permit Number [#]

As the Registered Design Professional in Responsible Charge for all required foundation inspections for this project during construction, to the best of my information, knowledge and belief, the following required inspections and tests for this project have been performed and all discovered discrepancies have been resolved.

\_\_\_ Verify materials below shallow foundations are adequate to achieve the design bearing capacity.

\_\_\_ Verify excavations are extended to proper depth and have reached proper material.

\_\_\_ Perform classification and testing of compacted fill materials.

\_\_\_ Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill.

\_\_\_ Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.

\_\_\_ Inspection of reinforcing steel, including prestressing tendons, and placement.

\_\_\_ Verify use of required design mix. ACI 318: Ch. 4, 5.2-5.4 1904.2.2, 1913.2,1913.3 (as applicable)

\_\_\_ At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and ASTM C 172 air content tests, and determine the temperature - ASTM C 31 1913.10 of the concrete. ACI 318: 5.6, 5.8

\_\_\_ Inspection of concrete placement for proper application techniques. ACI 318: 5.9, 5.10 1913.6,1913.7,1913.8 9 (as applicable)

\_\_\_ Inspection for maintenance of specified curing temperature and techniques. ACI 318: 5.11-5.13 1913.9 (as applicable)

\_\_\_ Verify in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs and prior to vertical construction on foundation. ACI 318: 6.2

\_\_\_ Inspect formwork for shape, location and dimensions of the concrete member being formed. ACI 318: 6.1.1

\_\_\_ Verify moisture Barrier is properly installed.

\_\_\_ Verify that geotechnical report remains valid for cut/fill on site.

\_\_\_ Joinery details are adequately installed if required by the foundation design.

\_\_\_ Design calculations have been performed in accordance with adopted versions of WRI and/or PTI or other alternative rational methods as described in IBC Section 1808.6.2.

\_\_\_ The engineer has maintained all records applicable to inspections performed for this project.

Respectfully,

[Signature of RDPIRC]  
[RDPIRC Firm Name]

[RDPIRC Seal]



After foundation construction, but prior to commencement of framing, the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow for framing of the first floor to occur. Prior to placing any additional load on the slab the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow an additional load to be placed on the slab, including framing above the first floor. In no event shall this be less than 3 days after the foundation was poured.

Post-Tension foundations must be inspected by a Post-Tensioning Institute (PTI) Level 1 or 2 Unbonded PT Inspector prior to placing a load on the slab or commencement of framing. Additionally, the PTI Level 1 or 2 Unbonded PT Inspector must provide foundation design drawings, shipping lists, material certifications, jack certifications, stressing records, and concrete placement records (as described in the Post-Tensioning Institute's Construction and Maintenance Manual for Post-Tensioned Slab-on-Ground Foundations, 3d Edition) to the City.



Prior to receiving a Certificate of Occupancy, a survey of the final grade elevations around the home demonstrating compliance with the requirements of the adopted International Residential Code (IRC) and verifying positive drainage away from the foundation must be submitted to the building official. The survey shall be sealed by a Professional Engineer or by a Registered Professional Land Surveyor registered in the State of Texas. The methods used to conduct the survey shall be at the discretion of the Registered Design Professional in Responsible Charge.

The Registered Design Professional in Responsible Charge shall maintain all inspection records, testing results, design work, calculations and all relevant supporting documentation for not less than ten (10) years from the date of certification. All records shall be made available at no cost to the building official or his designee at his request.

- (14) Subsection R401.4 is hereby deleted and replaced with the following:

**Section R401.4 Soil Tests.**

Where quantifiable data created by accepted soil science methodologies indicate expansive soils, compressible soils, shifting soils or other questionable soil characteristics are likely to be present, the building official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an approved agency using an approved method. Notwithstanding the foregoing, prior to issuance of a building permit, the owner or applicant shall provide to the building official of the City a soil test (geotechnical investigation) for the residential lot made by a geotechnical engineer licensed to practice in the State of Texas. The soil test shall contain design recommendations. The geotechnical engineer shall determine the location and frequency of borings to accurately assess the design conditions for which the foundation and/or paving are to be designed. Foundation borings should be located in the middle of the residential lot. The applicant or owner shall provide a survey of the lot to the City indicating the location of the geotechnical investigation. The geotechnical investigation report shall be referenced on the building permit application. In general, for expected uniform subsurface conditions, borings shall not exceed 200-foot centers across a subdivision. However, the maximum spacing shall be reduced as determined by the geotechnical engineer of record. Non-uniform subsurface conditions may require additional borings as determined by the geotechnical engineer.

