

AN ORDINANCE **2009-10-01-0777D**

**AMENDING CHAPTER 6, BUILDINGS, ARTICLE III, BUILDING CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; PROVIDING FOR LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the Department of Planning and Development Services currently enforces the 2006 edition of the *International Existing Building Code* published by the International Code Council and the local amendments thereto; and

**WHEREAS**, the 2009 edition of the *International Existing Building Code* (IEBC) has been published; and

**WHEREAS**, the Building and Fire Codes Board of Appeals and city staff have conducted public meetings regarding the adoption of the 2009 IEBC and amendments thereto; and

**WHEREAS**, the Building and Fire Codes Board of Appeals and the Department of Planning and Development Services recommend approval and adoption of the 2009 IEBC and local amendments; and

**WHEREAS**, all prerequisites required by state statute and City Charter for adoption of this code and its amendments have been satisfied; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The 2009 *International Existing Building Code* (IEBC), chapters 1 through 15, is hereby adopted to replace the 2006 edition and is incorporated herein as fully as if set out at length. Chapter 6 of the City Code of San Antonio, Texas is amended by adding the following underlined (added) language and deleting the stricken (deleted) language:

**Sec. 6-40. Adoption of the International Existing Building Code**

- (a) The 2009 ~~2006~~ edition of the International Existing Building Code is hereby adopted to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

- (b) Any violation of the International Existing Building Code adopted in subsection (a) shall be an offense punishable in accordance with the provisions of this code.

**SECTION 2.** Section 6-41 entitled “Local Amendments to the IEBC” of the City Code of San Antonio, Texas, is hereby repealed and replaced with a new Section 6-41 entitled “Local Amendments to the IEBC.” Changes are delineated by adding the underlined (added) language and deleting the stricken (~~deleted~~) language as follows:

**Sec. 6-41. Local Amendments to the 2009 IEBC**

*Section 101.1, Title, of the IEBC is amended by adding the name of the jurisdiction as follows:*

**101.1 Title.** These provisions shall be known as the *Existing Building Code* of the City of San Antonio, Texas, [NAME OF JURISDICTION] and shall be cited as such and will be referred to herein as “this code.”

*SECTION 103, DEPARTMENT OF BUILDING SAFETY, and Section 103.1, Creation of enforcement agency, of the IEBC is amended as follows:*

**SECTION 103**  
**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT [DEPARTMENT OF BUILDING SAFETY]**

**103.1 Enforcement agency.** ~~[Creation of enforcement]~~ The Planning and Development Services Department [Department of Building Safety is hereby created] shall be the enforcement agency for the *International Existing Building Code*, and the Director [official in charge] thereof shall be known as the building official and code official.

*Section 104.6 and SECTIONS 105 through 114 of the IECC are repealed in their entirety and replace with new Section 104.6 and SECTIONS 105 through 114 to read as follows:*

**104.6 Right of entry.** Comply with Section 104.6 of the 2009 *International Building Code* and local amendments.

**SECTION 105**  
**PERMITS**

Comply with SECTION 105, PERMITS, of the 2009 *International Building Code* and local amendments.

**SECTION 106**  
**CONSTRUCTION DOCUMENTS.**

Comply with SECTION 107, SUBMITTAL DOCUMENTS, of the 2009 *International Building Code* and local amendments.

**SECTION 107**  
**TEMPORARY STRUCTURES AND USES**

Comply with SECTION 108, TEMPORARY STRUCTURES AND USES, of the 2009 *International Building Code* and local amendments.

**SECTION 108**  
**FEES**

Comply with SECTION 109, FEES, of the 2009 *International Building Code* and local amendments.

**SECTION 109**  
**INSPECTIONS**

Comply with SECTION 110, INSPECTIONS, of the 2009 *International Building Code* and local amendments.

**SECTION 110**  
**CERTIFICATE OF OCCUPANCY**

Comply with SECTION 111, CERTIFICATE OF OCCUPANCY, of the 2009 *International Building Code* and local amendments.

**SECTION 111**  
**SERVICE UTILITIES**

Comply with SECTION 112, SERVICE UTILITIES, of the 2009 *International Building Code* and local amendments.

**SECTION 112**  
**BOARD OF APPEALS**

Comply with SECTION 113, BOARD OF APPEALS, of the 2009 *International Building Code* and local amendments.

