

AN ORDINANCE

AMENDING CHAPTER 6, ARTICLE IV, "MINIMUM PROPERTY MAINTENANCE CODE" OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY REPEALING AND REPLACING SECTION 6-52 IN ITS ENTIRETY, "AMENDEDMENT TO THE SAN ANTONIO PROPERTY MAINTENANCE CODE" AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LICENSING AGREEMENT WITH THE INTERNATIONAL CODE COUNCIL, INC., NOT TO EXCEED \$6,400.00 FOR THE USE AND RIGHT TO REPRODUCE AS PART OF THE SAPMC, COPYRIGHTED MATERIAL FOUND IN THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), AND PROVIDING FOR PENALTIES, PUBLICATION AND EFFECTIVE DATE.

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WHEREAS, the Development Services Department currently enforces the 2018 edition of the San Antonio Property Maintenance Code published by the International Code Council, Inc. and the local amendments thereto; and

WHEREAS, the 2021 edition of the International Property Maintenance Code (IPMC) has been published; and

WHEREAS, City staff from Development Services have conducted public meetings regarding the adoption of the 2021 SAPMC and local amendments thereto; and

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

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

SECTION 1. Chapter 6, Article IV, Section 6-52, Amendment to the San Antonio Property Maintenance Code is REPEALED IN ITS ENTIRETY and REPLACED as codified below.

Sec. 6-52. - San Antonio Property Maintenance Code.

2021 SAN ANTONIO PROPERTY MAINTENANCE CODE

CHAPTER 1

SCOPE AND ADMINISTRATION

SECTION 101 - SCOPE AND GENERAL REQUIREMENTS

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 and 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, an owner's authorized agent, operators; 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, an owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein the owner or the owner's authorized 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. However, demolition and removal shall be regarded as a remedy of last resort.

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 Structural analysis.

Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the structure was constructed or in accordance with any subsequent requirement.

102.7 Historic structures.

The provisions of this code may 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.

102.8 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.*

102.9 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.

102.10 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.

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102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law including, but not limited to, the City's Absentee Property Owner's Registration requirements in San Antonio City Code Chapter 6 and the Vacant Property Owner Registration Program requirements in San Antonio City Code Chapter 12.

SECTION 103 - DEVELOPMENT SERVICES DEPARTMENT

103.1 Enforcement agency.

The Development Services Department shall be the enforcement agency for this code, and the Director thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment.

The code official shall be appointed by the City Manager.

103.3 Designees.

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

103.4 Liability.

The code official or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable 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 or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and shall be published.

Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections.

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

104.3 Right of entry.

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to legal restrictions.

104.4 Identification.

The code official or employee charged with the enforcement of this code shall carry City issued identification when inspecting 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 authorized agent, 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 of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any

such alternative has been approved. An alternative material design 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 not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved. This section shall not supersede any historic or Neighborhood Conservation District (NCD) requirement.

105.3 Required testing.

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

105.3.1 Test methods.

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

105.3.2 Test reports.

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

105.4 Used material and equipment.

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

105.5 Approved materials and equipment.

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

105.6 Research reports.

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

SECTION 106 - VIOLATIONS

106.1 Unlawful acts.

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

106.2 Notice of violation.

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

106.3 Prosecution of violation.

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

106.4 Violation penalties.

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

106.5 Abatement of violation.

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

106.6 Personal liability of non-owners.

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

SECTION 107 - NOTICES AND ORDERS

107.1 Notice to person responsible.

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

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

107.2 Form.

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

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

107.3 Method of service.

Such notice shall be deemed to be properly delivered if a copy thereof is:

1. Delivered personally; or
2. Sent by certified mail, postage pre-paid, return receipt requested to the owner of record at the 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 the address as it appears on the Bexar County Appraisal District records, and posting a notice in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering.

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

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

107.6 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 Unsafe conditions.

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.

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 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. This also includes those structures that were built without the required permits as outlined in San Antonio City Code Chapters 10 and 11.

108.1.5 Dangerous structure or premises.

Refer to San Antonio City Code, Chapter 6 - Buildings, Article VIII. Building Standards Board.