- (15) Subsection R404.4 is hereby deleted and replaced with the following:

**Section R404.4 Retaining Walls.** Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches (1219 mm) of unbalanced fill, or retaining walls exceeding 24 inches (610 mm) in height that resist lateral loads in addition to soil, shall be designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall

be designed for a safety factor of 1.5 against lateral sliding and overturning. This section shall not apply to foundation walls supporting buildings.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by, the City Engineer of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall is in conformance with the retaining wall design plans in order to close out the building permit.

On residential lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and structures and shall, at a minimum, include all of the fill area. All incursions are prohibited, including but not limited to the planting of trees, except that a fence may be constructed but shall require the submission to, and approval by, the building official of the City of detailed design plans, sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction on such incursion. Additionally motor vehicles shall not be parked within the easement.

(16) New Subsection R1004.6 hereby added:

**R1004.6 Factory-built fireplace air spaces and chases.** No electrical, mechanical, or plumbing, except for the combustion air vent and gas line feed associated with the

firebox, shall intrude into the airspace enclosing the firebox or any chase for chimney components associated with the fireplace.

(17) Subsection N1105.4.2 hereby deleted and replaced with the following:

**N1105.4.2 (R405.4.2) Compliance report.** Compliance software tools shall generate a report that documents that the proposed design complies with Section N1105.3. A compliance report on the proposed design shall be submitted with the application for the building permit. Upon completion of the building, a compliance report based on the as-built condition of the building shall be submitted to the code official before a certificate of occupancy is issued. Batch sampling of buildings to determine energy code compliance for all buildings in the batch shall be prohibited.

Compliance reports shall include information in accordance with sections N1105.4.1 and N1105.4.2. Where the proposed design of a building could be built on different sites where the cardinal orientation of the building on each site is different, compliance of the proposed design for the purposes of the application for the building permit shall be based on the worst-case orientation, worst-case configuration, worst-case building air leakage and worst-case duct leakage. Such worst-case parameters shall be used as inputs to the compliance software for energy analysis. Such reports shall be prepared by the following qualified individuals:

1. ICC Certified Individual with certificate designation 78 (Commercial Energy Plans Examiner), 77 (Commercial Energy Inspector), or 79 (Residential Energy Inspector/Plans Examiner)
2. Registered Design Professional bearing a seal applicable to the State where the project will be constructed.
3. Reports will be required to bear a digital seal and signature or wet seal and signature.
4. RESNET or BPI certified individual.
5. Any other representative approved by the AHJ or Code Official.

(18) New Subsection N1105.4.2.1 hereby added.

**N1105.4.2.1 (R405.4.2.1) Compliance report for permit application.** A compliance report submitted with the application for building permit shall include the following:

1. Building Street address, or other building site identification.
2. A statement indicating that the proposed design complies with section N1105.3.
3. An inspection checklist documenting the building component characteristics of the proposed design as indicated in Table N1105.5.2(1). The inspection checklist shall show results for both the standard reference design and the proposed design with user inputs to the compliance software to generate the results.
4. A site-specific energy analysis report that is in compliance with Section N1105.3.

5. The name of the individual performing the analysis and generating the report.
6. The name and version of the compliance software tool.

(19) Subsection G2408.2.1 is hereby deleted and replaced with the following:

**G2408.2.1 (305.3.1) Installation in residential garages.** In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air is taken from the exterior of the garage. Gas fired appliances installed in open spaces in garages shall pull combustion air directly from the outside per G2407.6.1 (304.6.1). Two-permanent- openings method direct attic openings will not be permitted.

(20) Subsection G2408.3 is hereby deleted and replaced with the following:

**G2408.3 (305.5) Private garages.** Appliances located in private garages shall be installed with a minimum clearance of 6 feet (1,829 mm) above the floor.

**Exception:** The requirements of this section shall not apply where the appliances are protected by curbs, tires, bump stops or concrete bollards from motor vehicle impact and installed in accordance with section G2408.2.

(21) Subsection P2503.8.2 is hereby deleted and replaced with the following:

**P2503.8.2 Testing.** Reduced pressure principle, double check, double check detector and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and as required by 30 Texas Administrative Code § 290.44, as may be amended from time to time, and to be managed by the applicable water purveyor.

(22) Subsection P2603.5.1 is hereby deleted and replaced with the following:

**P2603.5.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches below grade.

(23) Subsection P2903.10 is hereby deleted.

