

AN ORDINANCE **2011-05-05-0354**

REPEALING CHAPTER 6, ARTICLE X "COMMERCIAL AND INDUSTRIAL BUILDING" AND AMENDING ARTICLE IV ENTITLED "HOUSING CODE" OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE SAN ANTONIO PROPERTY MAINTENANCE CODE AND AMENDING CHAPTER 6, ARTICLE VIII, "DANGEROUS BUILDINGS AND DISTRESSED PROPERTIES" CHANGING THE MEMBERSHIP OF THE DANGEROUS STRUCTURES DETERMINATION BOARD (DSDB) TO 14 CITIZEN MEMBERS, EXPANDING THE DSDB'S AUTHORITY TO ALLOW FOR THE QUASI-JUDICIAL ADJUDICATION OF VIOLATIONS OF THE SAN ANTONIO PROPERTY MAINTENANCE CODE, RENAMING THE DSDB THE "BUILDING STANDARDS BOARD," AUTHORIZING A LICENSING AGREEMENT TO SELL COPIES OF THE SAN ANTONIO PROPERTY MAINTENANCE CODE, AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, City staff received direction to update the minimum housing code for the City of San Antonio; and

WHEREAS, City Council appointed a Code Review Task Force (CRTF) with direction to work with Code Enforcement Services on recommendations for adoption of the International Property Maintenance Code (IPMC) into our San Antonio Property Maintenance Code; and

WHEREAS, city staff has explored various options available under state law to accommodate the City Council direction; and

WHEREAS, Chapter 54 of the Texas Local Government Code allows an expansion of authority for the building standards commission, known locally as the "Dangerous Structures Determination Board;" and

WHEREAS, state law authorizes a citizen staffed Board to hear matters relating to the SAPMC and dangerous buildings and distressed properties;

NOW THEREFORE,

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

SECTION 1. Chapter 6 of the City Code of San Antonio, Texas, is hereby amended by repealing Article X, Commercial and Industrial Buildings.

SECTION 2. Chapter 6, Article IV, Housing Code of the City Code of San Antonio, Texas, is hereby amended to be the "Minimum Property Maintenance Code" and by adopting the "San

Antonio Property Maintenance Code” as the minimum housing code for the City as delineated below:

Chapter 6

BUILDINGS

ARTICLE IV. MINIMUM PROPERTY MAINTENANCE CODE ~~[HOUSING CODE]~~

Sec. 6-51. Adoption of the San Antonio Property Maintenance Code. ~~[Code adopted.]~~

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. ~~[(a) The Neighborhood Housing Enforcement Code 2001 City of San Antonio is hereby adopted as the Minimum Housing Code of the city. Three(3) copies of the code, which is hereby 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.]~~

Sec. 6-52. Fee Schedule.

San Antonio Property Maintenance Code (paper copy)

\$16.98

Sec. 6-53 – 6-65. Reserved. ~~[Sec. 6-52 – 6-65].~~

SECTION 3. Chapter 6, Article VIII of the City Code of San Antonio, Texas is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

ARTICLE VIII. BUILDING STANDARDS BOARD ~~[DANGEROUS BUILDINGS AND DISTRESSED PROPERTIES]~~

DIVISION 1. GENERALLY

Sec. 6-155.1. Building Standards Board established and authority.

- (a) The Building Standards Board (BSB) is hereby established, and shall consist of fourteen (14) members. Ten (10) members of the Board shall be district appointments. One (1) member shall be appointed by the Mayor. Three (3) members of the Board shall be appointed at large by the City Council.

The Mayor and City Council at large shall appoint to the BSB:

- (1) One (1) professional manager of single family rental properties;
- (2) One (1) professional manager of multifamily rental property;
- (3) One (1) professional manager of retail/office/commercial rental property;
- (4) One (1) professional in one of the following disciplines: Architecture (licensed in the State of Texas), History, Architectural History, Archaeology, or Planning, - all having demonstrated experience addressing adaptive reuse of existing and historic buildings.

Appointments shall be governed by City Code Chapter 2, Article IX entitled "Boards and Commission Rules."

