AN ORDINANCE 2015-01-29-0065

AMENDING CHAPTER 6, ARTICLE IV, "MINIMUM PROPERTY MAINTENANCE CODE," OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING SECTION 6-51, ADOPTION OF THE SAN ANTONIO PROPERTY MAINTENANCE CODE (SAPMC), AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LICENSING AGREEMENT WITH THE INTERNATIONAL CODE COUNCIL, INC. NOT TO EXCEED $7,00.00 FOR THE USE AND RIGHT TO REPRODUCE AS PART OF THE SAPMC, COPYRIGHTED MATERIAL FOUND IN THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

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

SECTION 1. Section 6-51 of the City Code of San Antonio, Texas, is hereby amended to read as follows. Changes are delineated as underlined text and deletions as bracketed [~~*strikethrough*~~] text.

Sec. 6-51. Adoption of the San Antonio Property Maintenance Code.

The [~~2009~~] San Antonio Property Maintenance Code is hereby adopted as the minimum housing code for the City of San Antonio. [~~Three (3) copies of the code, which is incorporated by reference in this section marked "Exhibit A," have been filed with the office of the City Clerk pursuant to Section 17 of the City Charter for permanent record and inspection.~~] From the date on which the Ordinance shall take effect, the provisions thereof are controlling within the limits of the City of San Antonio, Texas.

SECTION 2. The City Code of San Antonio, Texas, is hereby amended by adding a section, to be numbered 6-52, which such section reads as follows. The San Antonio Property Maintenance Code is restated and codified below with additions delineated as underlined text and deletions as bracketed [~~*strikethrough*~~] text.

Sec. 6-52. Amendment to the San Antonio Property Maintenance Code.

SAN ANTONIO PROPERTY MAINTENANCE CODE

CHAPTER 1
SCOPE AND ADMINISTRATION

SECTION 101 – GENERAL

101.1 Title
These regulations shall be known as the San Antonio Property Maintenance Code, hereinafter referred to as "this code."

101.2 Scope.
The provisions of this code shall apply to all existing residential and nonresidential *structure*s and all existing *premises* and constitute minimum requirements and standards for *premises*, *structure*s, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owner*s, an owner's authorized agent, *operator*s and *occupant*s; the *occupancy* of existing *structure*s and *premises*, and for administration, enforcement and penalties.

101.3 Intent.
This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of *structure*s and *premises*. Existing *structure*s and *premises* that do not comply with these provisions shall be altered or repaired within a *reasonable time* to provide a minimum level of health and safety as required herein.

101.4 Severability.
If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 – APPLICABILITY

102.1 General.
Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.
Equipment, systems, devices and safe*guard*s required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, an owner's authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structure*s. Except as otherwise specified herein the *owner* or the *owner*'s

authorized [~~designated~~] agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

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

102.4 Existing remedies.
The provisions in this code shall not be construed to abolish or impair existing remedies of the *City* or its officers or agencies relating to the removal or demolition of any *structure* which is dangerous, unsafe and insanitary.

102.5 Workmanship.
Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions unless specified otherwise in State Statutes and Regulations.

102.6 *Historic structures.*
The provisions of this code may [~~shall~~] not be mandatory for existing *structures* designated as historic when such *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards.
The codes and standards referenced in this code shall be those that are listed in Chapter 8 as adopted by the *City* and are considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.8 Requirements not covered by code.
Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

102.9 Application of references.
References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws.
The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law including, but not limited to, the City's Absentee Property Owner's

Registration requirements in San Antonio *City* Code Chapter 6 and the Vacant Property Owner Registration Program requirements in San Antonio *City* Code Chapter 12.

SECTION 103 – DEVELOPMENT SERVICES [~~CODE ENFORCEMENT SERVICES~~] DEPARTMENT

103.1 Enforcement agency.
The Development Services [~~Code Enforcement Services~~] Department shall be the enforcement agency for this code, and the Director thereof shall be known as the *code official*.

103.2 Appointment.
The *code official* shall be appointed by the City Manager.

103.3 Designees.
The *code official* shall have the authority to delegate powers under this code. Such designees shall have the powers as delegated by the *code official.*

103.4 Liability.
The *code official* or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable *person*ally, and is hereby relieved from all *person*al liability for any damage accruing to *person*s or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

SECTION 104 – DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General.
The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and shall be *published*. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections.
The *code official* shall make all of the required inspections, or shall accept reports of inspections by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Right of entry.
The *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect subject to legal restrictions.

104.4 Identification.
The *code official* or employee charged with the enforcement of this code shall carry *City* issued identification when inspecting *structure*s or *premises* in the performance of duties under this code. The *code official* shall make efforts to notify available on-site management and impacted *occupant*s of their presence and exhibit proper identification.

104.5 Notices and orders.
The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records.
The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105 – APPROVAL

105.1 Modifications.
Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner*'s authorized agent [~~representative~~], provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The order granting modifications shall be published.

105.2 Alternative materials, methods and equipment.
The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability

and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons the alternative was not *approved*. [~~**Commentary:**~~] This section shall [~~will~~] not supersede any historic or Neighborhood Conservation District (NCD) requirement.

105.3 Required testing.
Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or method the *code official* shall have the authority to require reasonable tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods.
Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures.

105.3.2 Test reports.
Reports of tests shall be retained by the *code official* for the period required for retention of public records.

105.4 Used material and equipment.
The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, and placed in good and proper working condition.

105.5 Approved materials and equipment.
Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

105.6 Research reports.
Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106 – VIOLATIONS

106.1 Unlawful acts.
It shall be unlawful for a *person*, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation.
The *code official* shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation.
Failure to comply with a notice of violation served in accordance with section 107 may result in criminal or civil penalty.