108.2 Closing of vacant structures.

Refer to San Antonio City Code, Chapter 6 - Buildings, Article VIII. Building Standards Board.

108.2.1 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

108.3 Notice.

Whenever the code official has determined a structure or equipment to be a threat to the public health, safety or welfare under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or 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 notified by the code official. Failure to vacate as directed by the code official is a violation of this code.

108.5 Abatement methods.

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

SECTION 109 - EMERGENCY MEASURES

109.1 Imminent danger.

When, in the opinion of the code official, there is imminent danger or when there is actual or potential danger to the building 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.

SECTION 110 - DEMOLITION

Refer to San Antonio City Code, Chapter 6 - Buildings, Article VIII. Building Standards Board.

SECTION 111 - MEANS OF APPEAL

The appellate process shall follow San Antonio City Code, Chapter 6 - Buildings, Article VIII. Building Standards Board.

SECTION 112 - STOP WORK ORDER

112.1 Authority.

Where 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.

The stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person performing 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.

SECTION 113 - FEES

113.1 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

113.2 Refunds.

The code official is authorized to establish a refund policy.

CHAPTER 2 DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope.

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

201.2 Interchangeability.

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

201.3 Terms defined in other codes.

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

201.4 Terms not defined.

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

201.5 Parts.

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

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

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

ACCUMULATION. A mass or quantity of something that has gradually gathered or been acquired.

APPROVED. Acceptable to the code official.

BANDIT SIGN. Any sign posted on a utility pole, street sign or other street furniture or a sign posted in violation of this chapter in the public right-of-way having six (6) square feet or less of advertising area and made of vinyl, paper, cloth or fabric, polyboard, coroplas, corrugated plastic,

poster board, plastic core, cardboard or plywood including signs with wood or wire framing, posts or stakes. No sign owned or placed by the city, the state, or a public utility shall be considered a bandit sign.

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

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

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

CITY. The City of San Antonio.

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

COST OF SUCH ABATEMENT OR EMERGENCY REPAIRS. The cost shall include the actual costs of the abatement or repair of the structure. Costs shall include, but not be limited to, expenses incurred or necessitated related to abatement or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of abatement or emergency repairs.

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

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

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more 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.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

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

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

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

IMMINENT DANGER. A condition which could cause a reasonable likelihood of 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, approved 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 curb line of adjacent streets, and where no curb exists, to the existing street surface. The word lot shall also include all land lying between the property line of any lot and the center of adjacent alleys.

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

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

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

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

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

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

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

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property or otherwise having control of the property including the 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.

PUBLIC WAY. Any street alley or similar parcel of land that is open to the outside air; leads to a street essentially unobstructed from the ground to the sky, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and has a clear width and height of not less than 10 feet (3084mm).

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 timeframe 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.

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.

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.

Occupied and partially occupied structures are to be maintained consistent with the requirements of the property maintenance code.

301.2 Responsibility.

The owner of the premises shall maintain the structure(s) and exterior property in compliance with these requirements, except as otherwise provided for in this code or in State or Federal Law. A person shall not occupy as owner - occupant or permit another person to occupy premises which do not comply with the requirements of this chapter. 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.

Refer to San Antonio City Code, Chapter 12, Article I for Vacant Structures which are located within the boundary of or within a one half-mile perimeter of the Central Business District, historic districts, neighborhood conservation districts, and city-initiated tax increment reinvestment zones (TIRZ); as well as all vacant historic landmarks and vacant structures with a one half-mile perimeter of all active military bases and defense base authorities.

Refer to San Antonio City Code, Chapter 6, Article VIII - Building Standards Board for all other vacant building standards.

Refer to Building Standards Board and Chapter 14 - Solid Waste, Article V Lot Clearance for vacant lots.

SECTION 302 - EXTERIOR PROPERTY AREAS

302.1 Exterior maintenance.

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

302.2 Grading and drainage.

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

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

302.3 Sidewalks.

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

302.4 Weeds.

All improved premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include 1) cultivated flowers and gardens, (2) native grasses, perennials and annual plants installed as part of a landscaping design, or 3) natural or manmade "rough" areas as part of golf course in current operation.