(24) Subsection P2904.1.1 is hereby deleted and replaced with the following:

**P2904.1.1 Sprinklers not required.** Fire sprinklers are not required in Group R-3, One and Two- Family Dwellings. When sprinklers are installed in Group R-3 dwellings, they shall be installed in accordance with IRC Section P2904 and all applicable referenced standards.

(25) Subsection P3008.1 is hereby deleted and replaced with the following:

**P3008.1 General.** Fixtures on the first floor of a foundation where the foundation is located at or below the flood level rim of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures located on elevated floors of a building above the flood level rim of the next upstream manhole shall not discharge through the backwater valve. Backwater valves shall be provided with access.

(26) Sections AE104, AE105, AE107, and AE112 of Appendix AE are hereby deleted.

### **Division 9. Electrical Code**

**Sec. 6.02.461 Adopted**

The National Electrical Code, 2020 edition, and all annexes thereto, as published by the National Fire Protection Association, Inc. is hereby adopted and made a part of this chapter, except as amended in section 6.02.462.

**Sec. 6.02.462 Amendments**

The National Electrical Code, 2020 edition as adopted in section 6.02.461 is hereby amended as follows:

(1) Article 90.4 is hereby deleted and replaced with the following:

This Code is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over electrical installations, including signaling and communications systems, and for use by insurance inspectors. The authority having jurisdiction for enforcement of the Code has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting the special permission contemplated in a number of the rules.

By special permission, the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

This Code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this Code adopted by the jurisdiction.

### Permits; licensing

- (a) A person applying for an electrical permit shall be:
  - (1) A State of Texas licensed master electrician; or
  - (2) Exempt under state law from the licensing requirement.
- (b) If applicable, a state licensed master electrician shall register with the City in accordance with the city's registration policy and shall show proof of the license before any work is performed within the City.
- (c) If a building owner is claiming an exemption under state law because they are planning to do the work themselves, then the owner shall provide proof to the building official stating they own the building as a homestead.
- (d) The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.
- (e) No portion of any fee collected under this article shall be returned after a permit has been issued.
- (f) Certificate of Occupancy

Permanent power shall not be released until a certificate of occupancy or temporary certificate of occupancy has been issued under the conditions as set forth in the City's Unified Development Code.

Violations of State and Local Laws will be subject to the established fines of the State as outlined in Chapter 1305, Subchapter G, of the Texas Occupations Code (Texas Electrical Safety and Licensing Act).

- (3) The exceptions set forth in 230.41 are hereby deleted.
- (4) Section 230.43 is hereby deleted and replaced with the following:

**230.43 Wiring methods for 600 volts, nominal, or less.** Service-entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring method used and shall be limited to the following methods:

- (a) Rigid Metallic Conduit (RMC)
- (b) Intermediate Metal Conduit (IMC)
- (c) Electrical Metallic Tubing (EMT), or
- (d) Rigid Nonmetallic Conduit (RNC) will be approved.

A service mast supporting the service drop must be a minimum of 2" diameter and shall be either rigid metallic conduit (RMC) or intermediate metal conduit (IMC). No couplings are to be installed above the roofline. The mast must penetrate a

minimum of 18" above the high side of the roof deck. Any mast over 3' in length, measured from the high side of the roof deck, must be properly guyed to relieve the strain of the service drop.

- (5) Section 230.70(A)(1) is hereby deleted and replaced with the following:

**230.70(A)(1) Readily accessible location.** The service disconnecting means shall be installed at a readily accessible location outside of a building or structure.

**Exception:** Services disconnecting means over 1200 amps shall be located a maximum of 25 ft. travel distance from the exterior entrance inside a commercial building. Disconnecting means shall be always accessible to the exterior of the building and shall not be located above the first floor of a multi-level building.

- (6) Section 240.4(D) is hereby deleted and replaced with the following:

**(D) Small Conductors.** Unless specifically permitted in 240.4 (E) or (G), the overcurrent protection shall not exceed that required by (D)(1) through (D)(7) after any correction factors for ambient temperature and number of conductors have been applied.

- (1) 18 AWG Copper. 7 amperes, provided all the following conditions are met:

(1) Continuous loads do not exceed 5.6 amperes

(2) overcurrent protection is provided by one of the following:

- a. Branch-circuit-rated circuit breakers listed and marked for use with 18 AWG copper wire
- b. Branch rated fuses listed and marked for use with 18 AWG copper wire
- c. Class CC, Class J, or Class T fuses

- (2) 16 AWG Copper. 10 amperes, provides all the following conditions are met:

(1) Continuous loads do not exceed 8 amperes.

