



Agenda Item Report

Legislative Board: City Council
Date: November 5, 2025
Contact: William Ince
Agenda Item ID / Number: 2025-966- / J.5

ITEM TITLE: Deliberation and possible action to consider an Ordinance on first and final reading and to adopt said Ordinance to amend the Code of Ordinances subsections 6.02.052 and 6.02.382 providing an amendment to Section 105.2 of the 2024 International Code Council (ICC) for building permit exemptions (Building Official William Ince and Development Services Director / City Engineer Angela Kennedy, P.E., CFM) [PUBLIC TESTIMONY]

1. EXECUTIVE SUMMARY

This is an item to amend the International Building Code (IBC) and the International Residential Code (IRC) section 105.2, respectively. This code adoption will modify the work exempt from permit section to coincide with the Unified Development Code (UDC) and to provide for an exemption list accessible through the City of Buda Code of Ordinances available to the public online through eCode360.com.

2. BACKGROUND/HISTORY

Access to certain parts of the building codes can be challenging for the public. Within the codes, work exempt from permitting is referenced in Section 105.2, both in the International Building Code (IBC) and the International Residential Code (IRC). This list offers provisions for exemption in building, electrical, gas, mechanical, and plumbing. To assist the public in accessing this information, Section 105.2 will be added to the code of ordinances with modifications that coincide with the Unified Development Code (UDC). Below is a list of the exemptions as per the current IBC and IRC Section 105.2.

[A] 105.2 Work exempt from permit.

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

- Building:
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
 2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
 3. Oil derricks.
 4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
 5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
 6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 8. Temporary motion picture, television and theater stage sets and scenery.
 9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
 10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
 12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- Electrical:
 1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
 3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
 - Gas:
 1. Portable heating appliance.
 2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 - Mechanical:
 1. Portable heating appliance.
 2. Portable ventilation equipment.
 3. Portable cooling unit.
 4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
 5. Replacement of any part that does not alter its approval or make it unsafe.
 6. Portable evaporative cooler.
 7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
 - Plumbing:
 1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the

removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.2 Work exempt from permit.

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

- Building:
 1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).
 2. Fences not over 7 feet (2134 mm) high.
 3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
 5. Sidewalks and driveways.
 6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
 8. Swings and other playground equipment.
 9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling or townhouse and do not serve the exit door required by [Section R318.4](#).
- Electrical:
 1. Listed cord-and-plug connected temporary decorative lighting.
 2. Reinstallation of attachment plug receptacles but not the outlets therefor.
 3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
 4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
 5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- Gas:
 1. Portable heating, cooking or clothes drying appliances.
 2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- Mechanical:
 1. Portable heating appliances.

2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

- Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. ANALYSIS

The International Building Code (IBC) section 105.2 lists the work exempt from permitting. The comprehensive list of items exempt from permitting is listed in the Background/History section of this agenda.

In the list of exemptions, several modifications have been made for your consideration.

- #2- Fences will be deleted and will be permitted following the UDC section 2.09.02.
- #3- Oil Derricks will be deleted
- #5- Water tanks- capacity modified to 1500 gallons (5678 L) as per the UDC section 2.09.13 (B). Larger tanks will be considered accessory structures as per UDC section 2.09.04.
- #6 -Sidewalks and driveways will be deleted and will be permitted following the UDC sections 2.08.05; 2.08.06; 3.03.11; 3.05.07.
- #10- Shade cloth structures will be deleted and are considered an accessory structure as per the UDC section 2.09.04.

International Residential Code (IRC) section 105.2 lists the work exempt from permitting.

- #1- One-story detached accessory structures will be modified to match the IBC #1 to 120 square feet.
- #2- Fences will be deleted and will be permitted following the UDC section 2.09.02
- #4- Water Tanks- capacity modified to 1500 gallons (5678 L) as per the UDC section 2.09.13 (B). Larger tanks will be considered accessory structures as per UDC section 2.09.04.
- #5- Sidewalks and driveways will be deleted and will be permitted following the UDC sections 2.08.05; 2.08.06; 3.03.11; 3.05.07.

The proposed fee schedule is listed as Exhibit B

4. FINANCIAL IMPACT

An updated fee schedule is included in the ordinance to address permit fees for fences and concrete flatwork.

5. STRATEGIC PLAN/GOALS

EXCEPTIONAL CITY SERVICES

6. STRATEGIC PLAN OBJECTIVES

Become a more business-friendly City government - regulations, codes and processes

7. PROS AND CONS

Pros:

- Provides the public with a comprehensive list of exemptions from permit requirements under the adopted codes.
- Ensures the exemption list is consistent with the adopted Unified Development Code (UDC).
- Allows for quick and easy searching within the code of ordinances.

Cons: None foreseen

8. ALTERNATIVES

The council may approve the ordinance to update the code or deny it and keep the current default ICC exemptions from permit requirements.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff recommends the adoption of the ordinance to amend the exemptions from permit requirements within the 2024 International Building Code (IBC) and the International Residential Code (IRC).

Attachments:

[Ordinance - Amending Code of Ord. for ICC Amendments.pdf](#)
[j5 Presentation DS IBC v2.pdf](#)