302.5 Rodent harborage.

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

302.6 Exhaust vents.

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

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

302.7 Accessory structures.

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

302.7.1 Fences.

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

1. Any fence, or any portion thereof, out of vertical alignment by more than fifteen (15) degrees.
2. Rotted, fire damaged or broken wooden support posts or cross members shall be repaired or replaced.
3. Broken, fire damaged or missing wooden slats shall 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.

Refer to San Antonio City Code, Chapter 19 - Motor Vehicles and Traffic, Article X - Junked Vehicles.

302.9 Defacement of property.

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 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 Section 3109 of the 2015 International Building Code, as adopted by the City.

SECTION 304 - EXTERIOR STRUCTURE

304.1 General.

The exterior of all occupied or partially occupied structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

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

304.1.1 Unsafe conditions.

Refer to San Antonio City Code, Chapter 6 - Buildings, Article VIII. Building Standards Board.

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, and decks shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. 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.

304.3 Premises identification.

The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5inch (12.7 mm).

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

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

304.4 Structural members.

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

304.5 Foundation walls.

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

304.6 Exterior walls.

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

304.7 Roof and drainage.

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

304.8 Decorative features.

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

304.9 Overhang extensions.

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

304.10 Stairways, decks, porches and balconies.

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

304.11 Chimneys and towers.

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

304.12 Handrails and guards.

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

304.13 Window, skylight and door frames.

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

304.13.1 Glazing.

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

304.13.2 Openable windows.

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

304.14 Insect screens.

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

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

304.15 Doors.

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

304.16 Basement hatchways.

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

304.17 Guards for basement windows.

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

304.18 Building security.

304.18.1 Occupied and partially occupied structures.

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.

304.18.2 All structures within the Central Business District, historic districts, vacant designated historic landmarks and half-mile perimeters around active military bases.

Additional securing standards are required for vacant structures which are located within the boundary of or within a one half-mile perimeter of the Central Business District, historic districts, neighborhood conservation districts, and city-initiated tax increment investment zones (TIRZ) as well as all vacant historic landmarks and vacant structures within a one half-mile perimeter of all active military bases and defense base authorities. Refer to San Antonio City Code Chapter 12, Article I – Vacant Buildings.

1. Securing Windows

Window openings may not be secured by plywood or by other temporary securing methods unless the product and securing method is approved by the Code Official. Windows are to be maintained within window openings and secured with normal locking mechanisms, and are to be maintained consistent with the requirements of this code.

2. Securing doors

Door openings may not be secured by plywood or by other temporary securing methods unless the product and securing method is approved by the Code Official. Doors are to be maintained within openings and secured with normal locking mechanisms, and are to be maintained consistent with the requirements of this code.

Note: Temporary plywood may be used to secure windows and doors for a maximum of 14 days.

Refer to San Antonio City Code, Chapter 6, Article VIII for all other vacant building standards.

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.

Refer to San Antonio City Code, Chapter 6 - Buildings, Article VIII. Building Standards Board.

305.2 Structural members.

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

305.3 Interior surfaces.

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

305.4 Stairs and walking surfaces.

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

305.5 Handrails and guards.

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

305.6 Interior doors.

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

SECTION 306 - COMPONENT SERVICEABILITY

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 premise shall supply approved covered containers for rubbish, and the owner of the premise shall be responsible for the removal of rubbish.

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

308.2.2 Refrigerators.

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

308.3 Disposal of garbage.

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

SECTION 309 - PEST ELIMINATION

309.1 Infestation.

All 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.

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

401.3 Alternative devices.

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

SECTION 402 - LIGHT

402.1 Habitable spaces.

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

Exceptions:

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

402.2 Common halls and stairways.

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

Exceptions:

- 1. Unless installed or constructed lawfully.*

402.3 Other spaces.

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

SECTION 403 - VENTILATION

403.1 Habitable spaces.

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

Exceptions:

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

403.2 Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable 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 re-circulated.