(2) Overcurrent protection is provided by one of the following:

- a. Branch-circuit-rated circuit breakers listed and marked for use with 16 AWG copper wire
- b. Branch rated fuses listed and marked for use with 16 AWG copper wire
- c. Class CC, Class J, or Class T fuses

- (3) 14 AWG Copper. 15 amperes

(4) 12 AWG copper. 20 amperes

(5) 10 AWG copper. 30 amperes

(7) Section 320.108 is hereby deleted and replaced with the following:

**320.108 Equipment grounding conductor.** Type AC cable shall provide an adequate path for fault current as required by 250.4(A)(5) or (B)(4) to act as an equipment grounding conductor. In addition, only type AC cable containing an insulated grounding conductor is authorized.

(8) Section 408.36, Exception 1, is hereby deleted and replaced with the following:

**408.36 Overcurrent protection.**

...

**Exception No. 1:** A main circuit breaker shall be required in all panelboards used as service equipment. This overcurrent protective device shall be located within or adjacent to the panelboard.

## Division 10. Existing Building Code

Sec. 6.02.501 Adopted

The International Existing Building Code, 2021 edition, and appendices A and B as published by the International Code Council, Inc. are hereby adopted and made a part of this chapter, except as amended in section 6.02.502.

Sec. 6.02.502 Amendments

The International Existing Building Code, 2021 edition and appendices as adopted in section 6.02.501 are hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

**101.1 Title.** These regulations shall be known as the Existing Building Code of the City of Buda, Texas, hereinafter referred to as "this code."

(2) Section 103 is hereby deleted.

(3) Subsection 106.1 is hereby deleted and replaced with the following:



**106.1. Submittal documents.** Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets, or in digital format with each application. Construction documents shall be prepared by a registered design professional where required by statutes within the city limits or for property located in the City's extraterritorial jurisdiction that is part of a development agreement, or for property connected to the City's water or wastewater system in which the project is to be constructed. Any documents prepared by or required to be prepared by a licensed or registered design professional shall bear the professional's seal. The seal shall bear the professional's name and the legend "Licensed Professional Engineer," "Registered Professional Engineer" or "Registered Architect." The design professional shall be an architect or engineer legally licensed or registered under the Texas statutes that regulate the practice of architecture or engineering.

**Exemption:** The building official is authorized to waive the submission of construction documents and other 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 the reviewing of construction documents is not necessary to obtain compliance with this code

- (4) Subsection 108.2 is hereby deleted and replaced with the following:

**108.2 Fee schedule.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

- (5) Subsection 108.6 is hereby deleted and replaced with the following:

**108.6 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

- (6) New Subsection 111.1.1 is hereby added.

**111.1.1** It is unlawful for a building owner or occupant to institute utility service to any non-residential structure or transfer utility service from one account holder to another occupant or tenant until the utility service provider has received a utility release from the City based upon the issuance of a certificate of occupancy for the structure, occupancy or use.

- (7) Section 112 is hereby deleted.

- (8) Subsections 113.2, 113.3 and 113.4 are hereby deleted.

- (9) Section 114 is hereby deleted.

### Division 11. Swimming Pool and Spa Code

Sec. 6.02.551 Adopted

The International Swimming Pool and Spa Code, 2021 edition, as published by the International Code Council, Inc. is hereby adopted a made a part of this chapter, except as amended in section 6.02.552.

Sec. 6.02.552 Amended

The International Swimming Pool and Spa Code, 2021 edition as adopted in section 6.02.551 is hereby amended as follows:

(1) Subsection 101.1 is hereby deleted and replaced with the following:

**101.1 Title.** These regulations shall be known as the Swimming Pool and Spa Code of the City of Buda, Texas, hereinafter referred to as "this code."

(2) Section 103 is hereby deleted.

(3) Subsection 108.2 is hereby deleted and replaced with the following:

**108.2 Fee schedule.** The fees for work shall be as indicated in the schedule of fees adopted by the city council and attached to the Code of Ordinances as appendix A.

(4) Subsection 108.6 is hereby deleted and replaced with the following:

**108.6 Fee refunds.** No portion of any fee collected under this article shall be returned after a permit has been issued.

(5) Subsections 113.2, 113.3, 113.4 and 113.5 are hereby deleted.

(6) Section 114 is hereby deleted.