**SECTION 113**  
**VIOLATIONS**

Comply with SECTION 114, VIOLATIONS, of the 2009 *International Building Code* and local amendments.

**SECTION 114**  
**STOP WORK ORDER**

Comply with SECTION 115, STOP WORK ORDER, of the 2009 *International Building Code* and local amendments.

*[B] SECTION 310, ACCESSIBILITY FOR EXISTING BUILDINGS, SECTION 605, ACCESSIBILITY, SECTION 706, ACCESSIBILITY, SECTION 806, ACCESSIBILITY, SECTION 906 ACCESSIBILITY, Section 912.8, Accessibility, SECTION 1005, ACCESSIBILITY, SECTION 1104, ALTERATIONS, and Section [B] 1301.2.5, Accessibility requirements, are repealed in their entirety.*

*Section 101.9 entitled "Accessibility" is hereby added to the IEBC as follows:*

**101.9 Accessibility.** All buildings or portions of buildings must comply with the accessibility standards adopted by the state. Projects shall be submitted to the Texas Department of Licensing and Regulation for review, inspection and approval in accordance with state law.

**Secs. 6-42 – 6-50. Reserved.**

**SECTION 3.** All previous provisions of the 2006 *International Existing Building Code* with local amendments as previously adopted shall remain in full force and effect during the period for which they were enacted. Three (3) copies of the 2009 *International Existing Building Code* with local amendments have been filed in the office of the city clerk for permanent record and inspection pursuant to section 17 of the City Charter.

**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** There is no financial impact as a result of the passage of this ordinance.

**SECTION 6.** No other provision of the City Code is amended hereby. All other provisions shall remain in effect.

**SECTION 7.** The City Clerk for the City of San Antonio is hereby directed to publish notice of this ordinance in a newspaper published in the City of San Antonio, Texas, as required by Article 2, Section 17 of the City Charter of the City of San Antonio.

**SECTION 8.** The publishers of the City Code of San Antonio are authorized to amend said Code to reflect the changes adopted herein. to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 9.** This ordinance shall become effective on the 1<sup>st</sup> day of January, 2010.

**PASSED AND APPROVED** this 1<sup>st</sup> day of October, 2009.



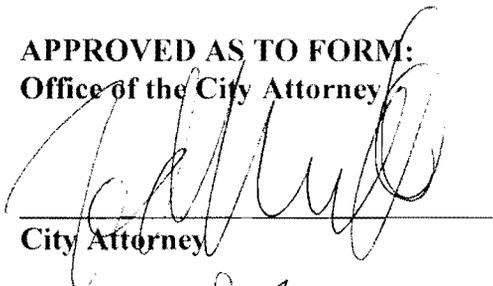
M A Y O R  
JULIÁN CASTRO

ATTEST:



City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney



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City Attorney

for

<b>Agenda Item:</b>	23						
<b>Date:</b>	10/01/2009						
<b>Time:</b>	10:44:46 AM						
<b>Vote Type:</b>	Other: With Amendmt To Sec 312 Of Plumb Code						
<b>Description:</b>	Consideration of Ordinances amending the City Code by adopting various building-related construction codes with local amendments; and permitting the acquisition of air conditioning unit parts from city-licensed mechanical contractors. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				



# BUILDING RELATED CODES

## ■ PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

AGENDA ITEM #23  
OCTOBER 1, 2009

## Planning & Development Services Department

### Proposed Amendments:

Chapter 6: Buildings;

Chapter 10: Electricity;

Chapter 11: Fire Prevention;

Chapter 16: Salvage Yards and Auto Dismantlers; and

Chapter 24: Plumbing of the City Code of San Antonio

## Background

Building-related codes are updated on a national level every 3 years. The currently adopted building-related codes found in Chapters 6, 10, 11 and 24 of the City Code are as follows:

- 2006 *International Residential Code*
- 2006 *International Building Code*
- 2006 *International Existing Building Code*
- 2006 *International Mechanical Code*
- 2006 *International Fire Code*
- 2006 *Uniform Plumbing Code*

## Ordinance Adopts the Following Building-related Codes with Amendments:

- 2009 *International Residential Code (IRC)*
- 2009 *International Building Code (IBC)*
- 2009 *International Existing Building Code (IEBC)*
- 2009 *International Mechanical Code (IMC)*
- 2009 *International Fire Code (IFC)*
- 2009 *International Plumbing Code (IPC)*
- 2009 *International Fuel Gas Code (IFGC)*

NOTE: The 2009 *International Energy Conservation Code (IECC)* was adopted by City Council on May 21, 2009. All codes have an effective date of January 1, 2010.