- (b) A panel of the BSB shall consist of seven (7) members.
- (c) All cases to be heard by the BSB may be heard by a panel of the BSB.
- (d) The BSB shall adopt rules of procedure in accordance with the Texas Local Government Code. City Code Chapter 2, Article IX entitled "Boards and Commissions Rules", shall apply to the BSB to the extent that it does not conflict with this article and state law. The BSB shall render all decisions and findings in writing to the citizen with copies to the Code Official.
- (e) Authority of the BSB is described below in Divisions 2 "Dangerous Buildings Procedures" and 3, "Quasi-Judicial Enforcement of the San Antonio Property Maintenance Code."
- (f) A quorum of the BSB shall be required to call a hearing or meeting to order. For cases to be heard by the full membership of the board and advisory meetings, a quorum shall require the presence of fifty (50) percent of the board's membership, plus one. For cases to be heard by a panel of the board, a quorum shall require fifty (50) percent of the panel's membership, plus one. Lacking a quorum, the BSB or a panel of the BSB may not take any action.
- (g) A majority vote of the members voting on a matter is necessary for the BSB to take any action.
- (h) Under guidance of and subject to applicable statutes and laws, the BSB shall devise its administrative procedures, review and adjust such procedures annually, and make available to any interested person, a copy of such procedures.

Sec. 6-155.2 Building Standards Board administration

- (a) Chairman. Each panel of the BSB shall select one of its members to serve as chairman.
- (b) Disqualification of member. A member shall not hear a case in which that member has a personal, professional or financial interest. Where charges are initiated against a member of the BSB, such member shall not sit as a member of the BSB during the hearing of the case. The BSB shall abide by the City Ethics Code.
- (c) Secretary. The Code Official shall designate a qualified clerk from the Department to serve as secretary to the BSB. The secretary shall file the minutes and any records of all BSB proceedings in the office of the BSB as public records. The minutes must show the vote of each member on each question or the fact that a member is absent or fails to vote.
- (d) Meetings and Open hearing. Meetings of the panels shall be held at predetermined times. All hearings before any panel of the BSB shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. Each chairman may administer oaths and compel witness attendance.
- (e) Postponed hearing. If there is no quorum, either the citizen or the citizen's representative, and the Code Official or designee shall have the right to request a postponement of the hearing.
- (f) Terms. Appointment shall be for terms of two years. A member may serve no more than two consecutive two year terms for a total of four years.

Sec. 6-155.3. Administrative liability.

No officer, attorney, agent, or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted and performed in good faith in the discharge of his or her duties under this article so long as such officer, agent, or employee is acting within the scope of his or her official capacity. Any suit brought against any attorney, officer, agent, or employee of the city acting within his or her official capacity and scope, as a result of any act required or permitted and performed in good faith in the discharge of duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 6-155.4. Severance.

Should any section, clause, sentence, or provision of this article be held illegal, invalid, or unenforceable in whole or part by a final judgment of a court of competent jurisdiction, such judgment shall not affect or invalidate the remaining provisions of this article which shall be

treated as having been duly legislated without inclusion of such illegal, invalid, or unenforceable section, clause, sentence, or provision.

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Sec. 6-156. Definitions.

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BSB: Building Standards Board. is constituted as prescribed by the Texas Local Government Code. Authority of the BSB is described in Division 2 and Division 3.

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Business Days. Work days excluding weekends, and City, State and Federal holidays.

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Code Official. The Director of Code Enforcement Services or his designee who is charged with the administration and enforcement of this chapter.

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DIVISION 2. DANGEROUS BUILDINGS PROCEDURES

Sec. 6-158. Dangerous Buildings or Structures Cases. [~~Dangerous structure determination board established; composition; public hearing authority; duties; quorum.~~]

(a) Authority [~~The dangerous structure determination board (DSDB) is hereby established, and shall consist of the directors or their designees from the departments of fire, planning and development services, community initiatives, grants monitoring and administration, office of historic preservation, and public works.~~]

(1) The building standards board is hereby authorized to hear and decide cases relating to dangerous buildings or structures.