106.4 Violation penalties.
Any *owner*, *tenant, person*, firm, corporation or agent or employee thereof who violates any of the provisions of this San Antonio Property Maintenance Code and who fails to comply with the terms of the Notice of Violation in accordance with Section 106.2 within the time specified or any extensions of time granted by the *code official*, shall be fined upon conviction an amount not less than one hundred dollars ($100.00) and not more than two thousand dollars ($2,000.00) provided, however, in the event a defendant has once previously been convicted of the same offense, the defendant shall be fined an amount not less than two hundred dollars ($200.00) and shall be fined an amount not less than three hundred dollars ($300.00) for a third conviction of the same offense and for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense. Nothing in this section shall limit the remedies available to the *City* in seeking to enforce the provisions of this code.

106.5 Abatement of violation.
The imposition of the penalties herein prescribed shall not preclude the *City* Attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

106.6 Personal liability of non-owners.
An individual who is an employee of either the *owner*, management company, or of the *tenant* of real property for which a notice of violation of this code is issued, or of a company that manages the property on behalf of the property *owner*, is not personally liable for civil or criminal penalties resulting from the violation if, not later than the tenth [~~fifth~~] business day after the date the notice of violation is issued, the individual provides the property *owner*'s name, current street address, and telephone number to the enforcement officer or the official's superior.

SECTION 107 – NOTICES AND ORDERS

107.1 Notice to person responsible.
Whenever the *code official* has determined that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 107.2 and 107.3 to the *person* responsible for the violation as specified in this code.

When a notice is provided under this section, the *code official* may inform the *owner* that if the *owner* commits another violation of the same subsection of this code on or before the second [~~first~~] anniversary of the date of the notice, the *City*, without further notice, may proceed with the prosecution of said violation.

107.2 Form.
Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real property sufficient for identification. This does not require a legal description.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable amount of time to make the repairs and improvements required to bring the *premises* into compliance with the provisions of this code.
5. Inform the property *owner or owner's* authorized owner's agent of the name and phone number of the *Code official* or designee.

107.3 Method of service.
Such notice shall be deemed to be properly delivered if a copy thereof is:

1. Delivered personally; or
2. Sent by certified mail, postage pre-paid, return receipt requested to the owner of record at his address as it appears on the Bexar County Appraisal District records; and if the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice; or
3. Sent by first class mail, to the owner of record at his address as it appears on the Bexar County Appraisal District records, and posting a notice in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering.
Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of ownership.
It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee. transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 – UNFIT STRUCTURES AND UNSAFE EQUIPMENT

108.1 General.
When equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy* or is found to be an unlawful *structure*, the *structure* and/or the equipment shall be deemed to be threats to the public health, safety or welfare.

108.1.1 Unsafe structures.
[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building
Standards Board.

108.1.2 Unsafe equipment.
Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupant*s of the *premises* or *structure*.

108.1.3 Structure unfit for human occupancy.
A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unlawful, insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupant*s of the *structure* or to the public.

108.1.4 Unlawful structure.
An unlawful *structure* is one found in whole or in part to be occupied by more *person*s than permitted under this code, or was erected, altered or occupied contrary to law. <u>This also includes those structures that were built without the required permits as outlined in San Antonio *City* Code Chapters 10 and 11.</u>

108.1.5 Dangerous structure or premises.
[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board.

108.2 Closing of vacant structures.
[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board.

108.2.1 Authority to disconnect service utilities.
The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made

without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner or* owner's authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner,* owner's authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the *structure* affected by such notice.

108.3 Notice.
Whenever the *code official* has determined a *structure* or equipment to be a threat to the public health, safety or welfare under the provisions of this section, notice shall be posted in a conspicuous place in or about the *structure* affected by such notice and served on the *owner,* owner's authorized agent or the *person* or *person*s responsible for the *structure* or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Prohibited occupancy.
Any occupied *structure* determined by the *code official* to be a threat to the public health, safety or welfare shall be vacated as ordered by the *code official*. Failure to vacate as ordered by the *code official* is a violation of this code.

108.5 Abatement methods.
The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed to be a threat to the public health, safety, or welfare by the *code official* shall abate or cause to be abated or corrected such conditions either by repair, rehabilitation, demolition or by *approved* corrective action.

SECTION 109 – EMERGENCY MEASURES

109.1 Imminent danger.
When, in the opinion of the *code official*, there is *imminent danger* or when there is actual or potential danger to the building *occupant*s because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, or when the *structure* is found unfit for human *occupancy* by the *code official* as described in section 108.1.3 *Structure unfit for human occupancy*, the *code official* is hereby authorized and empowered to order and require the *occupant*s to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: "This *Structure* is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, or removing the hazardous condition.

[~~**Commentary.** This section shall not apply to dangerous structures. Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board.~~]

SECTION 110 – DEMOLITION

[~~Commentary.~~] Demolitions. Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board.

SECTION 111 – MEANS OF APPEAL

The appellate process shall follow Chapter 6, Art. VIII. Building Standards Board of the City Code of San Antonio, Texas.

SECTION 112 – STOP WORK ORDER

112.1 Authority.
Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

112.2 Issuance.
A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner*'s authorized agent, or to the *person* doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies.
Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

CHAPTER 2
DEFINITIONS

SECTION 201 – GENERAL

201.1 Scope.
Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.
Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the codes in Chapter 8 of the San Antonio Property Maintenance Code, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.
Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.
Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

Absentee property owner means the owner, as subsequently defined, who has legal possession of property within the city limits of the City of San Antonio and resides outside of Bexar County, Texas. Post office boxes will not be accepted as proof of residency within Bexar County, Texas. (See City Code Section 6-36 thru 6-50 for additional information regarding Absentee Property Owner registration.)