## Coordination

City of San Antonio: City Attorney's Office,  
Office of Environmental Policy  
Fire Marshal's Office

### Local Organizations:

Greater San Antonio Builders Association ( <b>GSABA</b> )	Professional Engineers in Private Practice ( <b>PEPP</b> )
American Institute of Architects ( <b>AIA</b> ) of SA	Air Conditioning Contractors of America ( <b>ACCA</b> ) of SA
Development Process Task Force (aka Real Estate Council)	Building Owners & Managers Association ( <b>BOMA</b> ) of SA
Associated Builders & Contractors ( <b>AGC</b> ) – South Texas	U.S. Green Building Council ( <b>USGBC</b> )
San Antonio Association of Building Engineers ( <b>SAABE</b> )	Plumbing-Heating-Cooling Contractors Association ( <b>PHCC</b> )
Society of American Military Engineers ( <b>SAME</b> ) SA Post	

## Public Hearings

Conducted by Building and Fire Codes Board of Appeals

- **DATE OF HEARING:** September 3, 2009
- **ACTION TAKEN:** Board voted unanimously to recommend adoption of the following codes with local amendments:
  - 2009 *International Residential Code*
  - 2009 *International Building Code*
  - 2009 *International Existing Building Code*
  - 2009 *International Fire Code*

## Public Hearing

Conducted by Mechanical Appeals and Advisory Board

- **DATE OF HEARING:** June 11, 2009
- **ACTION TAKEN:** Board voted unanimously to recommend adoption of :
  - 2009 *International Mechanical Code* with local amendments
  - Air Conditioning Unit Parts Sales Ordinance – allows locally licensed salvage yards to accept recycled air conditioning unit parts from San Antonio licensed mechanical contractors.

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## Public Hearing

Conducted by Plumbing Appeals and Advisory Board

- **DATE OF HEARING:** August 12, 2009
- **ACTION TAKEN:** Board voted 7 in favor, 0 opposed and 1 abstained to recommend adoption of the following codes with local amendments:
  - 2009 *International Plumbing Code*
  - 2009 *International Fuel Gas Code*

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## IPC Advantages

- Developed and maintained through a national government consensus process that excludes special interest and conflicts of interest
- Performance oriented to stimulate economic development through acceptance of innovative design and construction methods. Cost savings by eliminating unneeded plumbing requirements
- Part of the ICC family of codes – the only comprehensive set of national model codes designed to work together as a package
- Coordinated with other building-related codes

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## Local and Regional Adoption of IPC

- Alamo Heights
- Balcones Heights
- Boerne
- Bulverde
- Castle Hills
- Castroville
- Cibolo
- Converse
- Fair Oaks Ranch
- Fredericksburg
- Garden Ridge
- Helotes
- Kerrville
- Leon Valley
- Live Oak
- New Braunfels
- Pleasanton
- San Marcos
- Schertz
- Seguin
- Shavano Park
- Stockdale
- Universal City
- Windcrest

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## IPC Adoption

- **272 Texas municipalities** have adopted the IPC including Dallas, Fort Worth, El Paso, College Station, Laredo and Corpus Christi.
- **Large U. S. municipalities** have adopted the IPC including Washington DC; New York City; Denver; Miami; Philadelphia; Detroit; Pittsburgh; Salt Lake City; Buffalo; Raleigh; Charlotte; Atlanta; Cincinnati; Memphis; and Fairfax County, VA.

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## Organizational Support IPC & IFGC

- S. A. Office of Environmental Policy (**OEP**)
- U. S. Green Building Council (**USGBC**)
- American Institute of Architects (**AIA**) San Antonio
- Professional Engineers in Private Practice (**PEPP**), Bexar Chapter
- San Antonio Apartment Association (**SAAA**)
- San Antonio Building Owners & Managers Association (**SABOMA**)
- San Antonio Association of Building Engineers (**SAABE**)

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## Organizational Support IPC & IFGC

- Air Conditioning Contractors of America (**ACCA**), San Antonio Chapter
- American Society of Heating, Refrigeration, Air-Conditioning Engineers (**ASHRAE**) Board of Directors, S. A.
- Associated Builders & Contractors (**ABC**) – South Texas
- Society of American Military Engineers (**SAME**), San Antonio Post
- Plumbing-Heating-Cooling Contractor Association (**PHCC**), San Antonio