(2) Any panel of the BSB may hear and decide a dangerous buildings or structures case.

(3) A majority of the members of the panel must hear a dangerous buildings or structures case.

- (b) Concurrent with preparation of a dangerous building or structure case for referral to the BSB ~~{DSDB}~~, and before a hearing, the code compliance director shall advise in writing the city's historic preservation officer of the location of the subject building or structure and the nature of the violation. Such advisement shall commence the time frame for status determination, in lieu of an application for demolition. Within thirty (30) days of receipt of the information, the city historic preservation officer shall advise the BSB ~~{DSDB}~~ in writing whether or not the building or structure is a landmark or is in an historic district, and if neither a landmark nor in an historic district, whether or not the building or structure has historical, cultural, architectural, or archaeological significance (structure having significance).

If the building or structure is a landmark, in an historic district, listed or eligible for listing in the National Register of Historical Places, or possesses historical, cultural, architectural, or archaeological significance, BSB ~~{DSDB}~~ shall ensure that an order, finding, or other action taken complies with the requirements set out in the Uniform Development Code § 35-617. Provided, however, within sixty (60) days from the date of receipt of the information from the code compliance director, the historic preservation officer must have obtained the historic and design review commission concurrence that a building or structure having significance should be designated a landmark. Further, the structure having significance must be so designated by city council one hundred eighty (180) days after the date of receipt of the information from the code compliance director. If any one of the deadlines set out above is not met, the BSB ~~{DSDB}~~ may presume the building or structure does not have historical, cultural, architectural or archaeological significance.

- (c) The BSB ~~{DSDB}~~ shall act as authorized under all applicable statutes and laws.
- (d) BSB ~~{DSDB}~~ duties shall include review of the procedures for each case brought before the board to confirm notice requirements have been satisfied; conduct a public hearing as required by this article to determine whether a building is a public nuisance, and issue abatement orders. In hearing cases pertaining to distressed buildings and structures, the BSB ~~{DSDB}~~ shall regard potential for curing title and to advise, when appropriate, property owners of programs which may be available to assist in preserving buildings as affordable housing.
- (e) In addition to the city's authority under the V.T.C.A., Local Government Code § 214.001(m)(n) to perform public nuisance abatement of dangerous buildings or structures and secure its costs with a lien, whenever remediation is not accomplished within the allotted time, the city shall further exercise its authority, under V.T.C.A., Local Government Code § 214.0015, additional authority, to allow the BSB ~~{DSDB}~~ to elect to have the city perform limited repairs, as described below. Assessment for repairs, notice, and recovery of the assessment shall be performed by the city in the same manner as required for the fixing, filing, and foreclosure of liens arising from city services rendered to remediate other premises violations.

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~~{(h)} [A quorum of the DSDB shall be required to call the hearing to order. A quorum shall require presence of fifty (50) percent of the board's membership, plus one. Lacking a quorum, the DSDB may not take any action.]~~

~~{(i)} [DSDB decisions shall require a simple majority of the voting members present.]~~

~~{(j)} [Under guidance of and subject to applicable statutes and laws, the DSDB shall devise its administrative procedures, review and adjust such procedures annually, and make available to any interested person, a copy of such procedures.]~~

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~~{Sec. 6-169. Administrative liability.~~

~~No officer, attorney, agent, or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted and performed in good faith in the discharge of his or her duties under this article so long as such officer, agent, or employee is acting within the scope of his or her official capacity. Any suit brought against any attorney, officer, agent, or employee of the city acting within his or her official capacity and scope, as a result of any act required or permitted and performed in good faith in the discharge of duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.]~~

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~~{Sec. 6-176. Severance.~~

~~Should any section, clause, sentence, or provision of this article be held illegal, invalid, or unenforceable in whole or part by a final judgment of a court of competent jurisdiction, such judgment shall not affect or invalidate the remaining provisions of this article which shall be treated as having been duly legislated without inclusion of such illegal, invalid, or unenforceable section, clause, sentence, or provision.]~~

~~{Sec. 6-177-6-180. Reserved.}~~

**DIVISION 3. QUASI-JUDICIAL ENFORCEMENT OF THE SAN ANTONIO
PROPERTY MAINTENANCE CODE**

Sec. 6-177.1. Statutory Authority.