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.

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 counter fronts and appliances or counter fronts 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 Habitable room and bedroom requirements.

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

404.4.1 Room area.

Every habitable room shall contain not less than 70 square feet (6.5m²) and every bedroom occupied by more than one person shall contain no less than 50 square feet (4.6m²) of floor area for each occupant thereof.

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.

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. The code official is authorized to utilize nationally recognized standards and applicable federal, state and local laws to determine overcrowding conditions.

404.6 Efficiency unit.

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

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2m²). A unit occupied by not more than two occupant s shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three 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. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2m²). The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a Toilet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

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

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 - GENERAL

501.1 Scope.

The provisions 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, as amended by the City.

SECTION 503 - TOILET ROOMS

503.1 Privacy.

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

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

503.2 Location.

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

503.3 Location of employee toilet facilities.

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

Exception:

1. *No toilet facility is required at offsite work areas.*

2. *In multi-unit residential properties a toilet facility is not required if there is no onsite management office located on the property.*
3. *In multi-unit residential properties, where there is an onsite management office, there is no maximum travel distance to a toilet facility.*
4. *Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.*

503.4 Floor surface.

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

SECTION 504 - PLUMBING SYSTEMS AND FIXTURES

504.1 General.

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

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

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

SECTION 505 - WATER SYSTEM

505.1 General.

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

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

Exceptions:

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

This provision does not include food service areas and areas regulated by San Antonio City Code Ch. 13.

505.2 Contamination.

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

505.3 Supply.

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

505.4 Water heating facilities.

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

SECTION 506 - SANITARY DRAINAGE SYSTEM

506.1 General.

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

506.2 Maintenance.

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

SECTION 507 - STORM DRAINAGE

507.1 General.

Drainage of roofs and paved areas, 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.

602.2 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 1 to March 31 to maintain a temperature of not less than 60°F (16°C) in all habitable rooms, bathrooms and toilet rooms.

***Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code as amended by the City.*

602.3 Room temperature measurement.

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

SECTION 603 - MECHANICAL EQUIPMENT

603.1 Mechanical appliances.

All mechanical equipment, 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.

SECTION 605 - ELECTRICAL EQUIPMENT

605.1 Installation.

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

605.2 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric operational luminaire.

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 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 and escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the International Building Code. 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 R, smoke alarms shall be installed in accordance with the International Fire Code, as amended by the City.

R-3 residential occupancies used for commercial purposes include:

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

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

1. Smoke alarms shall be placed in accordance with the requirement adopted by the City at the time of construction; or
2. If not required at the time of construction, smoke alarms shall be placed on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

703.3 Power source.

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

Exceptions:

1. *Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.*
2. *Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.*

3. *Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.*
4. *Smoke alarms are permitted to be solely battery operated if added to comply with this section.*
5. *Smoke alarms are permitted to be operated solely from the building wiring if installed prior to the adoption date of this code.*

703.4 Interconnection.

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

Exceptions:

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

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

The following requirements apply:

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

CHAPTER 8 REFERENCED STANDARDS

International Code Council (ICC)

International Building Code (2021 edition)

International Fuel Gas Code (2021 edition)

International Mechanical Code (2021 edition)

International Fire Code (2021 edition)

International Plumbing Code (2021 edition)

International Existing Building Code (2021 edition)

National Fire Protection Association (NFPA)

NFPA 70 National Electrical Code (2017 edition)

American Society of Mechanical Engineers (ASME)

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

Underwriters Laboratories, LLC (UL)

286-09: Smoke Detectors for Fire Alarm Systems (2009 edition)

Texas Property Code

Title 8. Landlord and Tenant - Chapter 92. Residential Tenancies

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

ADDITIONAL ATTACHMENTS TO SAPMC:

APPENDIX A – PROPERTY MAINTENANCE CHECKLIST

APPENDIX B – OTHER

The below appendices are incorporated by reference within this Ordinance and attached.

Attachment I

APPENDIX A: PROPERTY MAINTENANCE CHECKLIST

The following checklist is meant to be used as a guide for common property maintenance items. It is not meant to include all code requirements. Some exceptions may be applicable.