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## Public Hearing

Conducted by I&G Council Committee

- **DATE OF HEARING:** September 15, 2009
- **ACTION TAKEN:** Committee voted unanimously to recommend adoption of the AC Unit Parts Sales Ordinance and the following proposed building-related codes with amendments:
  - 2009 International Building Code
  - 2009 International Existing Building Code
  - 2009 International Mechanical Code
  - 2009 International Residential Code
  - 2009 International Plumbing Code
  - 2009 International Fuel Gas Code
  - 2009 International Fire Code

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## **STAFF RECOMMENDATION:**

Staff recommends to City Council the adoption of the 2009 International Codes with proposed amendments and the Air Conditioning Unit Parts Sales Ordinance.

#23



**Professional Engineers in Private Practice  
Bexar Chapter, Practice Division of TSPE/NSPE**

PO Box 781268 San Antonio, TX 78278-1268 www.BexarPEPP.org

February 18, 2009

Mr. Rod Sanchez, AICP, CBO  
Director  
Planning and Development Services Department  
City of San Antonio  
1901 South Alamo Street  
San Antonio, Texas 78204

Re: 2009 Plumbing Code

Dear Rod:

As you commence the process of adoption of the new editions of the 2009 Codes, we note that all of the older 2006 Codes now adopted for use in the City of San Antonio are contained within the International Code Council (ICC) family of Codes, save one. That one exception is the **Uniform Plumbing Code (UPC)**.

The experience of our membership has been that inherent coordination between the various ICC Codes has been a positive element in the design process. The lack of that coordination with the UPC is troublesome.

While the UPC has been a part of the San Antonio plumbing industry for years, and most of those involved in plumbing design have been familiar with its prescriptive requirements, the two ICC Codes dealing with plumbing; i.e., the **International Plumbing Code (IPC)** and **International Fuel Gas Code (IFGC)** are also familiar to most, if not everyone. Because the IPC and IFGC have been adopted by many neighbor communities (more than 250 within the state of Texas), it has been a requirement for responsible designers to know the requirements for both the UPC and the IPC/IFGC. It would be much easier to be knowledgeable in only one set of Codes.

No one can deny that the UPC has served the City of San Antonio well over the years, but the time has come to change. The UPC has begun to show the lack of resources of its parent organization, the International Association of Plumbing & Mechanical Officials (IAPMO). There are many areas where the UPC is beginning to lag behind, particularly in areas of public safety. For instance, the provisions for gas appliances covered by the UPC does not adequately cover many items in common use, including fireplace log lighters, fireplace heaters, wall furnaces, unit heaters, duct furnaces and boilers. Also, the UPC does not support the plumbing design methodologies required to build "green" buildings. IAPMO is just not keeping up with the development of new technologies that are incorporated within the IPC & IFGC.

On behalf of PEPP, it is the recommendation of our organization that the City of San Antonio adopt the 2009 IPC and 2009 IFGC in this next cycle of Code Adoptions. San Antonio deserves a fully coordinated set of Codes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Bain'.

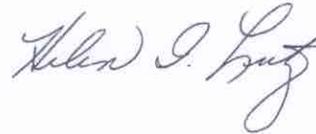
Carl Bain, P.E.  
Chairman, Bexar Chapter, PEPP

**AFFIDAVIT OF PUBLICATION**

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of *The Hart Beat*; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

**October 7, 2009**

Subscribed and sworn to before me this 7th day of October, 2009, to certify which witness my hand and seal of office.



*Helen I. Lutz, Publisher*

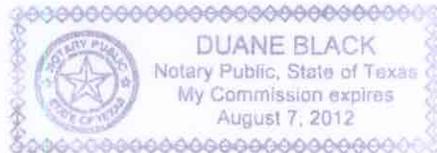
**PUBLIC NOTICE**

**AN ORDINANCE**  
2009-10-01-0777D

AMENDING CHAPTER 6, BUILDINGS, ARTICLE III, BUILDING CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; PROVIDING FOR LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

PASSED AND APPROVED  
this 1st day of October, 2009.  
/S/ JULIÁN CASTRO  
MAYOR

ATTEST: LETICIA VACEK  
CITY CLERK  
10/7



*Notary Public in and for the State of Texas*

Duane Black

*Name of Notary*

*My commission expires August 7, 2012*