The Building Standards Board (BSB) derives its authority to hear and decide San Antonio Property Maintenance Code cases from the Texas Local Government Code, Section 54, Subchapter C. Quasi-Judicial Enforcement of Health and Safety Ordinances

Sec. 6-177.2. San Antonio Property Maintenance Code Cases.

- (a) The building standards board (BSB) is hereby authorized to hear and decide cases relating to alleged violations of the San Antonio Property Maintenance Code (SAPMC).
- (b) Any panel of the BSB may hear and decide a SAPMC case.
- (c) A majority of the members of the panel must hear a case.
- (d) The BSB shall have no authority to waive SAPMC requirements.

Sec. 6-177.3. Advisory Authority.

- (a) The full membership of the BSB may meet to review and consider amendments to the San Antonio Property Maintenance Code and shall make recommendations to the Code Official for adoption thereof.
- (b) A panel of the BSB does not have advisory authority.
- (c) The BSB has no other advisory authority.

Sec. 6-178. Initiation of Cases under the SAPMC.

- (a) Either the code official, a property owner, registered agent, lienholder, or a person in receipt of a notice of violation of the San Antonio Property Maintenance Code may initiate a case to be brought before the BSB.
- (b) Whenever the code official has inspected or caused to be inspected any building, structure, or property and has found that the building, structure, or property is in violation of the San Antonio Property Maintenance Code the code official may initiate a case to be brought before the BSB if a property owner, registered agent, lienholder, or a person in receipt of a notice of violation fails to comply with the terms of the notice within ten (10) business days after service of notice as provided by the SAPMC.
- (c) A property owner, registered agent, lienholder, or a person in receipt of a notice of violation of the San Antonio Property Maintenance Code shall have a right to appeal a notice of violation based on the claim that:
 - (1) The true intent of this code or the rules adopted thereunder have been incorrectly interpreted; and/or
 - (2) There is a special individual reason that makes the strict letter of this code impractical and the alternative proposal is in compliance with the intent and purpose of the SAPMC and that the alternative proposal does not lessen health, life and fire safety requirements or that the provisions of this code do not fully apply.

- (d) The appeal must be filed not later than ten (10) business days after the service of notice as provided by the SAPMC. A request for additional time to comply with the notice due to financial inability or other extenuating circumstance is not a proper basis for appeal, but can be presented to the BSB upon hearing. An appeal must contain a brief statement identifying the notice or action being appealed, describing the relief being sought, and concluding with a statement as to whether the order should be reversed, modified or otherwise set aside. Filing a timely appeal stays further City action under the notice being appealed unless, in the opinion of the code official, a delay would present an immediate danger or unreasonable risk to any person or property.
- (e) This division does not affect the ability of the City to proceed under the jurisdiction of the municipal court or to seek other available civil remedies.

Sec. 6-179. Notice Procedures.

- (a) Notice of a San Antonio Property Maintenance Code (SAPMC) case hearing must be given in accordance with Texas Local Government Code § 54.035.
- (b) Notice of a SAPMC case hearing before the BSB must be given:
 - (1) To the person who files a timely written appeal of a notice of violation of the SAPMC;
 - (2) By personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lien holder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk; and
 - (3) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
- (c) The notice of the hearing must be posted and either personally delivered or mailed on or before the 10th day before the date of the hearing before the BSB panel and must state the date, time, and place of the hearing. In addition, the notice must be published in a news paper of general circulation in the municipality on one occasion on or before the 10th day before the date fixed for the hearing.
- (d) The BSB may file a notice of a hearing before the BSB panel in the Bexar County official public records of real property.

Sec. 6-180.1 Hearing Procedures.