APPROVED. *Acceptable* to [~~*Approved* by~~] the *code official*.

BANDIT SIGN. Any sign posted on a utility pole, street sign or other street furniture or a sign posted in violation of this chapter in the public right-of-way having six (6) square feet or less of advertising area and made of vinyl, paper, cloth or fabric, polyboard, coroplas, corrugated plastic, poster board, plastic core, cardboard or plywood including signs with wood or wire framing, posts or stakes. No sign owned or placed by the city, the state, or a public utility shall be considered a bandit sign.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

CITY. The *City* of San Antonio.

CODE OFFICIAL. The Director of Development Services or designee who is charged with the administration and enforcement of this code.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The cost shall include the actual costs of the demolition or repair of the structure less revenue obtained if

salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or Building Standards Board.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust, or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more *person*s, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above a said *lot* or *lot*s.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the
control of *owner*s or *operator*s of such *premises*.

FENCE. A tangible enclosure or barrier, but not including hedges, shrubs, trees, or other natural growth, erected for the purpose of providing a boundary, separation of areas, means of protection, to prevent uncontrolled access, for decorative purposes, or concealment. This does not include an upright structure of building material forming an inner partition or exterior surface of a building or structure or any wall used in whole or in part to resist the lateral displacement of any material, and such wall is regulated by the *International Building Code*, as amended by the *City*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a *structure* for living, sleeping, eating or cooking. Bathrooms, *toilet room*s, closets, halls, storage or utility spaces, and similar areas are not considered *habitable space*s.

HAZARDOUS VEGETATION. Dead and dying trees, tree limbs or other natural growth which, by reason of rotting, *deterioration*, physical damage or storm damage constitutes a hazard to *person*s or *structure*s within the vicinity thereof.

[~~*HISTORIC STRUCTURE*. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or; directly by the Secretary of the Interior in states without approved programs.~~]

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a *structure* or *premises* of insects, rats, vermin or other pests.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above *labeled* items and whose labeling indicates

either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LAVATORY. A fixed washbowl with running water and drainpipe customarily used to wash hands.

LAWFULLY. In accordance with the code requirements at the time of construction or installation.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*. building, premise or *structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LOT. Shall also include for purposes of this code, in addition to the land within its boundaries, all land adjacent to and extending beyond the property line to the curbline of adjacent streets, and where no curb exists, to the existing street surface. The word *lot* shall also include all land lying between the property line of any *lot* and the center of adjacent alleys.

NEGLECT. The lack of proper maintenance for a building or *structure*.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any *person* who has charge, care or control of a *structure* or *premises* which is let or offered for *occupancy*.

OUTSIDE PLACEMENT. Any item, which is not customarily used or stored outside or not made of a material that is resistant to damage or *deterioration* from exposure to the outside environment, for a period in excess of twenty-four (24) hours. Said items include, but are not limited to, auto parts, appliances not in service, metal or wood products or parts not converted to a final use, beverage, food or other containers not stored within a closed household recycling bin or refuse container, plumbing fixtures commonly used indoors or that have been converted to another use. This includes placement in a *structure* that is open or not completely enclosed, including any porch cover or carport or upon any open porch or under any tarp.

This does not include lawn care tools or recreational equipment incidental to the use of the property. Building material stored outdoors on any site for construction or demolition of a structure on the premises shall be used or incorporated into the proposed structure or removed from the premises within sixty (60) days from the date of arrival on the premises or upon the expiration of any associated building permit, whichever comes later.

OWNER. Any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property or otherwise having control of the property including the *guard*ian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

PLUMBING APPURTENANCE. A manufactured device, prefabricated assembly or an on the job assembly of component parts that is an adjunct to the basic piping system and plumbing fixtures. An *appurtenance* demands no additional water supply and does not add any discharge load to a fixture or the drainage supply.

PREMISES. A *lot*, plot or parcel of land, *easement* or *public way*, including any *structure*s thereon.

PRIVATE SWIMMING POOL. Any *swimming pool* which is closed to the general public and not defined as a semi-public pool.

PUBLIC WAY. Any street alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

PUBLIC SWIMMING POOL. Any *swimming pool* which is open to the general public for a fee or otherwise.

PUBLISHED. Posted on the department website and kept in *City* files for a period of time.

REASONABLE TIME. The *code official* shall grant a minimum of 10 days to cure any notice of violation unless a stricter requirement exists in either *City* ordinance or State law. The *code official* may extend the time frame for compliance based on the severity and nature of the condition and the reasonable availability of materials and labor and of utilities and other relevant circumstances.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SEMI-PUBLIC SWIMMING POOL. (1) Any privately owned *swimming pool* or spa which is open to the general public for a fee; or (2) Any *swimming pool* or wading pool, spa or sauna, serving a private club, motel, hotel, apartment building, school, child care facility, recreational or physical fitness facility, institution, home *owner*'s association, or other similar activity or *structure*, the use of which is limited to members, residents, students or clients and their guests.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping unit*s (i.e. hotel guest rooms, dormitory, and boarding houses).

STRUCTURE. That which is built or constructed or a portion thereof<u>, including retaining walls on a property.</u>

SURFACE HAZARD. Holes, excavations, breaks, projections, obstructions and other hazardous conditions on paths, walkways, driveways, parking *lot*s, parking areas and other parts of the *premises* which are accessible to any *person* entering thereon.