EXTERIOR

SIDEWALKS AND DRIVEWAY (SAPMC 302.3)

- ☐ Proper state of repair
- ☐ Free from hazardous conditions

FOUNDATION

- ☐ Maintain plumb and free from cracks to prevent entry of rodents and other pests (SAPMC 304.5)
- ☐ Maintained free from deterioration; capable of safely supporting the imposed dead and live loads; structurally sound (SAPMC 304.4)

EXTERIOR WALLS

- ☐ Free from holes, breaks and loose or rotting materials (SAPMC 304.6)
- ☐ Maintain weatherproof and properly surface coated, no deterioration (SAPMC 304.6)
- ☐ House numbers at least 4" high of contrasting color, visible from the roadway (SAPMC 304.3)
- ☐ Properties abutting alleyways longer than ten (10) lots in length to access a rear garage, carport or driveway will also require house numbers at least 4" high of contrasting color, visible from the center of the alley. (SAPMC 304.3)

ROOF AND DRAINAGE

- ☐ Structurally sound, tight and not have defects that admit rain, leak free; flashing in good condition (SAPMC 304.7)
- ☐ Prevent dampness or deterioration in the walls or interior portion of the structure (SAPMC 304.7)
- ☐ Gutters and downspouts; good repair and free from obstructions (SAPMC 304.7)
- ☐ Soffit and fascia in good repair (SAPMC 304.9)
- ☐ Chimney; structurally safe and sound; good repair (SAPMC 304.11)

STAIRS/PORCHES AND BALCONIES

- ☐ Structurally sound; good repair with proper anchorage (SAPMC 304.10)
- ☐ Capable of supporting the imposed loads (SAPMC 304.10)

HANDRAILS/ GUARD

- ☐ Firmly fastened; capable of supporting load; good condition (SAPMC 305.5)
- ☐ More than four risers require handrail; walking surface more than 30" require guardrail (SAPMC 307.1)

DOORS/LOCKS

- ☐ Maintained in good condition (SAPMC 304.15)
- ☐ Locks on exterior door; means of egress; readily openable without key or special knowledge (SAPMC 702.3)

WINDOWS

- ☐ Sound condition; good repair and weather tight (SAPMC 304.13)
- ☐ Glazing material; maintained in sound condition and good repair (SAPMC 304.13.1)
- ☐ Easy openable (SAPMC 304.13.2)
- ☐ Insect screens; ventilation; tightly fitting; good working condition (SAPMC 304.14)

INTERIOR

FLOORS/ INTERIOR WALLS/ CEILINGS

- ☐ Clean and in good repair; no holes (SAPMC 305.3)
- ☐ Sound condition (SAPMC 305.3)

FIRE PROTECTION

MEANS OF EGRESS

- ☐ Required escape/ opening without the use of keys or tools (SAPMC 702.4)

SMOKE ALARMS

- ☐ Operable condition (SAPMC 703.1)
- ☐ Installed in accordance with the International Fire Code (SAPMC 703.2)
- ☐ Primary power from the structure wiring with battery backup; working batteries and functional connections. (SAPMC 703.3)
- ☐ Solely battery operated in existing structures where no construction is taking place (SAPMC 703.3)
- ☐ Interconnected; not required in existing structures not undergoing alterations (SAPMC 703.4)
- ☐ Good working order (SAPMC 703.5)

PLUMBING/ MECHANICAL/ ELECTRICAL

PLUMBING

- ☐ Sanitary and safe working condition (SAPMC 502.1)
- ☐ Free from obstructions, leaks and defects (SAPMC 504.1)
- ☐ Connected to public water system or approved private water system (SAPMC 505.1)
- ☐ Provide supply of water to plumbing fixtures (SAPMC 505.3)
- ☐ Provide adequate amount of water at temperature not less than 110 F (SAPMC 505.4)

MECHANICAL

- ☐ Permanent heating facility must be properly installed/maintained (SAPMC 601.2)