- (a) The code official or his designee shall present at a SAPMC hearing facts bearing on the alleged violation of the San Antonio Property Maintenance Code. Personnel from other City departments or governmental agencies may also present facts before the BSB.
- (b) Any person owning a legal interest in the property or who may be affected by the condition of the property in question shall be allowed to present evidence at the hearing, in person or by designated representative, regarding the alleged violation of the San Antonio Property Maintenance Code.
- (c) BSB members may question any witness testifying before the board.
- (d) The BSB shall not be bound by the strict rules of evidence, and may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence, or any evidence that does not comply with these rules.
- (e) A majority vote of the members voting on a matter is necessary for the BSB to take any action.
- (f) At the conclusion of the hearing, the BSB shall determine whether the person is in violation of the SAPMC. Upon a finding that a violation exists, the BSB is authorized to:
 - (1) Order the repair, within a fixed period, of buildings found to be in violation of the San Antonio Property Maintenance Code;
 - (2) Declare a building in violation of the San Antonio Property Maintenance Code to be substandard;
 - (3) Order action to be taken as necessary to remedy or alleviate a violation of the San Antonio Property Maintenance Code relating to a building and property;
 - (4) Order or direct any peace officer of the state, including a sheriff or constable or the City Chief of Police, to enforce and carry out the lawful orders or directives of the BSB;
 - (5) Determine the amount and duration of the civil penalty.
- (g) If the BSB issues any order or assesses a civil penalty, the person in receipt of a notice of violation is liable for the violation of the SAPMC and shall be responsible for compliance with the BSB order and payment of the civil penalty subject to the requirements of the Texas Local Government Sec. 250.003 and their right to appeal to District Court.

- (h) Except for good cause, failure to appear at a SAPMC case hearing for which proper notice has been given shall result in a finding that the person is in violation of the SAPMC subject to the requirements of the Texas Local Government Sec. 250.003 and their right to appeal to District Court.

Sec. 6-180.2 Judicial Review of SAPMC Cases.

- (a) Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by the decision of the BSB hearing may appeal to District Court in the manner provided in Texas Local Government Code § 54.039.
- (b) If no appeals are taken from the decision of the BSB panel within the required period, the decision of the BSB is, in all things, final and binding.

Sec. 6-180.3 Failure to Comply with a BSB Order; Penalties.

- (a) Criminal Offense and Penalty. A person commits an offense if the person fails to comply with a final order issued by the BSB relating to a violation of the SAPMC. Each day that a person fails to comply with a final order is a separate occurrence. The maximum penalty shall be \$500 per offense, per occurrence. Proof of a culpable mental state is not required for conviction of an offense under this chapter.
- (b) Civil Offense and Penalty. A person must comply with a final order issued by the BSB relating to a violation of the SAPMC. A person who fails to comply with a final order commits a civil offense punishable by a maximum fine of \$1,000 a day for each day of noncompliance with the order as provided by Chapter 54 of the Texas Local Government Code. Criminal conviction under (a) does not preclude assessment or enforcement of applicable civil penalty for violation of a BSB Order.

SECTION 4. The City Manager or designee is hereby authorized to enter into a contract with the International Code Council, Inc. allowing for the licensing of copyrighted material in its 2009 San Antonio Property Maintenance Code.

SECTION 5. The publishers of the City Code of San Antonio, Texas, are hereby directed to modify all references to “dangerous structure determination board” and “DSDB” to read “building standards board” and “BSB” in Article VIII.

SECTION 6. 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 7. 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 8. 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 9. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 261000000007 and General Ledger 4407725.

SECTION 10. 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.

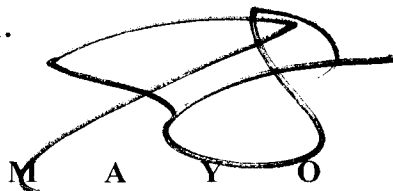
SECTION 11. Payment not to exceed the budgeted amount is authorized and should be encumbered with a purchase order.

SECTION 12. 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 13. 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 14. This Ordinance shall become effective on the 1st day of January, 2012.

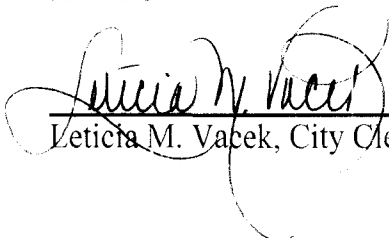
PASSED AND APPROVED this 5th day of May, 2011.



M A Y O R

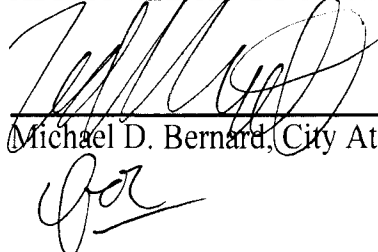
Julián Castro

ATTEST:




Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



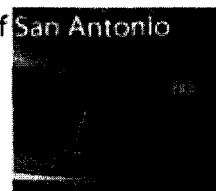
Michael D. Bernard, City Attorney





Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 17

Name:	17						
Date:	05/05/2011						
Time:	11:34:37 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance repealing Chapter 6, Article X "Commercial and Industrial Building" and amending Article IV entitled "Housing Code" of the City Code of San Antonio, Texas by adopting the San Antonio Property Maintenance Code and amending Chapter 6, Article VIII, "Dangerous Buildings and Distressed Properties" changing the membership of the Dangerous Structures Determination Board (DSDB) to 14 citizen members, expanding the DSDB's authority to allow for the quasi-judicial adjudication of violations of the San Antonio Property Maintenance Code, renaming the DSDB the "Building Standards Board" and authorizing a licensing agreement to sell copies of the San Antonio Property Maintenance Code. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Code Enforcement Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x			x	
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

EXHIBIT A

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 *structures* and all existing *premises* and constitute minimum requirements and standards for *premises, structures*, 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 *owners, operators* and *occupants*; the *occupancy* of existing *structures* 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 *structures* and *premises*. Existing *structures* 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 *safeguards* 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, 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

EXHIBIT A

devices in existing *structures*. Except as otherwise specified herein the *owner* or the *owner's* 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 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.

EXHIBIT A

SECTION 103 – CODE ENFORCEMENT SERVICES DEPARTMENT

103.1 Enforcement agency.

The 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 liable *personally*, and is hereby relieved from all *personal* liability for any damage accruing to *persons* or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit 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.

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.

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104.4 Identification.

The *code official* or employee charged with the enforcement of this code shall carry *City* issued identification when inspecting *structures* or *premises* in the performance of duties under this code. The *code official* shall make efforts to notify available on-site management and impacted *occupants* 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* 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.

Commentary: This section 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.

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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.

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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 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 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 property *owner* 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:

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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 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 *occupants* 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

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because the location of the *structure* constitutes a hazard to the *occupants* 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 *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

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* 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* 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* or the *person* or *persons* 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.

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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 *occupants* 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 *occupants* 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* 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

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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.

APPROVED. *Approved* by the *code official*.

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 Code Enforcement Services or designee who is charged with the administration and enforcement of this code.

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

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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 *persons*, 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 *lots*.

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 *owners* or *operators* 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 rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

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 *persons* or *structures* 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

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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.

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 curblin 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.

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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 *guardian* 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 *structures* thereon.

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

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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 units* (i.e. hotel guest rooms, dormitory, and boarding houses).

STRUCTURE. That which is built or constructed or a portion thereof.

SURFACE HAZARD. Holes, excavations, breaks, projections, obstructions and other hazardous conditions on paths, walkways, driveways, parking *lots*, 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.

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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 *persons* for maintenance of *structures*, equipment and *exterior property*.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the *structures* 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. *Occupants* 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

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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.

All sidewalks, walkways, stairs, driveways, 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 cultivated flowers and gardens or native grasses, perennials and annual plants installed as part of a landscaping design.

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*, shall be maintained structurally sound and in good repair. Any of the following conditions shall be corrected:

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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 or fire damaged 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 pools, 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 pools*, hot tubs and spas built prior to January 1, 2010. The provisions of this section do not apply to public or semi-public *swimming pools*, hot tubs, and spas.

All private *swimming pools*, 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 self-latching 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

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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 pools*, hot tubs and spas built after January 1, 2010 must comply with the requirements of the *International Residential Code*, Appendix G, as amended 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.

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, decks and fences, shall be maintained in good condition. 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.

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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).

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.

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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.

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304.18 Building security.

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

The *owners* 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. *Occupants* 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 units*, a hotel, a dormitory, two or more *dwelling units* 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.

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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 *guards*. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* 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: *Guards* shall not be required where exempted by the adopted building code. *Guards* 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.

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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 *structures* shall be kept free from insect and rodent *infestation*. All *structures* 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 units*, 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 *infestations* 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.

EXHIBIT A

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 46 of the International Fire Code, as amended by the *city*.

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.

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Exceptions: (1) 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. (2) Unless installed or constructed lawfully.

403.2 Bathrooms and toilet rooms.

Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* 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) *clothes* dryers.

SECTION 404 – OCCUPANCY LIMITATIONS

404.1 Privacy.

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

404.2 Minimum room widths.

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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 spaces, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* 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

Bedrooms shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: 1) Units that contain fewer than two *bedrooms*. 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.

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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.

Bedrooms 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 *persons* 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 *occupants*.

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

EXHIBIT A

501.1 Scope.

The provisions of 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.

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.

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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.

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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

Commentary: 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.

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SECTION 507 – STORM DRAINAGE

507.1 General.

Drainage of roofs and paved areas, *yards* 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 of 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*.

Exceptions: 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.

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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 units* shall be served by a three-wire, 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 *occupants* 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.

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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 Luminaries.

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 *structures* 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

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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

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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 over current 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

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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 units* that are leased to others are governed by the TEXAS PROPERTY CODE-CHAPTER 92- SUBCHAPTER F. SMOKE DETECTORS.

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Chapter 8 Referenced Standards, is amended to read as follows:

CHAPTER 8 REFERENCED STANDARDS

International Code Council (ICC)

International Building Code
International Fuel Gas Code
International Mechanical Code
International Fire Code
International Plumbing Code,
International Residential Code, Appendix G
International Existing Building Code

National Fire Protection Association (NFPA)

NFPA 70 National Electrical Code

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

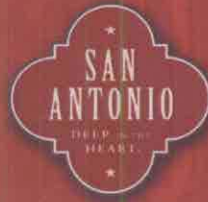
American Society of Mechanical Engineers (ASME)

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



Code Enforcement Services Department

San Antonio Property Maintenance Code & Building Standards Board

City Council Agenda Item #17

May 5, 2011

Background

- ❖ City's current minimum property maintenance standards not updated since 2001
- ❖ City staff has reviewed 2009 International Property Maintenance Code (IPMC) with stakeholders
- ❖ Quality of Life Council Committee requested staff to work with stakeholders to create a citizen board that would hear minimum property maintenance code appeals



Code Review Process

- ❖ Code Review Task Force (CRTF)
 - ❖ Residents appointed by City Council
 - ❖ Industry stakeholders groups
 - ❖ City staff
 - ❖ 17 Meetings: August 2010 to April 2011
 - ❖ Reviewed over 300 sections of code
- ❖ Two public meetings on proposed recommendations
 - ❖ January 18th and 20th

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Recommendation Summary

- ❖ Amend Article IV Housing Code
- ❖ Repeal Article X Commercial and Industrial Buildings
- ❖ Amend Article VIII Dangerous Buildings and Distressed Properties
- ❖ Delay effective date for ordinance changes to January 1, 2012
- ❖ Approve licensing agreement with International Code Council
- ❖ Establish fee for San Antonio Property Maintenance Code document

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Proposed Amendment Highlights

- ❖ Key minimum property maintenance changes
 - ❖ Requiring electrical service in dwelling units
 - ❖ Requiring heating facilities capable of maintaining 60° Fahrenheit in habitable spaces between November 1st and March 31st
 - ❖ Restrictions on items stored outside



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Proposed Amendment Highlights

- ❖ Key minimum property maintenance changes
 - ❖ Requiring four-foot enclosures with lockable or self-closing/locking gates around swimming pools and hot tubs
 - ❖ Privacy fences completely abutting main structure comply
 - ❖ Additional smoke detectors in single-family and duplexes if bedrooms not contiguous



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Proposed Amendment Highlights

- ❖ Key minimum property maintenance changes
 - ❖ Specific fence maintenance standards
 - ❖ Ten (10) day minimum compliance timeline
 - ❖ Clarification of property hazards such as hazardous vegetation and surface hazards
 - ❖ References to other relevant city codes
 - ❖ Posting of code interpretations on-line
 - ❖ Select legal non-conforming uses

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Proposed Amendment Highlights

- ❖ Reconstituting the DSDB
 - ❖ 14-member citizen Building Standards Board (BSB)
 - ❖ 10 members appointed by City Council district
 - ❖ Four (4) appointed at-large, including Mayor's
 - ❖ Single-family rental property manager
 - ❖ Multi-family rental property manager
 - ❖ Commercial/office/retail rental property manager
 - ❖ Historic preservation-type professional
 - ❖ Panels consisting of seven members
 - ❖ To continue hearing dangerous structure cases
 - ❖ To adjudicate minimum property maintenance violations

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Benefits of Code Changes

- ❖ Property maintenance code updates
 - ❖ Strengthens requirements to help achieve city goals
 - ❖ Updates code to reflect current best practices
 - ❖ Clarifies minimum requirements
 - ❖ Creates more transparency for residents
 - ❖ Balances public health and safety objectives with property owner rights
 - ❖ Inclusion of select legal non-conforming uses
 - ❖ Narrowly tailored authority to vacate properties
 - ❖ Consolidates minimum property maintenance requirements into one document

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Benefits of Code Changes

- ❖ Re-constitution of DSDB into BSB
 - ❖ Creates transparency through citizen involvement
 - ❖ Provides appeal/hearing process for minimum property maintenance violations
 - ❖ Decriminalizes code violations
 - ❖ Establishes certainty in the adjudication of code violations and streamlines the process
 - ❖ Increases code officer in-field time
 - ❖ Provides venue and structure for future minimum property maintenance code updates

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Delay in Effective Date for New Code

- ❖ Educate staff and residents on changes to minimum property maintenance code
- ❖ Distribute new code documents to libraries, Office of the City Clerk, Municode.com
- ❖ Educate and solicit interest in board participation through meetings with neighborhood associations
- ❖ Develop board support services and processes
- ❖ Complete board appointment process
- ❖ Educate and train board members

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Publication of Code

- ❖ Current property maintenance standards only referenced in City code
 - ❖ Three (3) documents available at Office of the City Clerk (OCC)
- ❖ Staff will augment access to updated code
 - ❖ Document consolidation with licensing agreement
 - ❖ Documents available at OCC and all libraries
 - ❖ Documents available for sale: \$16.98/copy

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Recommendations

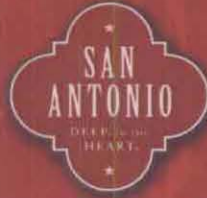
- ❖ Staff recommends City Council adopt the following revisions to city code
 - ❖ Amend Chapter 6 Article IV Housing Code to create San Antonio Property Maintenance Code
 - ❖ Amend Chapter 6 Article VIII Dangerous Buildings and Distressed Properties to reconstitute DSDB into BSB
 - ❖ Repeal Chapter 6 Article X Commercial and Industrial Buildings
 - ❖ Delay code effective dates until January 1, 2012

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Recommendations

- ❖ Approve \$5,000 four-year licensing agreement with International Code Council
 - ❖ To consolidate 2009 IPMC with amendments
 - ❖ To sell consolidated document
 - ❖ No delayed effective date
- ❖ Amend Chapter 6 to allow for fee of \$16.98 per copy of San Antonio Property Maintenance Code
 - ❖ No delayed effective date

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Code Enforcement Services Department

**San Antonio Property Maintenance Code
&
Building Standards Board**

City Council Agenda Item #17

May 5, 2011