SWIMMING POOL. Any *structure* intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground *swimming pool*, hot tubs, and spas.

SWIMMING POOL – INDOOR. A *swimming pool* which is totally contained within another *structure* and surrounded on all four sides by the walls of the enclosing second *structure*.

SWIMMING POOL – OUTDOOR. A *swimming pool* which is not an indoor *swimming pool*.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet (toilet) or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same *lot* with a *structure*.

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301 – GENERAL

301.1 Scope.
The provisions of this chapter shall govern the minimum conditions and the responsibilities of *person*s for maintenance of *structure*s, equipment and *exterior property*.

301.2 Responsibility.
The *owner* of the *premises* shall maintain the *structure*s and *exterior property* in compliance with these requirements, except as otherwise provided for in this code or in State or Federal Law. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which do not comply with the requirements of this chapter. *Occupant*s of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control in a clean, sanitary and safe condition.

301.3 Vacant structures and land.
[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board and Chapter 14 – Solid Waste, Article V. *Lot* Clearance.

SECTION 302 – EXTERIOR PROPERTY AREAS

302.1 Exterior maintenance.
All exterior property and premises shall be maintained in a clean, safe and sanitary condition and free of *outside placement, hazardous vegetation, or surface hazards*. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage.
All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Exception: *Approved* detention areas, retention areas, filtration areas and reservoirs.

302.3 Sidewalks, [~~and~~] driveways and retaining walls.
All sidewalks, walkways, stairs, driveways, retaining walls, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Damage due to work by public utilities shall be repaired by the specific public utility according to the same standards required as the property *owner*.

302.4 Weeds.
All improved *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. All 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 1) cultivated flowers and gardens, 2) [~~or~~] native grasses, perennials and annual plants installed as part of a landscaping design, or 3) natural or manmade "rough" areas as part of golf course in current operation.

302.5 Rodent harborage.
All *structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents.
Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*, and shall discharge a minimum four (4) feet from adjacent property lines or exhaust to the roof.

Exception: Pipes, ducts, conductors, fans or blowers installed *lawfully*.

302.7 Accessory structures.
All accessory *structures*, including *detached* garages and fences, shall be maintained structurally sound and in good repair.

302.7.1 Fences.
All fences, facing the street frontage of the *premises* or adjacent to a *public way*, and those fences that are required by other federal, state or local ordinance, shall be maintained structurally sound and in good repair. Any of the following conditions shall be corrected:

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 shall be repaired or replaced.

3. Broken, fire damaged or missing wooden slats shall [~~also~~] be repaired or replaced.

4. Broken or severely bent metal posts or torn, cut or ripped metal fencing materials shall be repaired or replaced.

5. Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or similar materials shall be repaired or replaced.

The above requirements shall not prohibit a fence, or any portion thereof, from being removed if the remaining portions are safe and in good condition and the erection and maintenance of a fence is not otherwise required by law.

302.8 Motor vehicles.
[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 19 – Motor Vehicles and Traffic, Article X. Junked Vehicles.

302.9 Defacement of property.
[~~Commentary.~~] Refer to San Antonio *City* Code Chapter 21, Article X, Graffiti.

SECTION 303 – SWIMMING POOLS, SPAS AND HOT TUBS

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

303.2 Enclosures.
The provisions of this section apply to existing private outdoor *swimming pool*s, hot tubs and spas built prior to January 1, 2010. The provisions of this section do not apply to public or semi*public swimming pool*s, hot tubs, and spas.

All private *swimming pool*s, hot tubs and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be lockable or self-closing and self-latching. Where the selflatching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. Privacy fences can serve as the enclosure. Where a wall of *dwelling unit* serves as part of the enclosure doors must be lockable. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Where an above-ground pool *structure* is used as a barrier or where the barrier is mounted on top of the pool *structure*, and the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps shall be surrounded by an enclosure as described in this section.

> **Exception:** Spas or hot tubs with safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

All *swimming pool*s, hot tubs and spas built after January 1, 2010 must comply with the requirements of Section 3109 of the 2015 *International Building Code*, , as adopted by the *City*.

SECTION 304 – EXTERIOR STRUCTURE

304.1 General.
The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Refer to San Antonio *City* Code, Chapter 12 Vacant Property Owner Registration for additional exterior maintenance requirements for certain vacant properties.

304.1.1 Unsafe conditions.
[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board.

304.2 Protective treatment.
All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, and decks shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

304.3 Premises identification.
The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5inch (12.7 mm).

All multiunit buildings shall have signage that identifies all units contained within the building. The signage should be placed in a position to be plainly legible and visible from the driveway fronting the building. The signage shall have a contrasting background with a minimum of 4 inches (102mm) high lettering with a minimum stroke width of 0.5inch (12.7 mm).

Effective January 1, 2016, in addition to premises identification in the front of the property as described above, residential properties using an alleyway longer than ten (10) lots in length to access a rear garage, carport or driveway will also require premises identification in the rear of the property along the alley.

304.4 Structural members.
All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls.
All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.
All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roof and drainage.
The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

304.8 Decorative features.
All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.
All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.
All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.
Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.
Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.
All glazing materials shall be maintained in sound condition and good repair.

304.13.2 Openable windows.
Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.
Every door, window and other outside opening required for *ventilation* of *habitable spaces*, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exceptions: (1) Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed. (2) *Habitable spaces* served by air conditioning unless the air conditioning has not been functioning for more than seven (7) consecutive days. (3) Doors are not required to be screened if there is an additional *ventilation* source in the room.

304.15 Doors.
All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.

Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows.
Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security.
Doors, attic access, windows or hatchways for *dwelling unit*s, room units or *housekeeping unit*s shall be provided with devices designed to provide security for the *occupant*s and property within.

The *owner*s of residential rental units shall be deemed to have met this requirement by installing devices that are required under the TEXAS PROPERTY CODE- TITLE 8 LANDLORD AND *TENANT* - CHAPTER 92. RESIDENTIAL TENANCIES- SUBCHAPTER D. SECURITY DEVICES.

> **Exception**: Locking devices for Attic access are not required in single family dwellings.

SECTION 305 – INTERIOR STRUCTURE

305.1 General.
The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupant*s shall keep that part of the *structure* which they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping unit*s, a hotel, a dormitory, two or more *dwelling unit*s or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Unsafe conditions.
[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board.

305.2 Structural members.
All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces.
All interior surfaces, including windows and doors, shall be maintained in good repair, clean and sanitary condition. Loose plaster, decayed wood and other defective surface conditions shall be corrected

305.4 Stairs and walking surfaces.
Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.
Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.
Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 – COMPONENT SERVICEABILITY

[~~Commentary.~~] Refer to San Antonio *City* Code, Chapter 6 – Buildings, Article VIII. Building Standards Board.

SECTION 307 – HANDRAILS AND GUARD RAILS

307.1 General.
Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guard*s. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (l067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guard*s shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

> **Exception**: *Guard*s shall not be required where exempted by the adopted building code. *Guard*s in commercial buildings and R-2 *Occupancy* shall be governed by the International Fire Code, as amended by the *city*. In larger stairways, handrails may be located in the center of the stairway.

SECTION 308 – RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.
All *exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or *garbage*.

308.2 Disposal of rubbish.
Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities.
The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

Exception: Unless provided otherwise by contract or by *City*.

308.2.2 Refrigerators.
Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on the exterior of the *premises* without first removing or securing the doors.

308.3 Disposal of garbage.
Every *occupant* of a *structure* shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers.

SECTION 309 – PEST ELIMINATION

309.1 Infestation.
All *structure*s shall be kept free from insect and rodent *infestation*. All *structure*s in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

309.2 Extermination Prior to Occupancy.
Where *infestation* exists, the *owner* of any *structure* shall be responsible for extermination within the *structure* prior to renting or leasing the *structure.*

309.3 Single occupant.
The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential *structure* shall be responsible for extermination on the *premises*.

309.4 Multiple occupancy.
The *owner* of a *structure* containing two or more *dwelling unit*s, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for extermination in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

309.5 Occupant.
The *occupant* of any *structure* shall be responsible for the continued rodent and pest-free condition of the *structure*.

Exception: Where the *infestation*s are caused by defects in the *structure*, the *owner* shall be responsible for extermination.

CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 – GENERAL

401.1 Scope.
The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

401.2 Responsibility.
The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices.
In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the referenced standards in Chapter 8 shall be permitted.

SECTION 402 – LIGHT

402.1 Habitable spaces.
Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exceptions:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The exterior glazing area shall be based on the total floor area being served.
2. Where installed or constructed *lawfully*.

402.2 Common halls and stairways.
Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated in accordance with Chapter 11 [~~46~~] of the International Fire Code, as amended by the *city*.

Exceptions:

1. Unless installed or constructed lawfully.

402.3 Other spaces.
All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 – VENTILATION

403.1 Habitable spaces.
Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exceptions:
2. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.
3. Unless installed or constructed lawfully.

403.2 Bathrooms and toilet rooms.
Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable space*s as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

Exception: Re-circulating mechanical *ventilation* system allowed where installed or constructed lawfully.

403.3 Cooking facilities.
Unless *approved* through the certificate of occupancy, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:
1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.
Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Exception: Re-circulating vent hoods are allowed in residential occupancies where installed *lawfully*.

403.5 Clothes dryer exhaust.
Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) c*lot*hes dryers.

SECTION 404 – OCCUPANCY LIMITATIONS

404.1 Privacy.
*Dwelling unit*s, hotel units, *housekeeping unit*s, *rooming unit*s and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.
A habitable room, other than a kitchen shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

Exception: Where constructed *lawfully*.

404.3 Minimum ceiling heights.
*Habitable space*s, hallways, corridors, laundry areas, *bathroom*s, *toilet room*s and habitable *basement* areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:
1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
4. Unless installed or constructed lawfully.

404.4 Bedroom and living room requirements.

Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.
Every living room shall contain at least 120 square feet (11.2m2) and every *bedroom* shall contain at least 70 square feet (6.5m2).

Exception: Unless constructed *lawfully*.

404.4.2 Access from bedrooms
*Bedroom*s shall not constitute the only means of access to other *bedroom*s or *habitable space*s and shall not serve as the only means of egress from other *habitable space*s.

Exception:
1. Units that contain fewer than two *bedroom*s.
2. Unless lawful at the time of construction or renovation.

404.4.3 Toilet accessibility.
Every *bedroom* shall have access to at least one Toilet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one Toilet and lavatory located in the same story as the *bedroom* or an adjacent story.

Exception: Unless constructed *lawfully*.

404.4.4 Prohibited occupancy.
Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.
*Bedroom*s shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.
The number of *person*s occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupant*s. The *code official* is authorized to utilize nationally recognized standards and applicable federal, state and local laws to determine overcrowding conditions.

404.6 Efficiency unit.
Nothing in this section shall prohibit an efficiency living unit, from meeting the following requirements:

1. A unit occupied by not more than two *occupant*s shall have a clear floor area of not less than 220 square feet (20.4 m2). A unit occupied by three *occupant*s shall

have a clear floor area of not less than 320 square feet (29.7 m2). These required areas shall be exclusive of the areas required by Items 2 and 3.

Exception: Where constructed *lawfully*.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a Toilet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation.
All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wasteland refuse, including facilities for temporary storage.

CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 – GENERAL

501.1 Scope.
The provisions or this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.
The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *structure* or *premises* which does not comply with the requirements of this chapter.

SECTION 502 – REQUIRED FACILITIES

502.1 Dwelling units.
Every *dwelling unit* shall contain its own bathtub or shower, lavatory, Toilet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the Toilet or located in close proximity to the door leading directly into the room in which such Toilet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses.
At least one Toilet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

502.3 Hotels.

Where private Toilets, lavatories and baths are not provided, one Toilet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

502.4 Employees' facilities.
A minimum of one Toilet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.
Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code, as amended by the City.

SECTION 503 – TOILET ROOMS

503.1 Privacy.
Toilet rooms and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

Exception: Except where provided otherwise in state rules and regulations.

503.2 Location.
Toilet rooms and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.
Employees shall have access to toilet facilities near the employees' working areas. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception:
1. No toilet facility is required at offsite work areas.
2. In multi-unit residential properties a toilet facility is not required if there is no onsite management office located on the property.
3. In multi-unit residential properties, where there is an onsite management office, there is no maximum travel distance to a toilet facility.

4. Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface.
In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 – PLUMBING SYSTEMS AND FIXTURES

504.1 General.
All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.
Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.
Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 – WATER SYSTEM

505.1 General.
505.1.1 Every sink, lavatory, bathtub or shower, drinking fountain, Toilet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system.

505.1.2 All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

Exceptions:
1. non-residential facilities not open to the general public.
2. parks, golf courses, and recreation facilities and
3. non-residential facilities constructed *lawfully* without hot water
4. Outdoor kitchen sinks that are not the only sink for the dwelling unit

[~~Commentary.~~] This provision does [~~Does~~] not include food service areas and areas regulated by Chapter 13 of *City* Code.

505.2 Contamination.
The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

505.3 Supply.
The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.
Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 – SANITARY DRAINAGE SYSTEM

506.1 General.
All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

506.2 Maintenance.
Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 – STORM DRAINAGE

507.1 General.
Drainage of roofs and paved areas, *yard*s and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 – GENERAL

601.1 Scope.

The provisions or this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.
The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602 – HEATING FACILITIES

602.1 Facilities required.
Heating facilities shall be provided in *structures* and shall be capable of maintaining room temperature of 60°F (16° C) in all habitable rooms, *bathrooms* and *toilet rooms*.

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 during the period from November 1st to March 31st to maintain a temperature of not less than 60°F (16°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

> **Exception:** 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 International Plumbing Code as amended by the *City*.

602.4 Room temperature measurement.
The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 – MECHANICAL EQUIPMENT

603.1 Mechanical appliances.
All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

603.2 Removal of combustion products.
All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances.
All required clearances to combustible materials shall be maintained.

603.4 Safety controls.
All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.
A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Exception: A supply of air for complete combustion of the fuel and for ventilation must be maintained as it was *lawfully* installed.

603.6 Energy conservation devices.
Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved.*

SECTION 604 – ELECTRICAL FACILITIES

604.1 Facilities required.
Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.
The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling unit*s shall be served by a threewire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Exception: Electric service may be maintained if installed *lawfully*.

604.3 Electrical system hazards.
Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupant*s or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 605 – ELECTRICAL EQUIPMENT

605.1 Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Luminaires.
Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room [~~(not a furnace closet)~~] shall contain at least one electric operational luminaire.

[~~Commentary.~~] Furnace room does not include a furnace closet.

SECTION 606 – DUCT SYSTEMS

606.1 General.
Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7
FIRE SAFETY REQUIREMENTS

SECTION 701 – GENERAL

701.1 Scope.
The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to *structure*s and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility.
The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702 – MEANS OF EGRESS

702.1 General.
A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the International Fire Code.

702.2 Aisles.
The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors.
All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door

hardware conforms to that permitted by the International Building Code, International Residential Code, or the required security devices enumerated in the Texas Property Code.

> **Exception:** double cylinder locking devices are allowed in single family and two family dwellings where not used as group homes, daycare, foster care homes, childcare, assisted living or where prohibited by law.

702.4 Emergency escape openings.
Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 – FIRE PROTECTION SYSTEMS

703.1 General.
All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition in accordance with the International Fire Code.

The duties of landlords to inspect and repair smoke alarms in residential *dwelling units* leased to others are governed by the TEXAS PROPERTY CODE- CHAPTER 92- SUBCHAPTER F. SMOKE DETECTORS.

703.2 Smoke Alarms
In Group *R1*, *R2*, *R3* occupancy used for commercial purposes and *R4*, smoke alarms shall be installed in accordance with the International Fire Code, as amended by the *city*.

R-3 residential occupancies used for commercial purposes include:

1. Adult care facilities that provide accommodations for five or fewer *persons* of any age for less than 24 hours
2. Child care facilities that provide accommodations for five or fewer *persons* of any age for less than 24 hours.
3. Congregate living facilities with 16 or fewer persons.

In *R-3 Occupancies* (1 and 2 family dwellings) not used for commercial purposes:

1. Smoke alarms shall be placed in accordance with the requirement adopted by the *city* at the time of construction; or

2. If not required at the time of construction, smoke alarms shall be placed on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

703.3 Power source.
In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:
1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.
4. Smoke alarms are permitted to be solely battery operated if added to comply with this section.
5. Smoke alarms are permitted to be operated solely from the building wiring if installed prior to the adoption date of this code.

703.4 Interconnection.
Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:
1. Interconnection is not required in buildings which are not undergoing alterations.
2. Smoke alarms in existing areas are not required to be interconnected where alterations [or repairs] do not result in the removal of interior wall or ceiling finishes exposing the structure.

703.5 Additional Requirements in Leased Tenancies contained within R-2 and R-3 occupancies not used for commercial purposes (including duplexes and houses for rent).

The following requirements apply:

1. The landlord shall determine that the smoke alarm is in good working order at the beginning of the *tenant*'s possession by testing the smoke alarm with smoke, by operating the testing button on the smoke alarm, or by following other recommended test procedures of the manufacturer for the particular model.
2. A *tenant* shall not remove a battery from a smoke alarm without immediately replacing it with a working battery or knowingly disconnect or intentionally damage a smoke alarm, causing it to malfunction.
3. The duties of landlords to inspect and repair smoke alarms in residential *dwelling unit*s that are leased to others are governed by the TEXAS PROPERTY CODECHAPTER 92- SUBCHAPTER F. SMOKE DETECTORS.

CHAPTER 8
REFERENCED STANDARDS

International Code Council (ICC)

International Building Code (2015 edition)
International Fuel Gas Code (2015 edition)
International Mechanical Code (2015 edition)
International Fire Code (2015 edition)
International Plumbing Code ((2015 edition)
International Existing Building Code ((2015 edition)

National Fire Protection Association (NFPA)
NFPA 70 National Electrical Code (2014 edition)

American Society for Testing and Materials (ASTM)
ASTM F 1346 Performance Specifications for Safety Covers and Labeling Requirements for all Covers for Swimming Pools, Spas and Hot Tubs

[~~**American Society of Mechanical Engineers (ASME)**~~
~~ASME A17.1, Appendix N Safety Code for Elevators and Escalators~~]

Texas Property Code
Title 8. Landlord and Tenant – Chapter 92. Residential Tenancies

- Subchapter D. Security Devices
- Subchapter F. Smoke Detectors

SECTION 3. The City Manager or designee is hereby authorized to negotiate and execute a contract in substantially the same form as attached in Exhibit A with the International Code Council, Inc. for a sum not to exceed $7,000.00 allowing for the licensing of copyrighted material found in its 2015 International Property Maintenance Code for inclusion in the San Antonio Property Maintenance Code (SAPMC) and limited distribution.

SECTION 4. Three (3) copies of the SAPMC as 1) amended via this Ordinance; and 2) bound pursuant to agreement as detailed in "Exhibit A," have been filed with the office of the City Clerk for permanent record and inspection.

SECTION 5. 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 6. All other provisions of Chapter 6, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

SECTION 7. The publishers of the City Code of San Antonio, Texas, 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 8. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 261000000007 and General Ledger 4903114.

SECTION 9. Funding in the amount up to $5,000.00 for this ordinance is available in Fund 11001000, Cost Center 6105010001 and General Ledger 5201040 as part of the Fiscal Year 2011 budget.

SECTION 10. Payment not to exceed the budgeted amount is authorized and should be encumbered with a purchase order.

SECTION 11. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 12. 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 the Charter of the City of San Antonio.

SECTION 13. This Ordinance shall become effective on the 1st day of May, 2015.

PASSED AND APPROVED this *29th* day of *January*, 2015.

M A Y O R
Ivy R. Taylor

Attest:

Leticia M. Vacek, City Clerk

Approved As To Form:

Martha G. Sepeda, Acting City Attorney

EXHIBIT A

City of San Antonio Code Enforcement Services Department / ICC Licensing Agreement

January 12, 2015

This agreement between the International Code Council (hereafter referred to as ICC) and the City of San Antonio Code Enforcement Services Department (hereafter referred to as Licensee) pertains to a licensing agreement for use of the *2015 International Property Maintenance Code* (hereafter referred to as IPMC) for integration in the *City of San Antonio Property Maintenance Code.*

Agreement:

In consideration of the provisions contained herein, the parties agree to the following:

1. ICC grants the Licensee a nonexclusive royalty-free license to incorporate IPMC into the *City of San Antonio Property Maintenance Code*. This integrated version:
    a. Will be printed for distribution and will be sold to the general public.
    b. Will be posted for free public access on the Licensee's website at URL www.sanantonio.gov/ces/sapmc.aspx
        i. Such access will be in a protected PDF not allowing the viewer to download, or copying and pasting the code.
        ii. This free public access website will be live for a period of four (4) years.
    c. Will have a link from the Licensee's website to ICC's website. URL www.iccsafe.org
    d. Will be included in Chapter 6 of the City Code of San Antonio, Texas.

2. Licensee acknowledges that the *International Property Maintenance Code* is copyrighted material owned by the ICC. Licensee agrees not to distribute, sublicense or sell any of the ICC copyrighted material contained in the IPMC except as specified in this agreement. The Licensee may not assign any rights granted herein, without the written consent of the ICC.

3. Licensee shall include a prominent notice to the user that the information contained therein is developed from the copyrighted Licensed Material and is reproduced with ICC's permission.

    ALL RIGHTS RESERVED. This City of San Antonio Property Maintenance Code, contains substantial copyrighted material from the 2015 International Property Maintenance Code, which is a copyrighted work owned by the International Code Council, Inc. and which has been reproduced by San Antonio with the written permission of the International Code Council. Without advance written permission from the copyright owner, the ICC portion of this book may not be reproduced,

distributed or transmitted in any form or by any means, including, without limitation, electronic, optical or mechanical means (by way of example and not limitation, photocopying, or recording by or in an information storage retrieval system). For information on permission to copy material exceeding fair use, please contact: Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).

4. Licensee requires Microsoft Word files of the 2015 IPMC from ICC.

5. Licensee shall compensate ICC as described below. Payment should be mailed to ICC California District Office c/o Mark Gerry 3060 Saturn St. Suite 100 Brea, CA 92821
   a. $4,000 to incorporate IPMC into the *City of San Antonio Property Maintenance Code, itself made a part of Chapter 6 of the City Code of San Antonio, Texas,* and post it on Licensee's website, both for free public access.
   b. $1,500 to print 200 separate and bound copies to be distributed to internal City of San Antonio employees and Libraries.
   c. $1,500 for each 100 separate and bound copies that are printed and sold to the public. A maximum of 1,000 will be permitted under this agreement.

6. The term of this agreement is four (4) years commencing on the date that this agreement is signed.

The aforementioned items are agreed to by the participants listed below.

Signature_____ Date: _____
Suzane Nunes
Director, Products and Special Sales, ICC

Signature_____ Date_____
????
Director, Code Enforcement Services,
City of San Antonio, Texas

Agenda Item:	**14 (in consent vote: 14, 15A, 15B)**
Date:	01/29/2015
Time:	12:14:49 PM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 6 of the City Code of San Antonio, Texas, by restating and codifying the City's minimum property maintenance code, the San Antonio Property Maintenance Code, and updating and clarifying various provisions. [Erik Walsh, Deputy City Manager; Roderick Sanchez, Director, Development Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				x

Proposed 2015 San Antonio Property Maintenance Code (SAPMC)

City Council Meeting – Item 14

January 29, 2015

Development Services Department

Overall 2015 Code Update Process

- Development Services facilitated the proposed update of 10 building-related, fire and property maintenance codes for the City throughout 2014
  - Building, residential, fire, existing building, plumbing, mechanical, fuel gas, electrical, energy conservation, <u>property maintenance</u>
  - Twenty-nine (29) code review committee meetings for all the codes since January 2014

Current City Code

- Chapter 6, Article IV – Minimum Property Maintenance Code
  - May 2011, COSA adopted the 2009 San Antonio Property Maintenance Code (SAPMC) that was based upon the 2009 IPMC
  - Prior to 2011, 10 years between City code update
  - SAPMC now to be reviewed and updated every three years like the other City building-related and fire codes

- 2015 SAPMC Code Review Committee (CRC) was established to review and develop the proposed 2015 SAPMC for Building Standards Board (BSB) consideration

- Proposed 2015 SAPMC will be based upon 2015 IPMC

2015 SAPMC CRC members

- David Jureczki (Building Standards Board - Chairman)
- Michael Howard (Building Standards Board member)
- Evelyn Brown (Building Standards Board member)
- William Curtis (Building Standards Board member)
- Stuart Johnson (Building Standards Board - Vice Chairman)
- Robbie Robinette (NCETF member – CD4)
- Tom Wetzler (NCETF member – CD3)
- Justin Landon (San Antonio Board of Realtors)
- Marty Hutchison (Realtor/Property Manager)
- Clark Niblock (Realtor/Property Manager)
- Hector Morales (San Antonio Apartment Association)
- Marc Ross (San Antonio Apartment Association)
- Tomi Sue Beecham (San Antonio Building Owners and Managers Association)

2015 SAPMC CRC Process

- Since September, 2015 CRC met 4 times, each meeting approximately 3 hours
  - ~120 person-hours (not including city staff) dedicated to the review of the code
- Reviewed current SAPMC and 2015 IPMC for possible changes
- Major topics included:
  - Owner vs. tenant responsibilities
  - Historic buildings
  - Fence maintenance

Proposed 2015 SAPMC Major updates

- Increases the “no-notice” provisions for repeat violations within 2 years rather than 1 year to obtain quicker compliance
- Buildings constructed without required permits are deemed unlawful structures
- Clarifies that retaining walls are required to be maintained in a safe condition
- Excludes natural or man-made "rough" areas as part of golf courses in current operation from the "high weeds" violation

Proposed 2015 SAPMC Major updates

- Strengthens fence requirements to ensure that missing wooden slats are replaced for typical fences
- For residential properties that back up into a long alley, address identification on the alley side will be required starting January 1, 2016 to assist code enforcement and other safety (fire and police) personnel
- Adds language to utilize nationally recognized standards and federal, state and local laws to assist with determining overcrowding limits in bedrooms

Timeline

- December 11, 2014 – DSD and 2015 SAPMC CRC presented proposed 2015 SAPMC to BSB panel for recommendation to code official
- January 20, 2015 – Quality of Life subcommittee
- January 29, 2015 – City Council for approval and adoption
- May 1, 2015 – effective date for 2015 SAPMC

Next Steps

- DSD will continue to work with all stakeholders (BSB, NCETF, SABOR, SAAA, OHP, etc.) to improve policies and procedures for the most effective and efficient code enforcement services.
  - Owner vs. tenant responsibility
  - Historic properties
  - Vacant and Absentee Property Owner ordinances
  - Alley maintenance

Conclusion

- DSD recommends approval of the 2015 SAPMC with the effective date of May 1, 2015.
- Special thanks to the 2015 SAPMC CRC and BSB members for their volunteer efforts throughout this entire process

Proposed 2015 San Antonio Property Maintenance Code (SAPMC)

City Council Meeting – Item 14

January 29, 2015

Development Services Department