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- ☐ Heating facility capable of maintaining dwelling at 60 degrees (SAPMC 602.1)
- ☐ Fuel burning appliances/equipment must be maintained in safe working condition (SAPMC 603.1)

ELECTRICAL

- ☐ Adequate service and properly installed service panel (SAPMC 604.2)
- ☐ Free from electrical hazards; improper fusing; insufficient receptacle; improper wiring (SAPMC 604.3)

ACCESSORY STRUCTURES

GARAGES

- ☐ In good repair and structurally sound (SAPMC 302.7)

FENCES

- ☐ Structurally sound and good repair (SAPMC 302.7.1)
- ☐ Meets zoning code location requirements (UDC Article V, Ch.35-514)

EXTERIOR MAINTENANCE

- ☐ Clean, safe, sanitary condition and free of outside placement, hazardous vegetation and surface hazards (SAPMC 302.1)
- ☐ No vegetation in excess of 12" (SAPMC 302.4)
- ☐ Free of accumulation of rubbish or garbage (SAPMC 308.1)

PEST ELIMINATION

- ☐ Free of rodent harborage and infestation (SAPMC 302.5)

Disclaimer:

This is a general checklist provided for informational purposes only. This resource is not a substitute for the advice or services of an attorney.

Attachment II

APPENDIX B: OTHER

Code Enforcement Officers are responsible for enforcing the City's health and safety codes. However, we frequently receive requests for service from the public for issues that are not addressed by any City ordinance or addressed by other City Departments. Some examples are:

- **Mold** is not regulated by any City or Texas law. Frequently, mold is caused by a plumbing leak, leaking air conditioning ducts or a defective roof. In these cases, the best way to address this problem is to find and repair the source of moisture. Eliminating the source of water will prevent the further spread of mold. Once the necessary repairs are made the mold can usually be cleaned using household cleaners marketed for this purpose. Be sure and follow all the safety precautions on the label of the product you are using. For more information regarding mold assessors and remediators, please visit the Texas Department of Licensing and Regulations (TDRL) website at <https://www.tdlr.texas.gov/mld/mld.htm>
- **Blowing leaves** onto a city street is a frequent complaint and the City discourages this practice. This issue is referenced in Chapter 34 of the City code. Enforcement authority is granted to the CEO/President of the San Antonio Water System (SAWS) and/or their designated qualified SAWS personnel. For more information, please contact the San Antonio Water System complaint hotline at (210) 233-2290.
- **Noise** nuisances are regulated by the San Antonio Police Department. You can report noise issues to SAPD through the non-emergency number, 210-207-7273.
- **Graffiti** abatement staff partners with several City, State and private agencies to get rid of this unsightly problem. A comprehensive list of these entities and contact information can be found on our Graffiti Abatement Program webpage found at <http://www.sanantonio.gov/CES/Graffiti/Abatement>
- **Deed restrictions** are enforced by the mandatory homeowner association. These restrictions usually exceed City code requirements. The City cannot legally enforce the restrictions since they are private, contractual agreements between the subdivision developer, the buyer and any subsequent owners of real estate. Not all properties have a mandatory homeowner association that actively regulates deed restrictions. In this case, there is usually an applicable City code that can address health, safety and public nuisance violations.

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SECTION 2. The City Manager or designee is hereby authorized to negotiate and execute a contract with the International Code Council, Inc. for a sum not to exceed \$6,400.00 allowing for the licensing of copyrighted material found in its 2018 International Property Maintenance Code for inclusion in the San Antonio Property Maintenance Code (SAPMC) and limited distribution.

SECTION 3. Three (3) copies of the SAPMC as 1) amended via this Ordinance; and (2) bound pursuant to agreement as detailed in Section 2, shall be filed with the Office of the City Clerk for permanent record and inspection.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance for any reason be held to be illegal, inoperative or invalid or if any exception to or limitation upon any general provision in this Ordinance is 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 invalid.

SECTION 5. 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 6. 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 7. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the City Charter.

SECTION 8. This Ordinance shall become effective (90) days following passage.

PASSED AND APPROVED this the 10th day of November, 2022.

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney