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History:

<u>Ordinance</u>	<u>Date of Adoption</u>	<u>Effect</u>
90-11	3/19/90	Recodified Chapter 1 of Title 15, as amended by 90-06
90-22	12/13/90	Amended 15.1.04
95-10	12/14/95	Amendments to uniform codes
99-05	5/20/99	Adopted 1997 UBC
00-02	8/17/00	Automatic fire extinguishing systems in residences
01-01	2/1/01	Added 15.1.28 requiring utility approval for permits
01-11	12/13/01	Adopted 2000 uniform codes

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.1 - BUILDING CODE

Article I - ADOPTION AND AMENDMENT OF MODEL CODES

15.1.01 Adoption and Amendment of International Codes

A. Building Code The International Building Code, 2000 Edition (herein called the "IBC"), as published by the International Code Council, Inc., is hereby adopted as the Building Code of the City for the control of building and structures in the City, with the additions, insertions, deletions and changes prescribed in 15.1.02 of this Chapter.

B. Mechanical Code The international Mechanical Code, 2000 Edition (herein called the "IMC"), as published by the International Code Council, Inc., is hereby adopted as the Mechanical Code of the City regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City, with the additions, insertions, deletions and changes prescribed in 15.1.03 of this chapter.

C. Residential Code The International Residential Code for One- and Two-Family Dwellings, 2000 Edition (herein called the "IRC"), as published by the International Code Council, Inc., is hereby adopted as the Residential Code of the City regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City, with the additions, insertions, deletions and changes prescribed in 15.1.04 of this chapter. This code is adopted and is to be construed and administered in a manner consistent with the terms of Subchapter Chapter 214, Local Government Code of the State of Texas.

D. Incorporation by reference; copies on file The codes adopted in paragraphs A, B and C of this section are incorporated in this chapter of the City Code the same as if each of said codes were copied at length herein, subject to the additions, insertions, Deletions and changes prescribed in this article. A copy of each of the codes shall be maintained on file in the office of the City Secretary of the City.

E. Rule of construction In the event there is determined to be a conflict between the provisions of the model codes as adopted and the provisions of this chapter, the latter provisions shall be construed as controlling and shall take precedence over the former.

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15.1.02 Building Code - Amendments The adoption by reference of the IBC as provided in 15.1.01 A of this chapter is made subject to and is modified and amended as follows:

A. By the deletion in the entirety of the following provisions of the IBC:

1. Section 109.3.5
2. Section 1505.7
3. Section 403.2, exception #2
4. Section 905.3.2, exceptions #1 and #2.

B. By the amendment of the IBC as follows:

1. by the addition to Section 202 of the following definition:

"HIGH RISE BUILDING is a building having floors used for human occupancy located more than 55 feet above the lowest level of fire department vehicle access."

2. By the amendment of Table 302.3.3, footnote e, to read as follows:

"e. Assembly uses accessory to Group E Occupancy must comply with the provisions for Group A Occupancy but for the purpose of Section 302.3 are not considered separate occupancies."

3. By the amendment of Section 403.1 to read as follows:

"403.1 **Applicability.** The provisions of this section shall apply to buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access."

4. By the amendment of Section 403.1, exception #3, to read as follows:

"Buildings with an occupancy in Group 5-A in accordance with Section 303.1 when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similar enclosed areas."

5. By the addition to 406.6.1 of a second paragraph reading as follows:

"This occupancy shall include garages involved in servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such non-major repair. When the repair garage is only involved in such minor repair, It need not comply with Section 406.6.2."

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6. By the addition to 506.2.2 of the following:

"In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway from the street or approved fire lane shall be provided. (See International Fire Code Section 503.1.1 for hose lay measurement pathway requirements.)"

7. By amending the exception to Section 705.11 to read as follows:

"Exception: For other than hazardous exhaust ducts, penetrations by ducts and air transfer openings of fire walls that are not on a lot line shall be allowed provided the penetrations comply with Sections 711 and 715 . The size and aggregate width of all openings shall not exceed the limitations of Section 705.8."

8. By amending Section 715.5.2 to add exception #4 to read as follows:

"4. In the duct penetration of the separation between the private garage and its residence when constructed in accordance with Section 302.3.3, exceptions #2 and #3."

9. By the addition to the definition of the term "Manual dry" of "STANDPIPE, TYPES OF" in Section 902.1 of the following:

"The system must be supervised as specified in Section 905.2."

10. By amending Section 903.1.2 to read as follows:

"903.1.2 **Residential systems.** Unless specifically allowed by this code, residential sprinkler systems installed in accordance with NFP A 13D or NFP A 13R shall not be recognized for the purposes of exceptions or reductions, commonly referred to as 'trade-offs', permitted by other requirements of this code.

"In addition, residential sprinkler systems installed in accordance with NFPA 13R must include attic sprinkler protection to be recognized for the purposes of such trade-offs permitted by other requirements of this code."

11. By amending Sections 903.2.1.1, 903.2.1.2, 903.2.1.3 and 903.2.1.4 to read as follows:

"903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 Occupancies where one of the following conditions exists:

The fire area exceeds 12,000 square feet.

The fire area has an occupant load of 300 or more.

The fire area is located on a floor other than the level of exit discharge.

The fire area contains a multi-theater complex.

"903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:

The fire area exceeds 5,000 square feet.

The fire area has an occupant load of 300 or more.

The fire area is located on a floor other than the level of exit discharge.

"903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 Occupancies where one of the following conditions exists:

The fire area exceeds 12,000 square feet.

The fire area has an occupant load of 300 or more.

The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

"903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 Occupancies where one of the following conditions exists:

The fire area exceeds 12,000 square feet.

The fire area has an occupant load of 300 or more.

The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit."

12. By the amendment of Section 903.2.7 to read as follows:

"903.2.7 Group R-1. An automatic sprinkler system shall be provided throughout buildings with a Group R-1 fire area.

Exceptions:

1. Where guestrooms are not located more than one story in height and the building contains less than 20 guest rooms.
2. A residential sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in buildings, or portions thereof, of Group R-1."

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13. By the amendment of Section 903.2.8 to read as follows:

"903.2.8 Group R-2. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 fire area where any of the following conditions exist:

The R-2 area is more than one story in height, including basements; or

The building contains more than 16 dwelling units; or

The building contains fraternities or sororities with an occupant load of more than 10.

Exception: A residential sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in buildings, or portions thereof, of Group R-2."

14. By the amendment of Section 903.2.10.3 to read as follows:

"903.2.10.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier wall separating each storage compartment."

15. By the amendment of Section 903.2.12.3 to read as follows:

"903.2.12.3 Buildings over 35 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level that is located 35 feet or more above the lowest level of fire department vehicle access."

Exception: Open parking structures in compliance with Section 406.3."

16. By the amendment of Section 903.2.12 to add thereto the following:

"903.2.12.4 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet, see Chapter 23 of the International Fire Code to determine if those provisions apply.

"903.2.12.5 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system."

"903.2.12.6 Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings over 6,000 square feet. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking structures in compliance with Section 406.3."

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17. By the amendment of Section 903.3.1.1.1 to read as follows:

"903.3.1.1.1 **Exempt locations.** When approved by the code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents.
3. Generator and transformer rooms under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire resistance rating of not less than 2 hours."

18. By the amendment of Section 903.3.1.2 to read as follows:

"**903.3.1.2 NFP A 13R sprinkler systems.** Where allowed in buildings of Group R, up to and including four (4) stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, for the purposes of exceptions or reductions permitted by other requirements of this code, see Section 903.1.2."

19. By the addition to Section 903.3.5 of the following:

"Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor."

20. By the amendment of Section 903.3.7 to read as follows:

"**903.3.7 Fire department connections.** The location of fire department connections shall be approved by the code official."

21. By the addition to Section 903.4 of the following:

"Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe

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"systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering."

22. 904.2, Automatic Fire-extinguishing Systems, is amended as follows:

The first phrase of 904.2.2 is amended to read as follows:

"Except for occupancies designated herein as Group U and Group R, Division 3 (other than as provided 904.2.10 hereof), an automatic sprinkler system shall be installed."

23. By the addition to 904.2.2 of a new sub-section 6, which shall be and read as follows:

"6. All Group R, Division 3 buildings within the requirements of 904.2.10 hereof"

24. By the addition to 904.2 of a new section 904.2.10, which shall be and read as follows:

"904.2.10 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout any single-family residence having a heated and air-conditioned area of 6,000 square feet or more. Residential or quick-response standard sprinklers shall be used in any such area of the residence. In the event that a single-family residence does not meet this requirement, any addition thereto resulting in a total of 6,000 square feet or more of heated and air-conditioned area shall include also the addition of an automatic sprinkler system throughout all of such area."

25. By the amendment of Section 905.2 to read as follows:

"905.2 **Installation** standards. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm."

26. By the amendment of item #5 of Section 905.4 to read as follows:

"5. Where the roof has a slope of less than 4 units vertical in 12 units horizontal (33.3% slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of stairways with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes."

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27. By the amendment of Section 905.9 by the addition thereto of a final paragraph reading as follows:

"Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering."

28. By the addition of Section 907.1.3 to read as follows:

"907.1.3 Design Standards. All alarm systems, new or replacement, serving 50 or more alarm actuating devices shall be addressable fire detection systems. Alarm systems serving more than 75 smoke detectors or more than 200 total alarm activating devices shall be analog intelligent addressable fire detection systems.

"Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this Code adoption exceeds 20% of the building. When cumulative building remodel or expansion exceeds 50%, the building must be brought into compliance within 18 months after the date of the permit application. "

29. By the amendment of Section 907.3 to read as follows:

"907.3 Manual fire alarm boxes. Manual fire alarm boxes shall be installed in accordance with Sections 907.3.1 through 907.3.5. Manual alarm actuating devices shall be an approved double action type."

30. By the addition to Section 907.5 of a section designated 907.5.1, to read as follows:

"907.5.1 Installation. All fire alarm systems shall be installed in such manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six feet separation between supply and return loops. IDC - Class "A" style - D - SLC Class "A" Style 6 - notification Class "B" Style Y."

31. By the amendment of Section 907.8.2 so that the number "55" is substituted for the number "75" in the second line thereof.

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32. By the amendment of exception #3, Section 1003.2.12.2, to read as follows:

"In occupancies in Group 1-3, F, H or in non-public portions of S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches to pass through any opening. "

33. By the addition of exception #5 to Section 1004.3.2.1, to read as follows:

"5. In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved smoke-detection system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke- detection system shall be connected to the building's fire alarm system where such a system is provided."

34. By the amendment of Section 1005.2.1 to delete from the fourth and fifth lines thereof the phrase "1004.2.1 or".

35. By the amendment of Section 1005.3.2.5 so that the number "55" is substituted for the number "75" in the fourth line thereof.

36. By the amendment of Section 1101.2 to add the following exception:

"Exception: Buildings regulated under State Law and built in accordance with State-certified plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this Chapter 11."

37. By the amendment of Section 1108.2.1 to substitute the word "or" for the word "and" in the fourth line of the first paragraph thereof.

38. By the amendment of exception #2 of Section 1209.2 to read as follows:

"2. Toilet rooms that are not accessible to the public and which have not more than one water closet; provided that walls around urinals shall comply with the minimum surrounding material requirements of Section 419.3 of the International Plumbing Code."

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39. By the amendment of Section 1403.3 to read as follows:

"Section 1403.3 Vapor retarder. In all framed walls, floors and roof/ceilings comprising elements of the building thermal envelope, a vapor retarder, when installed, shall be installed in a manner so as not to trap moisture. Vapor retarders shall be tested in accordance with ASTM E 96."

40. By the amendment of footnotes b and.c in Table 1505.1 to read as follows:

"b. All individual replacement shingles or shakes shall be in compliance with the rating required by this table."

"c. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 square feet of protected roof area. When exceeding 120 square feet of projected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings."

41. By the addition of Section 2308.2.3 to read as follows:

"2308.2.3 Application to engineered design. When accepted by the code official, any portion of this section may apply to buildings that are otherwise outside the limitations of this section; provided, that:

The resulting design will comply with the requirements specified in Chapter 16;

The load limitations of various elements of this section are not exceeded; and

The portions of this section which will apply are identified by an engineer in the construction documents.

ARTICLE II - BOARD OF ADJUSTMENTS AND APPEALS

15. 1. 05 IBC Amendment. Section 112 of the IBC pertaining to the Board of Adjustments and Appeals (herein called the "Board") is amended by the addition thereto of the terms of this Article.

15.1.06 Quorum. Three (3) members of the Board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the Building Official, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which he has a personal interest.

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- 15.1.07 Records. The Building Official shall make a detailed record of all Board proceedings, which record shall set forth the reasons for the board's decisions, the vote of each member participating herein, the absence *of* a member, and any failure of a member to vote.
- 15.1.08 Procedure. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this chapter. The Board shall meet at such intervals as may be required by its function, on the call of the Mayor, the chairman, or in any event, the Board shall meet within ten (10) days after notice of appeal has been received by filing as hereinbelow provided.
- 15.1.09 Appeals; Time Limit
- A. Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official to the Board. Notice of appeal shall be made in writing and filed with the City Secretary within thirty (30) days after the decision is rendered by the Building Official. An administrative fee shall accompany such notice of appeal, which shall be made on a form provided by the Building Official and in the amount prescribed by Chapter 3.3 of this Code.
- B. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period.
- 15.1.10 Board Decisions: variations and Modifications
- A. The Board, when appealed to, shall conduct a hearing, and after such hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or the public interest, or when, in its opinion, the interpretation of the Building Official should be modified or reversed.

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- B. A decision of the Board to vary the application of any provision of this Code or to modify an order of the Building Official shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reason therefor.

15.1.11 Decisions: Procedure

- A. Every decision of the Board shall be final, subject however, to such remedy as any aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Official, and shall be open to the public for inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be publicly posted in the office of the Building Official for two (2) weeks after the filing thereof.
- B. The Board shall in every case reach a decision without unreasonable or unnecessary delay.
- C. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Building Official, or varies the application of any provision of this Code, the Building Official shall immediately take action in accordance with such decision.

15.1.12 - 15.1.13 (Reserved)

ARTICLE III - MOVED BUILDINGS

- 15.1.14 IBC Amendment The IBC is amended by the addition thereto of the terms of this Article.

15.1.15 License and Permits

- A. Licensed Required No building or part of any building shall be moved through or across any sidewalk, street, alley, or highway within the City by any person who is not a licensed house mover, as herein provided. This license shall be issued by the Building Official after compliance by the applicant with the application and bond provisions of this section. All such licenses shall be renewable annually, and shall expire on December 31 of each year. The annual license fee shall be as prescribed in Chapter 3.3 of this Code.

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- B. Permit Required No building or part of any building shall be moved through or across any sidewalk, street, alley or highway within the City unless and until a permit therefor shall first have been obtained from the Building Official.

15.1.16 Application for License and Permits

- A. For House Moving License Any person desiring a housemoving license shall first file with the Building Official a written application therefor which application shall contain or be accompanied by the following:
1. The name and address of the applicant; if the applicant proposes to operate under an assumed name, the name under which the applicant proposes to conduct business, or if the applicant is corporation, the name and principal place of business of the corporation and the names and addresses of its officers and major stockholders.
 2. The number, make, type and weight of the vehicles, whether powered or otherwise, which applicant proposes to use in the course of business.
 3. The names and addresses of the operators of said vehicles and proof that said operators have been licensed by the state of Texas to operate the types of vehicles which they propose to operate.
 4. A statement as to whether the applicant, its officers if a corporation, or the operators of the applicant have ever been convicted of any federal, state or local law.
 5. A statement as to whether the applicant or applicant's operators have ever had a claim or judgment against them for damages resulting from the negligent operation of a vehicle.
 6. A statement as to the financial ability and responsibility of the applicant, including applicant's ability to respond in damages in the event of damage to person or property arising from negligent conduct of his operation.
 7. A statement of the nature and extent of applicant's experience in the housemoving business.

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8. A certificate of insurance showing insurance coverage in force by the applicant as follows:

(i) Public liability insurance in amounts not less than \$50,000 per person and \$100,000 per accident for bodily injury, and \$50,000 per accident for property damage.

(ii) Said insurance policy or policies shall name the City of Dalworthington Gardens as an additional insured covering all of applicant's operations in the city.

9. Such other pertinent information as the Building Official may deem necessary.

B. For House-Moving Permit: Any licensed house mover desiring a house-moving permit shall file with the Building Official a written application therefor, not less than five (5) days prior to the proposed date of removal, setting forth the following information:

1. The type and kind of building to be moved.
2. The original cost of such building.
3. The present value of the building.
4. The extreme dimensions of the length, height and width of the building.
5. Its present location and proposed new location by lot, block, subdivision and street address.
6. The date and approximate time such building will be upon the streets.
7. The proposed route from present to new location.
8. The written consent of the local utility companies which may be affected by such removal.
9. Such other pertinent information as the Building Official may deem necessary.

15.1.17 Building Official Shall Reject

A. If in the opinion of the Building Official, the moving of any building will cause serious injury to persons or property or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than fifty per cent of its original value by fire or other element, or the moving of the building will violate any of the requirements of this Code or the zoning ordinance of the City, the permit shall not be issued and the building shall not be moved over the streets.

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- B. If in the opinion of the Building Official the moving of a house upon any lot in the city will cause injury to person or property, or will depreciate the value of surrounding property, then a moving permit shall not be issued. Houses shall not be moved onto a lot in the City.
- C. When any licensed house mover has been convicted of two (2) violations of this article within a twelve (12) month period, the Building Official shall refuse to issue permits hereunder and the license of said house mover shall be suspended for a period not exceeding six (6) months.

15.1.18

Bond Required

- A. Annual Mover's Bond The Building Official, as a condition precedent to the issuance of a removal license, shall require a bond to be executed by the applicant and a corporate surety, approved by the Building Official, authorized to conduct business in the state of Texas. Such bond shall be made payable to the city for the benefit of any aggrieved party and shall be in amount not less than Ten Thousand (\$10,000) Dollars. It shall indemnify the city against any damage to streets, curbs, sidewalks, trees, highways, or other public property caused by removal operations. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of this chapter and any permits issued pursuant hereto. Such bond shall be further conditioned to pay said City as liquidated damages not less than Fifty (\$50.00) dollars per day for each day's delay in completing such removal or in repairing any damage to streets or public property or in clearing public streets, alleys, or other public property of all debris occasioned thereby.
- B. Owner's Bond The Building Official, as a condition precedent to the issuance of any permit for the moving of any house onto any property in the City, shall require a bond to be executed by the owner of the property onto which the subject house is to be moved and by a surety or sureties approved by the Building Official. Such bond shall be conditioned upon completion of the building in habitable condition and in conformity with the Building Code within ninety (90) days of the date on which the building is moved. The bond shall be made payable to the City and shall be in an amount of at least double the cost of making the building conform with the Building Code, as such cost is determined by the Building Official.

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15.1.19 Notices to be Given by Building Official

- A. When the Building Official shall deem it necessary, the applicant shall give written notice of application to the local utility companies and to the owners of any adjacent property which may be affected by the proposed move. When such notice is required, proof of compliance herewith shall be a condition precedent to the issuance of the moving permit.
- B. The notice herein provided shall contain information regarding the route and time of removal.

15.1.20 Public Safety Requirements

- A. Lights Required Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.
- B. Number and Location There shall be a minimum of five (5) red lights placed on each street side of the building. Said lights shall be attached to the building in such manner as to indicate extreme width, height and size.
- C. Flares Required In addition to the lights hereinabove required, flares shall be placed in the street at regular intervals for a distance of two hundred (200) feet measured from each side of the building.
- D. Flagmen Required When in the opinion of the Building Official, flagmen are necessary to divert or caution traffic, the permittee shall employ at his expense, such number of flagmen as the Building Official shall deem necessary for the purpose of diverting or cautioning traffic. Red lights shall be employed in flagging traffic at night.

15.1.21 Other permits Nothing contained herein shall be construed as relieving an applicant from duties elsewhere imposed by law or other provisions of this chapter, and the obtaining of permits and payment of fees therefor.

15.1.22 Expense of utility adjustments In the event the removal of a building requires the removal or adjustment, temporarily or otherwise, of any wire, line, pole or other impediment which is lawfully located on or over public property, the expense thereby incurred shall be borne solely by the licensee hereunder.

15.1.23 - 15.1.24 (Reserved)

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ARTICLE IV - PERMIT FEES

15.1.25 Permit Fees Fees for all permits issued pursuant to this code shall be as prescribed in Chapter 3.3 of this code.

15.1.26 Standards for Fee Calculations The various requirements contained in this Title for the payment of fees shall correspond to the fees, methods of calculation, and restrictions contained herein.

A. The following standards shall apply:

1. Calculations for area (square footage) shall be on a gross basis, measured from the exterior face of exterior walls.
2. Final calculations shall be carried to the nearest whole dollar. Fractions greater than 0.49 shall be extended upward.
3. For any occupancy not clearly defined the Building Official shall designate the applicable method of calculation.
4. The Building Official may approve a mixed calculation method when separate occupancy descriptions are applied to a single structure.
5. "Valuation", except where otherwise defined, shall be the estimate of the total market value of a proposed construction project, including contractors' overhead and profit and other associated owner's costs, but excluding raw land costs.
6. When replacement of a contractor occurs in the duration of a project, the Building Official may, based on his determination of percentage of work remaining, prorate the amount of building permit fee for the new contractor.

B. There shall be no refund of a permit fee except when:

1. The permit has been issued and no part of the work commenced; or .
2. The permit has been issued through error on the part of the City, and it is found that the work applied for cannot be allowed.

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The Building Official shall not authorize the refund of any fee paid under this Article except upon written request submitted by the original Permittee no later than 180 days after the date of the fee payment.

15.1.28 Condition Precedent to Issuance of Permit No building permit shall issue for any residence in any residential development in the City unless the applicant therefor shall first have obtained from the gas and/or electric service provider written approval for gas main facilities and electric street lights applicable to the property that is the subject of the permit application.

15.1.29 (Reserved)

ARTICLE V - OUTDOOR ADVERTISING DISPLAYS

15.1.30 Outdoor Advertising Displays The term "outdoor advertising display", shall mean any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line trademark, or reading matter, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever out of doors. Every outdoor display shall be classified and shall conform to the requirements of that classification as set forth in this chapter.

15.1.31 Definitions: Classifications

A. Definitions For the purpose of this chapter and the i regulations and provisions thereof, the following terms shall have the following meaning:

1. Electric Sign - A sign whereon letters, figures or designs are formed or outlined by electric illumination; or formed by a transparent or translucent medium which is illuminated from such lamps, tubes, or other electric illuminant contained within or on the sign; and all outside building outlining, and shall be deemed to include interior decoration displays and gas tube window outlining. Signs which are illuminated by electric lights which are not attached to the sign or which are not an essential element of the sign proper and signs which are lighted by floodlights or projectors are not classified as electric signs within the meaning of this chapter.

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2. Marquees - A canopy or permanent roofed structure projecting from and supported by a building, column supports from grade, or both.
3. Sign - Any outdoor advertising display as described in 15.1.30 above.
4. Structure - That which supports or braces a sign.
5. Temporary Sign - Any non-commercial sign, use of which does not exceed a period of thirty (30) consecutive days.

B. Classifications For the purpose of this chapter and the regulations and provision thereof outdoor advertising displays shall be classified into one of the following types of signs:

1. Ground Sign - A sign which is supported by more than two (2) columns, poles, uprights, or braces in or upon the ground and is not a part of a building. The term "ground sign" shall include billboards.
2. Roof Sign - A sign which is erected, constructed, or maintained on or over the roof or parapet wall of a building.
3. Wall Sign - A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plane parallel to and not more than twelve (12) inches from said wall; provided, however, that electric wall signs may project not more than eighteen (18) inches from said wall. This term shall also include 4, 5 and 6.
4. Projection Sign - A sign which is attached or affixed to a building wall or structure other than a pole and extends or projects therefrom more than twelve (12) inches.
5. Marquee Sign - A projection or wall sign not over fifty (50) square feet in area, constructed of metal or other non-combustible material, attached securely to a building.
6. Pole Sign - A sign supported by and placed upon not more than two (2) poles or standards.

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15.1.32 Permits Required; Exceptions; Permit Fees

- A. No sign shall hereafter be erected, constructed, altered, or maintained except as provided herein until after a permit for the same has been issued by the Building Official and a permit fee paid as hereinafter provided.
- B. Notwithstanding the provisions of paragraph A hereof, no permit shall be required for the erection or alteration of the following types of signals:
 - 1. Display signs not exceeding one (1) square foot , in area stating merely the name and occupation of the occupant.
 - 2. Display signs not exceeding twelve (12) square feet in area pertaining to the lease, rental or sale of the property.
 - 3. Temporary, non-commercial display signs not exceeding three (3) square feet in area, when erected for a period not exceeding thirty days.
- C. No sign permit shall be issued and no sign erected unless and until the applicant has paid a fee therefor, which fee shall be determined by the construction and installation costs of the proposed sign as applied to the schedule of building permit fees contained in Chapter 3.3 of this Code.

15.1.33 Identification of Signs - Every sign hereafter erected, constructed or maintained for which a permit is required shall be plainly marked with the name of the person, firm, or corporation erecting and maintaining such sign and shall have affixed on the front thereof the number of the permit issued for said sign by the Building Official.

15.1.34 Annual Inspection It shall be the duty of the Building Official or his authorized agent to inspect every ground sign, roof sign, wall sign, and projection sign at least once annually.

15.1.35 Unsafe Signs Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Building Official, the owner thereof or the person or firm maintaining the same shall, upon written notice from the Building Official, forthwith in the case of immediate danger and in any case within ten (10) days secure the same in a manner to be approved by the Building Official in conformity with the provisions of this Code, or remove such sign. If such order is not complied with in ten (10) days, the Building Official shall remove such sign at the expense of the owner or lessee thereof.

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- 15.1.36 Maintenance All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in repair and, unless of galvanized or non-corroding metal, shall be thoroughly painted at least once every two years. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be accomplished at the expense of the owner or lessee.
- 15.1.37 Unlawful Signs In case any sign shall be installed, erected or constructed in violation of any of the terms of this or any other ordinance of the city, the Building Official shall order, by registered mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with such ordinance and to secure the necessary permit therefor or to remove the sign. If such order is not complied with in ten (10) days, the Building Official shall remove such sign at the expense of the owner or lessee thereof.
- 15.1.38 Location Restrictions No sign shall be erected, constructed, or maintained as follows:
- A. In violation of any provision of the comprehensive zoning ordinance of the city.
 - B. So as to obstruct any fire escape, window, door, or other opening used as a means of egress or as legally required ventilation.
 - C. On or attached to a fire escape.
 - D. On or attached to any door or window casing.
 - E. On or over any alley, park, light pole, utility pole, fire hydrant, or other object or structure situated on public property; provided, that this provision shall not be construed as prohibiting the erection of signs by the City for the purpose of identification, direction, or information concerning traffic control.
 - F. With any structural support or other portion thereof on or within any street right-of-way, parkway, alley, public sidewalk, park, or other public property.
- 15.1.39 Obstructions to View No sign shall be erected, constructed, or maintained so as to constitute an obstruction of the view of pedestrians or motorists upon entering a public thoroughfare. All signs of any nature whatsoever, whether temporary or permanent, when situated within fifteen (15) feet of the curb or edge of a public street, shall either:

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- A. Have a clear height of eight and one-half (8-1/2) feet measured from the ground to the bottom of the sign; or
- B. Have a height of not more than two and one-half (2- 1/2) feet measured from the top of curb to the top of the sign; provided, that wall signs may be permitted on a fence or wall which complies with setback and height requirements of the zoning ordinance.

15.1.40 Structural Requirements

- A. Design and stress diagrams required Before a sign permit shall be granted, the applicant therefor shall submit to the Building Official a design and stress diagram or plan containing information as to type, size, shape, location, construction, and materials of the proposed sign and such other information as the Building Official may deem necessary in order to determine that such sign complies with this and all other pertinent ordinances of the City.
- B. Wind Pressure In the design and erection of all signs, the effect of wind shall be carefully considered. All signs shall be so constructed as to withstand wind pressure as specified in the IBC.
- C. Working stresses The allowable working stresses of all signs shall conform with the requirements of the IBC. The allowable working stresses for steel and wood shall be calculated in accordance with the applicable provisions of the IBC. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel rods.

15.1.41 Construction

- A. Ground and Pole Signs:
 - 1. No ground or pole sign constructed entirely of wood materials shall be at any point over twenty-four (24) feet above the ground level, but when the facing of a ground sign is constructed entirely of sheet metal or other non-combustible material, such ground sign may be erected and the supports, braces, battens, ornamental mounding, platform, and decorative trim may be of wood material.
 - 2. Lighting reflectors may project beyond the face of the sign.

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3. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.
4. Every ground and pole sign shall provide rigid construction to withstand wind action in all directions.
5. Any person or persons, partnership, firm or corporation occupying any vacant lot or premises by means of ground or pole sign, shall be subject to the same duties and responsibilities as the owner of the lot or premises with respect to keeping the same clean, sanitary, inoffensive, and free and clear of obnoxious substance and unsightly conditions on the ground in the vicinity of such ground or pole sign.
6. Wherever anchors or supports consist of wood embedded in the soil, the wood shall be pressure- treated with an approved preservative.

B. Roof signs

1. All roof signs shall be so constructed as to leave a clear space of not less than six (6) feet between the roof level and the lowest part of the sign and shall have at least five (5) feet clearance between the vertical supports thereof. No portion of any roof sign structure shall project beyond an exterior wall.
2. Every roof sign shall be constructed entirely of steel construction, including the upright supports and braces, except that the ornamental molding and battens behind the steel facing and the decorative lattice work may be wooden construction.
3. The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, or upon steel roof girders, columns, or beams. The building shall be designed to avoid overstress of these members.
4. No roof sign having a tight or solid surface shall be at any point over thirty-five (35) feet above the roof level.
5. Open roof signs in which the uniform open area is not less than forty (40) per cent of the total gross area may be erected to a height of seventy-five (75) feet on buildings of Type I or Type II construction and on other type buildings to a height of forty (40) feet; all such

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signs shall be thoroughly secured to the building upon which they are installed, erected, or constructed by iron (metal anchors, bolt, supports, or chains) or stranded cables, or steel rods or braces; and they shall be maintained in good condition as set forth in 15.1.36 hereof.

C. Wall Signs

1. Wall signs attached to exterior walls of solid masonry, concrete, or stone, shall be safely and securely attached to the same by means of metal anchors, bolts, or expansion screws of not less than three-eighths (3/8) inch in diameter and shall be embedded at least five (5) inches. No wooden blocks shall be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be supported by anchorage secured to an unbraced parapet wall.
2. The surface face of all wall bulletins shall be of sheet metal, but the ornamental molding surrounding same may be of wooden construction.

D. Projecting Signs

1. All projecting signs shall be constructed entirely of metal or other non-combustible material and securely attached to a building or structure by metal supports, such as bolts, anchors, supports, chains, guys or steel rods. No staples or nails shall be used to secure any projecting sign to any building or structure.
2. The dead load of projecting signs not parallel to the building or structure and to the load due to wind pressure shall be supported by chains, guys, or steel rods having net cross-sectional dimensions of not less than three-eighths (3/8) inch in diameter or with proper rigid steel structures constituting a part of a building. Such supports shall be erected or maintained at an angle of at least 45 degrees to the horizontal to resist the dead load and at an angle of 45 degrees or more to the face of the sign to resist the specified wind pressure. If such projection sign exceeds thirty (30) square feet in one facial area, there shall be provided at least two such supports on each side, not more than eight feet apart, to resist the wind pressure.

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3. Anchorage - All supports shall be secured to bolts with expansion shields or expansion screws that will develop the strength of the supporting chains, guys, or steel rods, with five-eighths (5/8) inch bolts or lag screws as the minimum allowable size. Turn buckles shall be placed in all chains, guys, or steel rods supporting projecting signs.
 4. Chains, cables, guys, or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or with machine screws in iron supports, but no such supports shall be attached to an unbraced parapet wall. Where the supports must be fastened to walls of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.
- E. Marquee Signs Marquee signs shall be constructed entirely of metal or non-combustible material and may be attached to or hung from marquees, and such sign when hung from marquees shall be at least eight (8) feet at their lowest level above the sidewalk or ground level, and further, no such sign shall extend outside the line of any such marquee. Marquee signs may be attached to the sides and front of marquees, and such signs may extend the entire length and width of such marquees, provided such signs do not extend more than six (6) feet above, nor one (1) foot below such marquees, but under no circumstances shall a marquee sign have a vertical dimension greater than eight (8) feet.
- F. Electric Signs
1. An electric sign may be built upon the ground, may be attached to a wall or above the roof, may project from a wall, or may be erected upon a pole or poles, provided that such sign shall meet the requirements governing the classification of the sign as defined in 15.1.31 B hereof.
 2. All electric signs shall be constructed of non-combustible materials.
 3. All regulations of this chapter and of the Electric Code of the City and any amendments thereto shall apply to the erection, alteration, installation, and maintenance of electrical signs.

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G. Temporary Signs

1. Temporary signs may be made of cloth or of wallboard not less than one-quarter (1/4) inch in thickness. Frames may be of wood construction.
2. Standard signs hooks, lag screws, or expansion bolts and shields shall be used in sufficient number to support the sign.
3. Any sign used for a period of time in excess of thirty (30) consecutive days shall be deemed to be a permanent sign and shall meet the requirements of its classification.
4. No portable signs of any nature shall be permitted. For the purpose of this chapter, a portable sign shall mean a ground, projection or pole sign, the structure of which is not permanently affixed to or in the soil. The term shall include, without limitation, signs on wheels or skids, where the primary purpose of the structure is the support of the sign.

15.1.42 Use of Plastic Materials

- A. Any other provisions of this chapter notwithstanding, plastic materials which burn at a rate no faster than 2.5" per minute when tested in accordance with A.S.T.M. D635-63 shall be deemed approved plastics and may be used as the display surface materials and for the letter and decorations and facings on signs and outdoor display structures; provided, that in the first and second fire zones the structure of the sign in which the plastic is mounted or installed is incombustible.
- B. Letters and decorations mounted upon an approved plastic facing or display surface may be made of approved plastics.

15.1.43 Sign Erector Registration It shall be the duty of every person, firm, corporation, or association of persons engaging in the erection of any signs regulated by the provisions of the chapter to register his name with the Building Official, in a book provided for that purpose, giving his full name, residence, and place of business; and, in case of removal from one place to another it shall be the duty of every such person to have corresponding change made in said register accordingly; and, to pay such fees as are required by Chapter 3.3 of this Code. (87-26)

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15.1.44 - 15.1.45 (Reserved)

ARTICLE VI - SIDEWALKS, DRIVEWAYS AND CURBS

- 15.1.46 License and Permit Required Hereafter no persons or person, firm or corporation, shall lay, construct, build, repair or rebuild any sidewalk, curb, gutter or driveway without first having obtained from the City a license to do such work, and having paid such fees as are required therefor by Chapter 3.3 of this Code.
- 15.1.47 Use of License by Others or Sub-Letting Prohibited A licensee hereunder shall not permit the use of the license by any person, firm or corporation not in his employ for the purpose of doing any work covered by this chapter, nor shall he sublet any work for which a license is issued to him to any other person, firm or corporation not having such a license.
- 15.1.48 Job Permit Required Before commencing any job involving any work covered by this chapter, the licensee shall make application to and obtain from the City a job permit and upon the issuance of such permit, covering work costing in excess of Twenty-five Dollars (\$25.00), the City shall collect a fee for such permit as prescribed in Chapter 3.3 of this Code. The application for a job permit shall show in detail the location, scope and nature of the work to be done on the particular job.
- 15.1.49 Construction Standards All work performed pursuant to the provisions of this article shall be done in compliance with the requirements and specifications therefor contained in the Standard Specifications for Public Works Construction, inclusive of amendments, published by the North Central Texas Council of Governments.

15.1.50 (Reserved)

ARTICLE VII - FENCES

- 15.1.51 Enclosure of Swimming Pool Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal spacing between pickets shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure.
- 15.1.52 Gates Any gate or door opening through a pool enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped.

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- 15.1.53 Scope The requirements of this article shall be applicable to all new swimming pool hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a depth of 18 inches or more of water at any point. No person in possession of land within the city, whether as owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool having a depth of 18 inches or more of water at any point, shall fail to provide and maintain such fences or wall as herein provided.
- 15.1.54 Appeals The Development Board of Appeals may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of fences, wall gates or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. Said board may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the substitute fence, gates and latch described herein.
- 15.1.55 Definition The term "swimming pool", as used herein, shall mean a body of water in an artificial or semi-artificial receptacle or other container located outdoors, used or intended to be used for public, semi-public, or private swimming by adults or children, or both adults and children, operated and maintained by any person, whether he be an owner, lessee, operator, licensee or concessionaire, and shall include swimming pools used or intended to be used without payment of any fee.

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.2 - PLUMBING CODE

- 15.2.01 Adoption of International Codes
 - 15.2.02 International Plumbing Code - Amendments
 - 15.2.03 International Fuel Gas Code - Amendments
 - 15.2.04 Board of Appeals; repealer
 - 15.2.05 Plumbing fees prescribed
-

History:

<u>Ordinance</u>	<u>Date of adoption</u>	<u>Effect</u>
90-11	3/19/90	Recodified Chapter 2 of Title 15
95-10	12/14/95	Adopted uniform code
95-11	12/14/95	Adopted amendments to uniform code
99-05	5/20/99	Adopted 1997 uniform code
01-13	12/13/01	Adopted 2000 International Plumbing & Fuel Gas Codes

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.2 - PLUMBING CODE

15.2.01 Adoption of International Codes

A. Plumbing Code The International Plumbing Code, 2000 Edition (herein called the "IPC"), as published by the International Code Council, Inc., is hereby adopted as a part of the Plumbing Code of the City for the control of building and structures in the City, with the additions, insertions, deletions and changes prescribed in 15.2.02 of this chapter.

B. Fuel Gas Code The International Fuel Gas Code, 2000 Edition (herein called the "IFGC"), as published by the International Code Council, Inc., is hereby adopted as a part of the Plumbing Code of the City for the control of building and structures in the City, with the additions, insertions, deletions and changes prescribed in 15.2.03 of this chapter.

C. Incorporation by reference; copy on file The codes adopted in this section are incorporated in this chapter of the City Code the same as if each of said codes were copied at length herein, subject to the additions, insertions, deletions and changes prescribed in this article. A copy of each of the code shall be maintained on file in the office of the City Secretary of the City.

D. Rule of construction In the event there is determined to be a conflict between the provisions of the international codes as adopted and the provisions of this chapter, the latter provisions shall be construed as controlling and shall take precedence over the former.

15.2.02 International Plumbing Code – Amendments The adoption by reference of the IPC as provided in 15.2.01 of this chapter is made subject to and is modified and amended as follows:

1. Section 102.8 is amended to read as follows:

"102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 13 and such codes, when specifically adopted and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where the requirements of reference standards or manufacturer's installation instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. Whenever

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amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted."

2. Section 305.6.1 is amended to read as follows:

"305.6.1 Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade."

3. Section 305.9 is amended to read as follows:

"305.9 Protection of components of plumbing system. Components of a plumbing system installed within 3 feet along alleyways, driveways, parking garages or other locations in a manner in which they would be exposed to damage shall be recessed into the wall or otherwise protected in an approved manner."

4. Section 310.4 is hereby deleted.

5. Sections 312.9.1 and 312.9.2 are amended to read as follows:

"312.9.1 Inspections. Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable. In the absence of local provisions, the owner is responsible to ensure that testing is performed.

"312.9.2 Testing. Reduced pressure principal backflow preventer assemblies, double check-valve assemblies, double-detector check valve assemblies and pressure vacuum breaker assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with applicable local provisions. In the absence of local provisions, the owner is responsible to ensure that testing is done in accordance with one of the following standards:" (The list of standards shall remain unchanged.)

6. Section 314.2.1 is amended to read as follows:

"314.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved

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place of disposal. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk or other areas so as to cause a nuisance."

7. Section 314.2.2 is amended by the addition thereto of a second paragraph to read as follows:

"Condensate waste pipes from air-cooling coils may be sized in accordance with equipment capacity as follows:

Equipment Capacity in tons of refrigeration	Minimum Condensate Pipe Inside Diameter
Up to 20 tons	3/4 inch
Over 20 to 40 tons	1 inch
Over 40 to 90 tons	1 1/4 inch
Over 90 to 125 tons	1 1/2 inch
Over 125 to 250 tons	2 inch

"The size of condensate waste pipes may be for one unit or a combination of units, or as recommended by the manufacturer. The capacity of waste pipes assumes a 1/8-inch-per-foot slope, with the pipe running three-quarters full."

8. Section 314.2.3 is amended by the addition thereto of sub-paragraph 4 to read as follows:

"4. Discharge, as noted, shall be to a conspicuous point of disposal to alert occupants in the event of a stoppage of the drain. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance."

9. Section 401.1 is amended by the addition thereto of the following:

"The provisions of this Chapter are meant to work in coordination with the provisions of the Building Code. Should any conflicts arise between the two chapters, the Code Official shall determine which provision applies."

10. Section 403.1 is amended to read as follows:

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"403.1 **Minimum number of fixtures.** Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as follows:

"1. **Assembly Occupancies:** At least one drinking fountain shall be provided at each floor level in an approved location.

"**Exception:** A drinking fountain need not be provided in a drinking or dining establishment.

"2. **Groups A, B, F, H, I, M and S Occupancies:** Buildings or portions thereof where persons are employed shall be provided with at least one water closet for each sex except as provided for in Section 403.2.

"3. **Group E Occupancies:** Shall be provided with fixtures as shown in Table 403.1.

"4. **Group R Occupancies:** Shall be provided with fixtures as shown in Table 403.1.

"It is recommended, but not required, that the minimum number of fixtures provided also comply with the number shown in Table 403.1. Types of occupancies not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the International Building Code. Occupancy classification shall be determined in accordance with the International Building Code."

11. Section 403.1 is amended by the addition thereto of the following:

"**403.1.2 Finish material.** Finish materials shall comply with Section 1209 of the International Building Code."

12. The first sentence of Section 404.2 is amended to read as follows:

"**404.2 Unisex toilet and bathing rooms.** In assembly and mercantile occupancies, an accessible unisex toilet room shall be provided where an aggregate of six or more male or female water closets are provided." {The remainder of section is unchanged.}

13. Section 405.6 is hereby deleted.

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14. Section 409.2 is amended to read as follows:

"409.2 Water connection. The water supply to a commercial dishwashing machine shall be protected against backflow by an air gap or backflow preventer in accordance with Section 608."

15. Section 410.1 is amended to read as follows:

"410.1 Approval. Drinking fountains shall conform to ASME A 112.19.1, ASME A 112.19.2 or ASME A 112.19.9, and water coolers shall conform to ARI1 01 O.

"Exception: A drinking fountain need not be provided in a drinking or dining establishment."

16. Section 412.4 is amended to read as follows:

"Required locations. Floor drains shall be installed in the following areas:

"1. In public coin-operated laundries and in the central washing facilities of multiple family dwellings, the rooms containing the automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area.

"2. Commercial kitchens: In lieu of floor drains in commercial kitchens, the code official may accept floor sinks."

17. Section 413.4 is amended to read as follows:

"413.4 Water supply required. All food waste grinders shall be provided with a supply of cold water. The water supply shall be protected against backflow by an air gap or with the installation of a backflow preventer in accordance with Section 608."

18. Section 417.4 is amended to read as follows:

"417.5 Shower floors or receptors. Floor surfaces shall be constructed of impervious, noncorrosive, nonabsorbent and waterproof materials.

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"Thresholds shall be a minimum of 2 inches (51 mm) and a maximum of 9 inches (229 mm), measured from top of the drain to top of threshold or dam. Thresholds shall be of sufficient width to accommodate a minimum twenty-two (22) inch (559 mm) door."

"Exception: Showers designed to comply with ICC/ANSI A 117.1."

19. The first two sentences of Section 417.5.2 are amended to read as follows:

"417.5.2 Shower lining. Floors under shower compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.4. Such liners shall turn up on all sides at least 3 inches (51 mm) above the finished threshold level and shall extend outward over the threshold and fastened to the outside of the threshold jamb." {The remainder of section is unchanged}.

20. Section 417 is amended by the addition thereto of Section 417.7 to read as follows:

"417.7 Test for shower receptors. Shower receptors shall be tested for water tightness by filling with water to the level of the rough threshold. The drain shall be plugged in a manner so that both sides of pans shall be subjected to the test at the point where it is clamped to the drain."

21. Section 419.3 is amended to read as follows:

"419.3 Surrounding material. Wall and floor space to a point 2 feet (610 mm) in front of a urinal lip and 4 feet (1219 mm) above the floor and at least 2 feet (610 mm) to each side of the urinal shall be waterproofed with a smooth, readily cleanable, hard, nonabsorbent material."

22. The last sentence of Section 502.5 is amended to read as follows:

"The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm) or larger where such dimensions are not large enough to allow removal of the water heater."

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23. Section 502.5 is amended by the addition thereto of Section 502.5.1 to read as follows:

"502.5.1 Electrical requirements. A lighting fixture controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the equipment location in accordance with the electrical code."

24. Section 502 is amended by the addition thereto of Section 502.7 to read as follows:

"502.7 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

"502.7.1 Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 502.5.1."

25. Section 504.6.1 is amended to read as follows:

"504.6.1 Discharge. The relief valve shall discharge through full size piping to a safe place of disposal such as a floor drain, outside the building, or an indirect waste receptor. The discharge pipe shall not have any trapped sections. When the drainpipe run is exposed, in an area outside of the room where the water heater is located, in a manner that would make it subject to damage, the drain shall have a visible air gap or air gap fitting located in the same room as the water heater. The discharge shall be installed in a manner that does not cause personal injury to occupants in the immediate area or structural damage to the building.

"The end of the discharge pipe shall not be threaded. The discharge pipe shall not discharge into the pan required in Section 504.7.

"When discharging outside the building, the point of discharge shall be with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the floor level of the area receiving the discharge and pointing downward."

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26. Section 505.1 is amended to read as follows:

"505.1 Unfired vessel insulation. Unfired hot water storage tanks shall be insulated so that heat loss is limited as specified in Section 504, *International Energy Conservation Code*."

27. Chapter 5 is amended by the addition thereto of Section 506 to read as follows:

"SECTION 506 COMBUSTION AIR AND VENTILATION

"506.1. Combustion air and ventilation. Combustion air and ventilation for fuel burning water heaters, other than gas-fired, shall be in accordance with the International Mechanical Code. Combustion air and ventilation for gas-fired water heaters shall be in accordance with the *International Fuel Gas Code*."

28. Section 604.4 is amended by the addition thereto of Section 604.4.1 to read as follows:

"604.4.1 State maximum flow rate. Where the State mandated maximum flow rate is more restrictive than those of this section, the State flow rate shall take precedence."

29. The ninth line of Table 605.4, referring to "Polybutylene (PB) plastic pipe and tubing", is hereby deleted.

30. The eighth line of Table 605.5, referring to "Polybutylene (PB) plastic pipe and tubing", is hereby deleted.

31. Section 606.1 is amended by deleting therefrom sub-paragraphs 4, 5 and 6.

32. Sub-paragraphs 1 and 2 of Section 606.2 are amended to read as follows:

"1. On the fixture supply to each plumbing fixture.

"Exception: Tub and shower valves.

"2. On the water supply pipe to each sillcock when subject to freezing."

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33. Section 607.2.1 is amended to read as follows:

"607.2.1 Piping insulation. Piping in required return circulation systems shall be insulated as required in Section 504, International Energy Conservation Code."

34. Section 608.1 is amended to read as follows:

"608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Back flow preventer applications shall conform to applicable local regulations, Table 608.1 and as specifically stated in Sections 608.2 through 608.16.9."

35. Section 608.17 is amended to read as follows:

"608.17 Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. In the absence of other local regulations, installation shall be in accordance with Sections 608.17.1 through 608.17.8."

36. Section 708.3.4 is amended to read as follows:

"708.3.4 Upper terminal. Each horizontal drain shall be provided with a cleanout at its upper terminal.

"Exception: Cleanouts may be omitted on a horizontal drain less than five (5) feet (1524 mm) in length unless such line is serving sinks or urinals."

37. Section 712 is amended by the addition of Section 712.5 to read as follows:

"712.5 Dual Pump System. All sumps shall be automatically discharged and, when in any "public use" occupancy where the sump serves more than 10 fixture units, shall be provided with dual pumps or electors arranged to function independently in case of overload or mechanical failure. For storm drainage sumps and pumping systems, see Section 1113."

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38. Section 714 is re-captioned "ENGINEERED DRAINAGE DESIGN".

39. Section 714.1 is amended to read as follows:

"714.1 Design of drainage system. The sizing requirements for plumbing drainage systems shall be determined by approved design methods."

40. Section 802.1.1 is amended by deleting therefrom the Exception.

41. Section 802.4 is amended by the addition thereto of the following:

"No standpipe shall be installed below the ground."

42. Section 904.1 is amended to read as follows:

"904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least six (6) inches (152 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof."

43. Section 912.1 is amended to read as follows:

"912.1 Type of fixture. A combination drain and vent system shall not serve fixtures other than floor drains, standpipes, and indirect waste receptors. Combination drain and vent systems shall not receive the discharge of a food waste grinder."

44. Section 912.2 is amended to read as follows:

"912.2 Installation. The only vertical pipe of a combination drain and vent system shall be the connection between the fixture drain of a standpipe and the horizontal combination drain and vent pipe. The maximum vertical distance shall be 8 feet (2438 mm)."

45. Section 1002.10 is hereby deleted.

46. Section 1106.1 is amended to read as follows:

"1106.1 General. The size of the vertical conductors and leader, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour rainfall rate."

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47. The first sentence of Section 1107.3 is amended to read as follows:

"1107.3 Sizing of secondary drains. Secondary (emergency) roof drain system shall be sized in accordance with Section 1106." {The remainder of the section is unchanged.}

48. Chapter 12 is hereby deleted.

15.2.03 International Fuel Gas Code – Amendments The adoption by reference of the IFGC as provided in 15.2.01 of this chapter is made subject to and is modified and amended as follows:

1. Section 102.2 is amended by the addition thereto of an Exception to read as follows:

"Exception: Existing dwelling units shall comply with Section 620.2."

2. Section 102.8 is amended to read as follows:

"102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 7 and such codes, when specifically adopted, and standards shall be 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. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted."

3. The definition of "Unvented Room Heater" in Section 202 is amended by the addition thereto of the following:

"For the purpose of installation, this definition shall also include "Unvented Decorative Appliances."

4. Section 302.3 is amended to read as follows:

"302.3 Cutting, notching and boring in wood members. When permitted by the International Building Code, the cutting, notching and boring of wood members shall comply with Sections 302.3.1 through 302.3.3."

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5. Section 305.4 is hereby deleted.

6. Section 305 is amended by the addition thereto of Section 305.5 to read as follows:

"305.5 Clearances from grade. Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extended above adjoining grade a minimum of 3 inches (76 mm) or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade."

7. The last sentence of Section 306.3 is amended to read as follows:

"The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. As a minimum, access to the attic space of residential uses shall be provided by one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.

"Exception: The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening."

8. Section 306.3.1 is amended by the addition thereto of the following:

"Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage."

9. Section 306.4.1 is amended by the addition thereto of the following:

"Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage."

10. Section 306.5 is amended to read as follows:

"306.5 Appliances on roofs or elevated structures. Where appliances requiring access are installed on roofs or elevated structures at a height

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exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access. Permanent exterior ladders providing roof access need not extend closer than 8 feet (2438 mm) to the finish grade or floor level below and shall extend to the appliance's level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope)."

11. Section 306.5.1 is amended by the addition thereto of Section 306.5.1.1 to read as follows:

"306.5.1.1 Catwalk. On roofs having slopes greater than 4 units vertical in 12 units horizontal, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to the working platform at the appliance."

12. Section 306.5.2 is amended by the addition thereto of the following:

"Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage."

13. Section 306 is amended by the addition thereto of Section 306.7 to read as follows:

"306.7 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

"306.7.1. Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 306.3.1."

15.4.04 Board of appeals; repealer Notwithstanding any provisions of the uniform code adopted in this Chapter, the Zoning Board of Adjustments of the City shall serve as the board of appeals with reference to the codes adopted by this Chapter. All provisions in such uniform codes in conflict with the provisions of this Chapter are hereby repealed.

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- 15.4.05 Plumbing fees prescribed Notwithstanding any provisions of the uniform code adopted in this Chapter, the provisions of Chapter 3.3 of the City Code shall govern the fees prescribed pursuant to such uniform code as the same are applied and enforced within the City. All provisions in such uniform code in conflict with the provisions of the City Code are hereby repealed.

TITLE 15: BUILDINGS AND CONSTRUCTION

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15.3.56 Administration authority and assistants

15.3.57 Right to entry

15.3.58 Liability for damages

History:

<u>Ordinance</u>	<u>Date of adoption</u>	<u>Effect</u>
90-13	5/21/90	Recodified Chapter 3 of Title 15
95-01	7/20/95	Licensing through NCTCOG
96-01	1/18/96	Amendments
99-05	5/20/99	Adopted 1999 National Electrical Code

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.3 - ELECTRICAL CODE

ARTICLE I - ADOPTION AND AMENDMENT OF NATIONAL ELECTRICAL CODE

15.3.01 Uniform Code - Adoption; rule of construction The National Electrical Code, 1999 Edition, including all appendices thereto (herein called the "NEC") as enacted by the National Fire Protection Association, is hereby adopted and designated as the Electrical Code of the City, the same as though such code were copied at length herein, subject however to the deletions, amendments and additions provided in 15.3.02 of this Chapter. A copy of the NEC shall be kept on file in the office of the City Secretary. In the event there is determined to be a conflict between the provisions of the above-described uniform code as adopted and the provisions of this Code, the latter provisions shall be construed as controlling and taking precedence over the former.

15.3.02 Amendments, additions and deletions The adoption by reference of the National Electrical Code, as provided in 15.3.01 of this Chapter, is made subject to and is modified and amended as follows:

"SHALL, as such term applies to an act or duty to be performed by the Building Official of the City pursuant to any section of this Chapter, is discretionary. In all other applications in this Chapter, SHALL means that such act or duty is mandatory."

15.3.03 - 15.3.04 (Reserved)

ARTICLE II - ENFORCEMENT OFFICER

15.3.05 Duties It shall be the duty of the Building Official to enforce the provisions of this code, either individually or acting by and through his duly authorized representatives. He shall be responsible for making inspections, issuing licenses and permits, administering examinations, and performing all the other functions of the Office of Electrical Inspection as prescribed in this code or by administrative order. He shall keep complete records of all permits issued, inspections made, and other official work performed in accordance with the provisions of this code.

15.3.06 Restrictions on Business Interests It shall be unlawful for any person, while holding the office of Building Official or Electrical Inspector, to engage either directly or indirectly in the business of the sale, design,

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installation or maintenance of electrical equipment or have a financial interest of any nature in any concern engaged in such business in the City of Dalworthington Gardens or any city with which the City of Dalworthington Gardens has entered into reciprocity agreements pursuant to the terms of this code.

15.3.07 Authority

- A. Inspections - Electrical Inspectors shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinspection, or test of the electrical equipment contained therein, or its installation. When any electrical equipment is found by the Electrical Inspector to be dangerous to persons or property, the person, firm, or corporation responsible for the electrical equipment shall be notified and shall make any changes or repairs which are required to make such equipment in safe condition and if such work is not completed within fifteen (15) days or any longer period than may be specified in said notice, the Building Official shall have the authority to disconnect or order the electricity supply agency to disconnect all electric service to said electrical equipment and/or the premises in or upon which the same is located.
- B. Disconnection of Equipment - In case of emergency, where necessary for safety to persons or property, or where electrical equipment may interfere with the work of the fire department and Building Official shall have the authority to disconnect immediately and without notice to anyone, or to cause the immediate disconnection of, any electrical equipment.

15.3.08 - 15.3.09 (Reserved)

ARTICLE III - ELECTRICAL BOARD

- 15.3.10 Appointment of Board; Organization There shall be and is hereby created a Board of Appeals, consisting of five members who are qualified by experience and training to pass upon matters to which this code pertains. The Building Official shall be an ex officio member and shall act as Secretary of the Board. The Board shall be appointed by the Mayor and

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shall hold office at his pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.

- 15.3.11 Records of the Board - Examination With regard to examinations administered by this Board, the Building Official shall keep a record of all examinations held, all applicants examined and the results thereof, together with such other records as the Board may direct. The records of the name of each applicant and the number, date and result of each examination taken by each applicant shall be kept permanently; otherwise no records or examinations need to be kept for a period greater than two (2) calendar years.
- 15.3.12 Quorum Three (3) members of the Board present at any meeting, shall constitute a quorum for the transaction of any business or the carrying out of any duties, and any action taken at any meeting shall require the affirmative vote of at least two (2) members. The Chairman of any meeting of the Board shall vote.
- 15.3.13 Appeals Any person may register an appeal with the Secretary of the Electrical Board for review of any decision of the Building Official made pursuant to the terms of this code. Such appeal shall be made in writing within five (5) days after such person shall have been notified of such decision by the Building Official. The Secretary shall forthwith notify the Board, which shall proceed to determine whether or not, in their opinion, the enforcement of a particular provision or provisions would do manifest injustice and would be contrary to the spirit and purpose of this code or public interest. The Board shall make a decision in accordance with its findings within five (5) days, exclusive of Saturdays, Sundays, and holidays, after such appeal is registered.
- 15.3.14 (Reserved)

ARTICLE IV - LICENSES

- 15.3.15 License Required
- A. It shall be unlawful for any person, firm or corporation who is not the holder of an unexpired, unrevoked license or temporary

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working permit to engage in any business or perform any work in connection with constructing, installing, maintaining, extending, repairing or replacing any electrical wiring, apparatus, or equipment of any voltage in excess of twenty-four (24) volts, provided however, that a helper or an apprentice electrician may perform work prescribed for him by a holder of a license if he is in the presence of and being supervised by the holder of such license, and if the license is such as to permit the holder thereof to do such work.

- B. It shall be unlawful for the holder of any license or temporary working permit issued under the provisions of this chapter to engage in any phase of the electrical business or perform any work at electrical trade other than such business or work authorized by the class of license or permit held by him; provided however, that a helper or an apprentice electrician may perform work prescribed for him by a holder of a license enabling said holder to do such work, and then only while he is in the presence of and being supervised by the holder of a license.
- C. All persons who are currently licensed by the City shall be licensed under this chapter, and such licenses shall expire at the expiration date set in said licenses unless renewed as provided herein.

15.3.16 Grades of licenses

- A. Master Electrician's License A Master Electrician's license shall entitle the holder to contract for and engage in the business of electrical wiring of any nature, and to employ and supervise journeymen electricians.
- B. Sign Electrician's License A Sign Electrician's License shall only entitle the holder to contract for and engage in the business of manufacturing and installing luminous gas or electric discharge outline lighting, and to employ and supervise journeymen electricians in the performance of such work on such signs; provided, that one holding only a Sign Electrician's License shall not perform or supervise the performance of primary wiring to transformers connected with signs and/or outline lighting equipment.

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- C. Journeyman Electrician's License A Journeyman Electrician's License shall entitle the holder thereof to perform any type of electrical work under the supervision of a Master Electrician, or to perform any type of sign work, as outlined in 15.3.16B above, under the supervision of a Sign Electrician; provided, that one holding only a Journeyman's Electrician's License shall not contract for or engage in the business of electrical work of any nature, nor perform electrical work of any nature, except under the supervision of either a Master Electrician or Sign Electrician.
- D. Journeyman Sign Electrician's License A Journeyman Sign Electrician's License shall entitle the holder thereof to perform any type of electrical work under the supervision of a Sign Electrician, but in no case shall a Journeyman Sign Electrician contract for or engage in the business of electrical sign work of any nature, nor perform electrical sign work of any nature, except under the supervision of either a Sign Electrician.
- E. Temporary Work Permit A temporary work permit shall entitle an unlicensed electrical worker with at least two (2) years' experience in the installation of electrical equipment to perform work in the capacity of a Journeyman Electrician until the next regular examination date, at which time such worker must be examined in the manner required herein for a Journeyman Electrician's License. If such worker fails to pass the examination for a Journeyman Electrician's License, he shall not be permitted to work in the capacity of a Journeyman Electrician until such later time as he is able to pass such examination. Temporary working permits shall not be renewed.
- F. Maintenance Electrician's License A Maintenance Electrician's License shall entitle the holder thereof to perform electrical maintenance work as defined in 15.3.21 B hereof on the premises and in the building or buildings where he is regularly employed on a permanent full-time basis by his employer.

5.3.17 Registration and Fees

- A. No electrician of any grade or electrical contractor, shall engage in, carry on or work at the business of electrical contracting or install, alter or repair and electrical system or appliance unless he has

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registered his full name, residence and place of business, to include and subsequent changes thereto with the Building Official of the City and had paid such fees therefor as may be required by the Permit and Service Fee Chapter of the City.

- B. Such fees shall be payable in advance and renewals thereof shall be payable on or before the expiration date of the license to be renewed. Any holder of any contractor registration or license of any grade who shall fail to pay the annual renewal fee due for a renewal of such registration or license within thirty (30) days of the date the same becomes due shall be required to pay as a renewal fee the same amount as the fee for the first full year.

15.3.18 Expiration of License Any license issued under the terms of this code shall expire thirty (30) days after the annual renewal fee due thereon becomes due and payable unless such fee is paid before the expiration of said thirty (30) day period.

15.3.19 License suspension, revocation or forfeiture

- A. Upon final conviction of any violation of any provision of this code in any court having jurisdiction thereof of any holder of any license issued or renewed under the terms of this code, the Electrical Board may suspend the license of such person so convicted for any period up to six months. After the termination of such period of suspension, such license shall again be valid and effective, provided that renewal fees which may have become due thereon, shall have been paid when due.
- B. If the holder of any license issued under the terms hereof shall have been finally convicted two (2) times for a violation of any provisions of this code, the Electrical Board may revoke and cancel such license, and upon such revocation and cancellation said license shall be and become null and void, and cannot be renewed thereafter.
- C. Any license which expires and is not renewed within two (2) years of the expiration thereof shall thereafter be renewed only upon compliance with the application and examination provisions of the code as if the holder thereof had never been licensed.

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15.3.20 General License Requirements

- A. Age Requirement No person under twenty-one (21) years of age shall be licensed as a Master Electrician or Sign Electrician.
- B. Licenses to Natural Persons and Firms Hereinafter, no licenses shall be issued under the terms of this code to any other than a natural person, except that those licenses now held in the names of firms or corporations may continue to be so held and renewed subject to all other terms of this code and all other pertinent chapters.
- C. Transfer of License Prohibited
1. No license in effect, issued, or renewed under the terms of this code shall ever be transferred to or used by any other person other than the one to whom or to which the same is or shall be issued.
 2. It shall be unlawful for any holder of any license or any grade to allow his name or license to be used by any other person or firm or corporation, directly or indirectly, for the purpose of obtaining a permit or for performing work under his license.
 3. Notwithstanding the provisions of 15.3.19 hereof, upon final conviction of any license holder for any violation of this section, the license of such person shall be automatically suspended for a period of six months.
- D. Employment of Unlicensed Workers It shall be unlawful for a Master Electrician or Sign Electrician to employ any person to do or perform any work governed by this chapter for which a license is required unless such person holds a license or temporary working permit authorizing him to perform such work.
- E. Display of License or Permit Each holder of a license or working permit under this chapter shall carry his license or working permit on or about his person at all times while performing electrical work and shall produce and present such license or permit immediately upon request of any electrical inspector.

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- F. Address and Telephone Number Each holder of a license of any grade shall furnish the Office of Electrical Inspection with a written notice of his permanent address, and each holder of a Master Electrician's License and of a Sign Electrician's License shall furnish the Office of Electrical Inspection with a written notice of the address and telephone number of his regularly established place of business.
- G. Truck Markings All holders of Master Electrician's Licenses shall have a sign on their trucks or vehicles from which they work, stating the firm name, address, and telephone number before issuing or renewing license. The letters shall be not less than three (3") inches high.

15.3.21 Special Provisions for Maintenance Electricians

- A. The Maintenance Electrician's License shall specify the name and address of the holder, and the location of the premises in or on which the maintenance work is to be done. The holder of such license shall notify the Office of Electrical Inspections immediately of a change of employment, giving the name of his new employer and the location of the premises in or on which he is to be employed to perform electrical maintenance work.
- B. "Electrical Maintenance work" shall mean the keeping in safe repair any and all electrical installations, apparatus, and equipment within a building or buildings, or in or on the premises where the Maintenance Electrician is regularly employed for which a permit is not required by this chapter.
- C. All of the work shall be subject to inspection by the Building Official, and the fees for permits and inspections shall be paid in accordance with the schedule therefor prescribed in Chapter 3.3 of this Code.
- D. Nothing in this section shall be construed to limit the right of a Master or Sign Electrician to perform electric maintenance work or to limit the right of Journeymen or holders of temporary working permits to perform such electrical maintenance work under the supervision, direction and control of a Master or Sign Electrician.

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15.3.22 - 15.3.24 (Reserved)

ARTICLE V - EXAMINATIONS

- 15.3.25 Examination Prerequisite to License Any applicant for a license of any grade shall pass an examination as a condition precedent to the issuance of such license. Such examination shall be administered by a qualified testing agency approved by the North Central Texas Council of Governments.
- 15.3.26 Time and Place of Examination Examinations shall be held at a time and place designated by the testing agency.
- 15.3.27 Application for Examination In making application for an examination hereunder, an applicant shall follow such rules and regulations and shall provide such information as may be required by the testing agency and/or the North Central Texas Council of Governments.
- 15.3.28 Qualifications of Applicants
- A. Master Electricians Applicants for Master Electrician Licenses shall be of good moral character, and shall have had at least four (4) years experience in the installation of electrical equipment; or shall have a degree in electrical engineering, from an accredited college or university, and not less than one (1) year of practical electrical experience; or shall have earned either two (2) years credit from an accredited college or university or a diploma from a recognized electrical trade school, and shall have had at least two (2) years practical electrical experience.
- B. Sign Electricians Applicants for Sign Electrician Licenses shall be of good moral character, and shall have had at least three (3) years experience in the installation and/or manufacture of electric signs or in lieu of such experience shall have graduated, after majoring in electrical engineering, from an accredited college or university, and shall have had at least one (1) year of practical electrical sign experience; or in lieu of either of the above requirements shall have had either two (2) years college credit in an accredited college or university or be a graduate of a recognized electrical trade school and shall have had at least eighteen (18) months of practical sign experience.

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- C. Journeyman's Electricians or Journeyman Sign Electricians An applicant for either a Journeyman's Electrician's License or a Journeyman Sign Electrician's License shall be of good moral character, and shall have had at least two (2) years of experience in the installation of electrical equipment. There shall be no examination for temporary working permits, but any applicant for such permit shall have had experience equal to that required for an applicant for Journeyman Electrician's License. An applicant for a temporary working permit shall make written application therefor to the Office of Electrical Inspection. Temporary working permits may be issued to Journeyman Electricians, but no temporary working permits will be issued to Journeyman Sign Electricians.
- D. Maintenance Electrician Applicants for a Maintenance Electrician's License shall be of good moral character, and shall have two (2) years of experience in the maintenance of electrical equipment in order to qualify for a license examination.
- E. Should the testing agency and/or the North Central Texas Council of Governments promulgate qualifications for licenses of the types prescribed in this chapter, then such qualifications shall control in lieu of the qualifications provided in paragraphs A through D of this section.

15.3.29 Examination and license fees Each application for a license shall be accompanied by payment of the fee therefor provided in Chapter 3.3 of this Code.; and each application for an examination shall be accompanied by the payment of the fee therefor prescribed by the testing agency and/or the North Central Texas Council of Governments.

15.3.30 Reciprocal Licensing Applicants holding a currently valid license in another city may apply for and receive a similar license in the City without taking an examination, provided the following conditions are complied with:

- A. The applicant shall submit evidence satisfactory to the City that his or her license was issued under conditions not less restrictive than required by this chapter for such a license, and that an electrician holding a license issued by the City would be similarly licensed in such other city under reciprocal conditions.

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- B. The applicant shall pay all fees required for licensing under this chapter.

15.3.31 - 15.3.32 (Repealed by 95-01)

15.3.33 - 15.3.34 (Reserved)

ARTICLE VI - PERMITS AND FEES

15.3.35 Permit Required; Exception

- A. No electrical equipment shall be installed, nor shall any alteration or addition be made to existing equipment in or on any building, structure or premises in the City, whether such be publicly or privately owned, unless a permit shall first be obtained from the office of Electrical Inspection authorizing such installation, alteration or addition.
- B. No permit for constructing, installing, altering, extending, maintaining, repairing, or replacing any electrical wiring, apparatus, or equipment of any voltage in excess of twenty-four (24) volts shall be issued to any person, firm or corporation other than a holder of a license of the grade necessary to entitle such holder to lawfully do or supervise the work to be done by virtue of said permit.
- C. The provisions of this article shall not apply to equipment owned and used by an electricity supply company or communications agency in the generation, transmission or distribution of electricity or for the operation of signals or the transmission of intelligence.
- D. A separate permit shall be required for each separate building, store space or apartment, whether such unit is metered separately or conjunctival, and a service permit shall be taken on all such units whether supplied from a central metering station or directly from an electricity supply agency, except that in trailer courts, the individual trailer disconnect switches shall not be deemed services; fees for such service permits shall be charged as set out in Chapter 3.3 of this Code.

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15.3.36 Application for Permit

- A. Except as provided in paragraph B hereof, application for such permits, with a description of the work to be done shall be made in writing to the Building Official by the Electrician properly licensed to perform the work. When required by the Building Official, the application shall accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will conform to the requirements of this code. If it shall be found that the installation as described will conform with all legal requirements and if such Electrician has complied with all provisions of this code, a permit for such installation shall be issued. Payment of all permit and inspection fees required in this code shall be made prior to the final inspection required in Article VII hereof.
- B. The Building Official may make and issue in writing such regulations in connection with the filing of applications for permit by telephone as he may deem necessary for the collection of fees and the proper enforcement of this code.

15.3.37 Fees

- A. In any case where an electrician commences work requiring any permit at a time when the Office of the Building Official is open for business and said electrician does not first make application for such permits as may be necessary, the fees therefor shall be doubled.
- B. The permit fee for installation of electrical equipment in all buildings and the permit for alteration of electrical equipment in any building shall be as provided in Chapter 3.3 of this Code.

15.3.38 - 15.3.39 (Reserved)

ARTICLE VII - INSPECTIONS AND NOTICES

15.3.40 Inspection of Installations Made Under Permit Upon the completion of any installation of electrical equipment for which a permit has been obtained and upon the payment to the Building Official of the fees required for such installation as prescribed in Article VI hereof, it shall be the duty of the licensed Electrician making the installation to notify the

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Building Official of said completions. The Building Official shall inspect the installation within forty-eight (48) hours after such notification, exclusive of Saturdays, Sundays and holidays, or as soon thereafter as practicable.

- 15.3.41 Notice of Conformance Where the installation is found to be in conformity with the provisions of this code and all permit and inspection fees have been paid, the licensed electrician making the installation shall be issued a Notice of Conformance, which shall be placed on the equipment of premises, authorizing the use of the installations. The Building Official shall thereupon authorize the Electricity supply agency to connect the installation to the supply of electricity.
- 15.3.42 Certificate of Approval for Temporary Installation When any electrical equipment is to be hidden from view by the permanent placement of parts of the building and/or equipment, the licensed electrician installing the equipment shall notify the Office of Electrical Inspection and such equipment shall not be concealed until it has been inspected and approved by the Building Official, or until forty-eight (48) hours, exclusive of Saturdays, Sundays, and holidays, shall have lapsed from the time of such notification; provided, that on large installations where the concealment of equipment proceeds continuously, the licensed electrician installing the electrical equipment shall give the electrical inspector due notice, and inspection shall be made periodically during the progress of the work.
- 15.3.43 Notice of Non-Conformance If upon inspection, the installation is not found to be fully in conformity with the provisions of this code, the electrical inspector shall issue a Notice of Non-Conformance and the licensed electrician making the installation shall be notified of the defects which have been found to exist. All defective work shall be corrected and brought into conformity with the provisions of this code before any further electrical work will be permitted within or on the building premises and before the licensed electrician making the installation shall be issued any other permits to perform any other electrical work.
- 15.3.44 Operation of Disapproved or Condemned Equipment It shall be unlawful for any person, firm or corporation to conceal or place in operation any electrical equipment which has been disapproved or condemned by the Building Official unless and until the same has been so repaired or altered that it complies with all provisions of this code and has thereafter been approved by said Building Official.

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- 15.3.45 Uncovering Concealed Equipment The Building Official shall have the authority to require any person, firm or corporation to uncover any wiring or electrical equipment which has been concealed without the knowledge or permission of the Building Official.
- 15.3.46 Authorization of Connections It shall be unlawful for any person, firm or corporation to make connection from a supply of electricity or to supply electricity to any electrical equipment for the installation of which a permit is required or which has been disconnected or ordered to be disconnected by the Building Official or except for private residence, which has been disconnected for any reason whatsoever, until such connection has been authorized by the Building Official. In the event, however, that electricity to a private residence has been disconnected by reason of fire on the premises, the electrical service shall not be reconnected until the electrical installations on the premises have been inspected and approved by the Building Official.
- 15.3.47 Inspection of Change of Occupancy The electricity supply agency shall disconnect the electrical service to any building and/or premises except private residences and duplex apartments each time such building or premises change occupants, and it shall not again supply electricity to such buildings or premises until authorized to do so by the Building Official. The Owners and/or the new occupants of such buildings and/or premises shall make application to the Building Official for an inspection which shall be made within forty-eight (48) hours, exclusive of Saturdays, Sundays, and holidays, of the time such application is made or as soon thereafter as practicable. No charge shall be made nor fee collected for such inspections.
- 15.3.48 - 15.3.49 (Reserved)

ARTICLE VIII - ELECTRICITY SUPPLY AGENCY

- 15.3.50 Connection or Disconnection of Meters Any electricity supply agency, operating under a franchise granted by the City, shall have the right to install and connect, or disconnect and remove its meters and protective devices without a permit, but it shall not connect any electrical equipment to a source of supply without first having been authorized in writing to do so by the Building Official.

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- 15.3.51 Required Services Any electricity supply agency, operating under a franchise granted by the City, shall supply all three-wire single phase services with three-wire single phase service drops to premises where on electricity furnished by such organization is used, and shall when practicable furnish the type and size of service needed and requested, except that it shall not be required to furnish three—phase service unless such service is available in the vicinity and unless in addition there is a power demand of at least seven (7) horsepower, at least five (5) horsepower of which is three (3) phase.
- 15.3.52 Inaccessible Meters Where meters originally installed in accessible places satisfactory to the electricity supply agency and are rendered inaccessible thereafter by virtue of alterations or new construction by the owner of the premises or his agent, such meters shall be reinstalled in accordance with the provisions of this code at the expense of the owner.
- 15.3.53 - 15.3.54 (Reserved)

ARTICLE IX - ADMINISTRATION

- 15.3.55 Application and Scope The provisions of this code shall apply to all new construction, relocated buildings, and to any alterations, repair or reconstruction, except as provided for otherwise in this Code.
- 15.3.56 Administration Authority and Assistants Whenever the term "Building Official or his authorized representatives" is used in this code, it shall be the person or persons designated by the City Council to act as such. The Building Official shall employ an assistant, a chief electrical inspector, as director and approved by the City Council.
- 15.3.57 Right to Entry The Building Official and all employed assistants shall carry proper credentials of their respective offices, upon exhibition of which they shall have the right of entry, during usual business hours, to inspect any and all buildings and premises in the performance of their duties.
- 15.3.58 Liability for Damages This chapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property

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caused by any defect in such equipment or in the installation thereof, nor shall either any Electrical Inspector of the City, be held as assuming any liability by reason of the inspection or reinspection authorized herein or the certificates of conformance or nonconformance issued as herein provided or by reason of the approval or disapproval of equipment authorized herein.

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.4 - FIRE PREVENTION CODE

- 15.4.01 Title
 - 15.4.02 Adoption of International Code
 - 15.4.03 Fire Code - Amendments
 - 15.4.04 Board of appeals
 - 15.4.05 Fees; repealer
-

History:

<u>Ordinance</u>	<u>Date of adoption</u>	<u>Effect</u>
90-11	3/19/90	Recodified Chapter 4 of Title 15
92-03	2/17/92	Amended 15.4.02, uniform code adoption
96-02	1/18/96	Amended 15.4.02, uniform code adoption
99-05	5/20/99	Adopted 1997 Uniform Fire Code
01-12	12/13/01	Adopted 2000 International Fire Code

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.4 - FIRE PREVENTION CODE

15.4 01 Title This chapter shall be known as the Fire Prevention Code of the City.

15.4.02 Adoption of International Code

A. Fire Code The International Fire Code, 2000 Edition (herein called the “IFC”), as published by the International Code Council, Inc., is hereby adopted as the Fire Prevention Code of the City for the control of building and structures in the City, with the additions, insertions, deletions and changes prescribed in 15.4.03 of this chapter.

B. Incorporation by reference; copy on file The code adopted in this section is incorporated in this chapter of the City Code the same as if said code were copied at length herein, subject to the additions, insertions, deletions and changes prescribed in this article. A copy of the code shall be maintained on file in the office of the City Secretary of the City.

C. Rule of construction In the event there is determined to be a conflict between the provisions of the international code as adopted and the provisions of this chapter, the latter provisions shall be construed as controlling and shall take precedence over the former.

15.4.03

Fire Code - Amendments The adoption by reference of the IFC as provided in 15.4.02 A of this chapter is made subject to and is modified and amended as follows:

1. Section 102.4 shall be amended to read as follows:

"102.4 Application of other codes. The design and construction of new structures shall comply with this code. and other codes as applicable; and any alterations, additions, changes in use or changes in structures required by this code which are within the scope of this and other codes shall be made in accordance therewith."

2. Section 102.6 shall be amended to read as follows:

"102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 of this code and such codes, when specifically adopted and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where

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differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted."

3. New definitions shall be added to Section 202, to read as follows:

"HIGH-RISE BUILDING. A building having floors used for human occupancy located more than 55 feet (16764 mm) above the lowest level of fire department vehicle access.

"SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

"STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction."

4. Section 307.2 shall be amended to read as follows:

"307.2 Permit required. A permit shall be obtained from the code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. Examples of state or local law or regulations referenced elsewhere in this section may include but not be limited to the following:

"1. Texas Natural Resource Conservation Commission guidelines and/or restrictions.

"2. State, county or local temporary or permanent bans on open burning.

"3. Local written policies as established by the Code Official."

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5. The first paragraph of Section 307.3 shall be amended to read as follows:

"307.3 Location. The location for open burning shall not be less than 300 feet (91.440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91.440 mm) of any structure." *(exceptions unchanged)*

6. Section 307.3.3 shall be added, to read as follows:

"307.3.3 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2."

7. The first sentence of Section 307.4 shall be amended to read as follows:

"307.4 Attendance. Open burning, trench burns, bonfires or recreational fires shall be constantly attended until the fire is extinguished." *(The remainder of the section is unchanged).*

8. Section 307.5 shall be amended to read as follows:

"307.5 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

"Exceptions:

"1. One- and two-family dwellings.

"2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system."

9. Section 307.5.1 shall be amended to read as follows:

"307.5.1 Liquefied-petroleum-gas-fueled cooking devices. When permitted as listed in the exceptions of Section 307.5, LP-gas burners having a LP-gas container with a water capacity greater than 2.5 pounds (1.14 kg) [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

"Exception: One- and two-family dwellings and other residential occupancies when those residential occupancies are in compliance with Section 307.5, exception #2, may have containers with a water capacity not greater than 20 pounds (9.08 kg) [nominal 1 pound (0.454 kg) LP-gas capacity]."

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10. Section 503.1.1 shall be amended by the addition of the following sentence to the first paragraph thereof:

"Except for single- or two-family residences, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure."

11. Section 503.2.1 shall be amended to read as follows:

"503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

"Exception: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved."

12. Section 503.2.2 shall be amended to read as follows:

"503.2.2 Authority. The code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations."

13. Section 503.3 shall be amended to read as follows:

"503.3 Marking. Approved striping or, when allowed by the code official, signs, or both, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

"(1) Striping - Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four-inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

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"(2) Signs - Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief."

14. Section 503.4 shall be amended to read as follows:

"503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times."

15. The first sentence of Section 704.1 shall be amended to read as follows:

"704.1 Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as specified in Table 704.1." *{Remainder of section unchanged}*.

16. Section 803.3.2 shall be amended by the addition of an Exception that shall read as follows:

"Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area."

17. Section 803.4.2 shall be amended by the addition of an Exception that shall read as follows:

"Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area."

18. Section 804.1.1 shall be amended by the addition of Exception 2 that shall read as follows:

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"2. Trees shall not be prohibited inside private dwelling units of Group R-2 Occupancies."

19. Section 901.7 shall be amended to read as follows:

"901.7 Systems out of service. Where a required fire protection system is out of service or in the event of an excessive number of accidental activations, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or standby personnel shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

"Where utilized, standby personnel shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires."

20. Section 902.1 shall be amended by the addition thereto of a definition of "Fire Area" to read as follows:

"FIRE AREA. The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or fire-resistance-rated horizontal assemblies of a building."

21. The sub-paragraph captioned "**Manual dry**" of the paragraph captioned "**STANDPIPE, TYPES OF**", of Section 902.1 shall be amended by the addition thereto of the following:

"The system must be supervised as specified in Section 905.2."

22. Section 903.1.2 shall be amended to read as follows:

"903.1.2 Residential systems. Unless specifically allowed by this code or the *International Building Code*, residential sprinkler systems installed in accordance with NFPA 130 or NFPA 13R shall not be recognized for the purposes of exceptions or reductions, commonly referred to as "trade-offs", permitted by other requirements of this code. In addition, residential sprinkler systems installed in accordance with NFPA 13R must include attic sprinkler protection to be recognized for the purposes of such trade-offs permitted by other requirements of this code."

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23. Sections 903.2.1.1, 903.2.1.2, 903.2.1.3 and 903.2.1.4 are amended to read as follows:

"903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 Occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.
4. The fire area contains a multi theater complex.

"903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 Occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

"903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 Occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

"Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit."

"903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 Occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

"Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit."

24. Section 903.2.7 shall be amended to read as follows:

"903.2.7 Group R-1. An automatic sprinkler system shall be provided throughout buildings with a Group R-1 fire area.

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"Exceptions:

1. Where guestrooms are not located more than one story in height and the building contains less than 20 guestrooms.
 2. A residential sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in buildings, or portions thereof, of Group R-1."
25. Section 903.2.8 shall be amended to read as follows:

"903.2.8 Group R-2. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 fire area where any of the following conditions exist:

1. The R-2 is located more than one story in height, including basements;
or
2. The building contains more than 16 dwelling units; or
3. The building contains fraternities and sororities with an occupant load of more than 10.

"Exception: A residential sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in buildings, or portions thereof, of Group R-2."

26. Sections 903.2.10 shall be amended by the addition thereto of 903.3.10.2 and 903.2.10.3 to read as follows:

"903.2.10.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m³) shall be equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

"903.2.10.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

"Exception: One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment."

27. Section 903.2.12.3 shall be amended to read as follows:

"903.2.12.3 Buildings over 35 feet in height. An automatic sprinkler system shall be installed throughout any building with a floor level, other than penthouses in compliance with Section 1509 of the *International Building Code*, that is located 35 feet (10.668mm) or more above the lowest level of fire department vehicle access.

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"Exception: Open parking structures in compliance with Section 406.3 of the *International Building Code*."

28. Section 903.2.12 shall be amended by the addition thereto of the following:

"903.2.12.4 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm). see Chapter 23 to determine if those provisions apply.

"903.2.12.5 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

"903.2.12.6 Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings over 6,000 sq. ft. For the purpose of this provision, fire walls shall not define separate buildings.

"Exception: Open parking garages in compliance with Section 406.3 of the *International Building Code*".

29. Section 903.3.1.1.1 shall be amended to read as follows:

"903.3.1.1.1 Exempt locations. When approved by the code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.

3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours."

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30. Section 903.3.1.2 shall be amended to read as follows:

"903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, for the purposes of exceptions or reductions permitted by other requirements of this code, see Section 903.1.2."

31. Section 903.3.5 shall be amended by the addition thereto of the following:

"Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor."

32. Section 903.4 shall be amended by the addition thereto of a second paragraph, following the listed exceptions, to read as follows:

"Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering."

33. Section 903.6 shall be amended by the addition thereto of the following:

"903.6.2 Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 1504."

34. Section 905.2 shall be amended to read as follows:

"905.2 Installation standards. Standpipe system shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm."

35. Section 905.3.2 shall be amended by the deletion therefrom of Exceptions 1 and 2.

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36. Section 905.4 shall be amended by the addition to #5 of the following:

"The hose connection hereby required shall be a two-way hose connection."

37. Section 905.9 shall be amended by the addition thereto of a second paragraph, following the listed exceptions, to read as follows:

"Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering."

38. Section 907.1 shall be amended by the addition thereto of 907.1.3, to read as follows:

"907.1.3 Design Standards. All alarm systems, new or replacement, serving 50 or more alarm actuating devices shall be addressable fire detection systems. Alarm systems serving more than 75 smoke detectors or more than 200 total alarm activating devices shall be analog intelligent addressable fire detection systems.

"Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building, the building must comply within 18 months of permit application."

39. Section 907.2.3 shall be amended to read as follows:

"907.2.3 Group E. A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems."

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40. Exception 1 to Section 907.2.3 shall be amended to read as follows:

"1. Group E educational and day care_occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.

1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)"

41. Section 907.2.12 shall be amended to read as follows:

"907.2.12 High-rise buildings. Buildings having floors used for human occupancy located more than 55 feet (16.724 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communications system in accordance with Section 907.2.12.2."

42. Exception 3 to Section 907.2.12 shall be amended to read as follows:

"3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas."

43. The first paragraph of Section 907.2.12.2 shall be amended to read as follows:

"907.2.12.2. Emergency voice/alarm communication system. The operation of any automatic fire detector, sprinkler water-flow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information and directions on a general or selective basis to the following terminal areas on a minimum of the alarming floor, the floor above, and the floor below in accordance with the building's fire safety and evacuation plans required by Section 404:" *(Remainder of section is unchanged.)*

44. Section 907.4 shall be amended by the addition thereto of a second paragraph to read as follows:

"Manual alarm actuating devices shall be an approved double action type."

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45. Section 907.6 shall be amended by the addition thereto of the following:

"907.6.1 Installation. All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six feet separation between supply and return loops. IDC - Class "A" style - D - SLC Class "A" Style 6 - notification Class "B" Style Y."

46. Section 907.9.2 shall be amended so that "75 feet (22 860 mm)" in the second line thereof shall hereafter read: "55 feet (16 764 mm)".

47. Section 913.4 shall be amended by the addition thereto of the following:

"The fire-pump system shall also be supervised for 'loss of power', 'phase reversal' and 'pump running' conditions by supervisory signal on distinct circuits."

48. Exception 3 in Section 1003.2.12.2 shall be amended to read as follows:

"3. In occupancies in Group 1-3, F, H or in non-public portions of S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening."

49. Section 1004.3.2.1 shall be amended by the addition thereto of Exception 5 to read as follows:

"Office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided."

50. The first sentence of Section 1005.2.1 shall be amended to read as follows:

"1005.2.1 **Minimum number of exits.** Every floor area shall be provided with the minimum number of approved independent exits as required by Table 1005.2.1 based on the occupant load, except as modified in Section 1005.2.2." *{The remainder of this section is unchanged.}*

51. Section 1005.3.2.5 shall be amended so that "75 feet (22 860 mm)" in the sixth and seventh lines thereof shall hereafter read: "55 feet (16 764 mm)".

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52. Section 1504.6 shall be amended to read as follows:

"1504.6 Fire Protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9 which shall also protect exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used."

53. Section 2302.1 shall be amended by the addition to the definition of "HIGH-PILED COMBUSTIBLE STORAGE" of the following:

"Any building exceeding 6,000 sq.ft. that has a clear height in excess of 12 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities, to the maximum pile height."

54. Section 2416.1 shall be amended to read as follows:

"2416.1 Standby personnel. When, in the opinion of the code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ standby personnel to remain on duty during the times such places are open to the public, or when such activity is being conducted.

"Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures as directed by the Fire Chief. Such duties may include, but shall not be limited to, extinguishment of fires that occur and assist in the evacuation of the public from the structure.

"There shall be trained crowd managers or crowd manager supervisors at a ratio of one crowd manager/supervisor for every 250 occupants, as approved."

55. Section 3301.1.3 shall be amended to read as follows:

"3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

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"Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as provided in Sections 3304 and 3308.

2. The use of fireworks for approved display as permitted in Section 3308."

56. Section 3402.1 shall be amended by the addition thereto of the following:

"FUEL LIMIT SWITCH. A mechanism, located on a tank vehicle, that limits the quantity of product dispensed at one time.

"MOBILE FUELING. The operation of dispensing liquid fuels from tank vehicles into the fuel tanks of motor vehicles. Mobile Fueling may also be known by the terms Mobile Fleet Fueling, Wet Fueling and Wet Hosing.

"REMOTE EMERGENCY SHUT-OFF DEVICE. The combination of an operator carried signaling device and a mechanism on the tank vehicle. Activation of the remote emergency shut-off device sends a signal to the tanker mounted mechanism and causes fuel flow to cease.'

57. Section 3403.6 shall be amended by the addition thereto of the following:

"An approved method of secondary containment shall be provided for underground tank and piping systems."

58. Section 3404.2.11.5 shall be amended by the addition thereto of the following:

"An approved method of secondary containment shall be provided for underground tank and piping systems."

59. Section 3404.2.11.5.2 shall be amended to read as follows:

"3404.2.11.5.2 Leak detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 3404.2.11.5.3."

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60. Section 3404.2.11.5 shall be amended by the addition thereto of the following:

"3404.2.11.5.3 Dry sumps. Approved sampling tubes of a minimum 6 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling sump at the corners of the excavation with a minimum of 4 sumps. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required."

61. Section 3406.5.4 is amended by the addition thereto of the following:

"3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.

"3406.5.4.5.1 Site requirements.

"1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.

"2. A detailed site plan shall be submitted with each application for a permit. The site plan must include:

- a. all buildings, structures, and appurtenances on site and their use or function;
- b. all uses adjacent to the property lines of the site;
- c. the locations of all storm drain openings, adjacent waterways or wetlands;
- d. information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and.
- e. the scale of the site plan.

"3. The Code Official is authorized to impose limits upon: the times and/or days during which mobile fueling operations are allowed to take place, and specific locations on a site where fueling is permitted.

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"4. Mobile fueling operations shall be conducted in areas not generally accessible to the public.

"5. Mobile fueling shall not take place within 15 feet (4.572 m) of buildings, property lines, or combustible storage.

"3406.5.4.5.2 Refueling Operator Requirements.

"1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and which indicates its process for properly disposing of contaminated materials when circumstances require.

"2. The tank vehicle shall comply with the requirements of NFPA 385 and local, state and federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.

"3. Signs prohibiting smoking or open flames within 25 feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on 3 sides of the vehicle including the back and both sides.

"4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.

"5. The dispensing nozzles and hoses shall be of an approved and listed type.

"6. The dispensing hose shall not be extended from the reel more than 100 feet (30.48m) in length.

"7. Absorbent materials, non-water absorbent pads, a 10 foot (3.048 m) long containment boom, an approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum 5-gallon fuel spill.

"8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch. limiting the amount of a single fueling operation to a maximum of 500 gallons (1893 L) between resetting of the limit switch.

"Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.

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"9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.

"10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency."

"3406.5.4.5.3 Operational Requirements.

"1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.

"2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.

"3. The engines of vehicles being fueled shall be shut off during dispensing operations.

"4. Nighttime fueling operations shall only take place in adequately lighted areas.

"5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.

"6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.

"7. Motor vehicle fuel tanks shall not be topped off.

"8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.

"9. The Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs."

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62. Section 3803.2.1 shall be amended by the addition thereto of the following:

"3803.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet."

63. Section 3804.2 shall be amended by the addition thereto of Exception 2, to read as follows:

"2. Except as permitted in 307.5 and 3804.3.2, LP-gas containers are not permitted in residential areas."

64. Section 3804.3 shall be amended by the addition thereto of the following:

"3804.3.2 Spas and Pool Heaters. Where natural gas service is not available. LP-gas containers are allowed to be used to supply spa and pool heaters. Such containers shall not exceed 250-gallon water capacity. See Table 3804.3 for location of containers."

15.4.04 Board of appeals Notwithstanding any provisions of the uniform code adopted in this Chapter, the Zoning Board of Adjustments of the City shall serve as the board of appeals with reference to the code adopted by this Chapter. All provisions in such uniform code in conflict with the provisions of this Chapter are hereby repealed.

15.4.05.1 Fees; repealer Notwithstanding any provisions of the uniform code adopted in this Chapter, the provisions of this Chapter 33.3 of the City Code shall govern the fees prescribed pursuant to such uniform code as the same are applied and enforced within the City. All provisions in such uniform code in conflict with the provisions of the City Code are hereby repealed.

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.5 - FLOOD DAMAGE PREVENTION

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-

History:

<u>Ordinance</u>	<u>Date of adoption</u>	<u>Effect</u>
90-14	5/21/90	Recodified Chapter 5 of Title 15
95-02	7/20/95	Adopted 1995 Flood Insurance map
00-10	9/21/00	Adopted 2000 map
04-04	5/20/04	Adopted new chapter
05-17	10/20/05	Adopted new chapter

ARTICLE I - INTRODUCTORY MATTERS

15.5.01 Statutory authorization The Legislature of the State of Texas has, Section 16.315 *et seq.* of the Texas Water Code, delegated to local governmental units the responsibility to adopt regulations designed to minimize flood losses.

15.5.02 Findings of fact

- A. The flood hazard areas of Dalworthington Gardens are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

15.5.03 Statement of purpose It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential buyers are notified that property is in a flood area.

H. Require that person's who knowingly occupy flood-prone areas assume full responsibility for their actions.

15.5.04 Methods of reducing flood losses In order to accomplish its purposes, this chapter uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, that are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development that may increase flood damage;

E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards to other lands.

F. Use any other method reasonably calculated to accomplish the purpose of this article and to promote the public health, safety and general welfare.

15.5.05 Definitions Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ALLUVIAL FAN FLOODING means flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APPEAL means a request for a review by the boards or commissions specified herein of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology

AREA OF SHALLOW FLOODING means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. For Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, has the top of the elevated floor, or for Zones V1-30, VE, or V, has the bottom of the lowest horizontal structural member of the elevated floor, elevated above ground level by means of piling, columns, posts and piers, or shear walls built parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of no greater magnitude than the base flood. For Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to allow for the unimpeded movement of flood waters. For Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of 44 CFR Part 60, 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community or any amended or supplementary map, or any comparable or similar map that is a substitute or replacement therefor, as well as any revision thereto on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community. The flood insurance rate map shall also be referred to in this article as FIRM.

FLOOD INSURANCE STUDY (FIS) (see *Flood Elevation Study*) means the official report which is periodically issued by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination, that provide standards for flood damage prevention and reduction. The term also includes any regulation promulgated:

- (a) by an approved state program as determined by the Secretary of the Interior or;
- (b) directly by the Secretary of the Interior in states without approved programs.

FLOOD PROTECTION SYSTEM means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" as described in section 15.5.02 herein and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) by an approved state program as determined by the Secretary of the Interior or;

(b) directly by the Secretary of the Interior in states without approved programs.

LEVEE means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding.

LEVEE SYSTEM means a flood protection system that consists of a levee, or levees, and associated structures, such a closure and drainage devices, that are constructed and operated in accordance with sound engineering practice.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of 44 CFR Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME means a structure transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles places on a site for greater than one hundred eighty (180) days. The term "manufactured home" does not include a "recreational vehicle". For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS means the regulations promulgated from time to time by appropriate Federal authority governing the National Flood Insurance Program. A copy of the National Flood Insurance Program regulations shall be maintained on file in the records under the custody and control of the floodplain administrator.

NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure
NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. or the condition of a body of water which is channelized and flowing either in a natural or improved condition.

SPECIAL FLOOD HAZARD AREA – see *Area of Special Flood Hazard*.

START OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement either: (1) before the improvement or repair is started; or (2) before the damage occurred, if the structure has been damaged and is being restored. For the purposes of the definition, "substantial improvement: is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified

by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations, a copy of which is on file in the records under the custody and control of the floodplain administrator.)

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE II - GENERAL PROVISIONS

15.5.06 Lands to which this chapter applies The chapter shall apply to all areas of special flood hazard with the jurisdiction of the City of Dalworthington Gardens.

15.5.07 Basis for establishing the areas of special flood hazard The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Tarrant County and Incorporated Areas," dated August 23, 2000 (specifically panels 433J, 434J, 441 J and 442J), with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) or any amended or supplementary maps, or any comparable or similar map that is a substitute or replacement therefor, as well as any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter.

- 15.5.08 Establishment of Development Permit A Floodplain Development Permit is required to ensure conformance with the provisions of this chapter. Procedures to obtain such a permit are set forth in section 15.5.17 below.
- 15.5.09 Compliance No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.
- 15.5.10 Abrogation and greater restrictions This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 15.5.11 Interpretation In the interpretation and application of this chapter, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.
- 15.5.12 Warning and disclaimer of liability The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- 15.5.13 - 15.5.14 (Reserved)

ARTICLE III - ADMINISTRATION

- 15.5.15 Designation of Floodplain Administrator The Building Official is hereby appointed Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

- 15.5.16 Duties and responsibilities of Floodplain Administrator Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
- A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
 - B. Review permit application to determine whether the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding;
 - C. Review, approve or deny all applications for development permits required by this chapter;
 - D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
 - E. Review all applications for permits for development within a floodplain to determine if the proposed development is located in the floodway. If located in the floodway, assure that encroachment provisions of section 15.5.24.A. are met;
 - F. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The Floodplain administrator shall make such determinations in a reasonably prudent manner. When any such interpretation results in a determination that an area is not a special flood hazard, the issuance of any building permits for any part of the area subsequent thereto shall be subject to the applicants agreement to indemnify, hold harmless, and defend the City of Dalworthington Gardens and the floodplain administrator for any adverse consequences resulting from or related to such a determination;
 - G. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Commission on Environmental Quality, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
 - H. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained or increased.

I. When base flood elevation data has not been provided in accordance with 5.5.7 hereof, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article IV hereof;

J. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and

K. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

15.5.17 Permit procedures

A. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to an appropriate scale acceptable to the administrator showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. An area map drawn to an acceptable scale shall also be submitted which shows existing development that reflects the proposed alterations and existing and development and structures within five hundred (500) feet of the floodplain within the area of development that reflects the proposed alterations and existing and proposed structures. The lowest finished floors of all existing structures shall be shown on the area map. Technical information will be required to satisfactorily evaluate the anticipated flood heights and velocities consistent with the provisions of this article and all other city policies pertaining to drainage. The applicant shall furnish the required information utilizing the services of a professional engineer or public land surveyor registered in the State of Texas as is applicable. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of 15.5.21 B hereof;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
5. Maintain a record of all such information in accordance with 15.5.16 A hereof;

B. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 10. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area; and
 11. The cumulative effects of development and the associated loss of storm water storage and /or detention
- 15.5.18 Variance procedures Variance may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria outlined in paragraphs (A) - (M) below are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- A. A request for a variance shall be submitted in writing to the floodplain administrator.
 - B. The Board of Development Appeals (herein the "Board"), as established by the City Council, shall hear and render judgment on requests for variances from the requirements of this chapter.
 - C. The Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter, other than that set forth in section 15.5.17 above may be appealed.
 - D. Any person or persons aggrieved by a decision of the Board may appeal such decision to a court of competent jurisdiction.
 - E. Denial of a variance concerning design standards for floodproofing that have been set forth in a nationally recognized standard to the city, shall be made to the Board. The board may only approve alternate methods and shall not approve the omission thereof.
 - F. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

G. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.

H. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 15.5.17 B hereof have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

I. Upon consideration of the factors noted above and the intent of this chapter, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

J. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

K. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

L. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public (including future owners), or conflict with existing local laws or ordinances.

3. Any application to which a variance is granted shall be mailed by certified mail, return receipt requested, written notice that the structure will be permitted to

be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notice shall be effective upon deposit in United States mail.

M. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in 15.5.18 I. are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

15.5.19 - (Reserved)

ARTICLE IV - PROVISIONS FOR FLOOD HAZARD REDUCTION

15.5.20 General standards In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15.5.21 Specific standards In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) 15.5.7, (ii) 15.5.16 G., or (iii) 15.5.23 C. hereof, the following standards shall apply:

A. *Residential Construction* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least two (2) feet above the base flood elevation resulting from ultimate development of the watershed. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as provided in 15.5.17 A.(1) hereof, is satisfied.

B. *Nonresidential Construction* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of two (2) feet above the floodplain base flood elevation resulting from ultimate development of the watershed, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

C. *Enclosures* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement with fully enclosed areas that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than 1 foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. *Manufactured Homes*

1. All manufactured homes to be placed within Zone A on a community's FHBMs or FIRMs shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

2. All manufactured homes shall be in compliance with section 15.5.21.

3. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a level two (2) feet above the floodplain base flood elevation resulting from ultimate development of the watershed and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. No manufactured home will be placed within a floodway.

5. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

a. the lowest floor of the manufactured home is at a level two (2) feet above the base flood elevation, or

b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

E. Recreational Vehicles Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of 155.5.17 A. hereof, and the elevation and anchoring requirements for "manufactured homes" in paragraph D of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

15.5.22 Standards for subdivision proposals

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with 15.5.02, 15.5.03 and 15.5.04 of this chapter.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of 15.5.08, 155.5.17, and the provisions of Article IV of this chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to 15.5.07 or 15.5.16 G. of this chapter.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

15.5.23 Standards for areas of shallow flooding (AO/AH Zones) Located within the areas of special flood hazard established in 15.5.07 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. All new construction and substantial improvements of **residential** structures shall comply with the more stringent of the following provisions.

1. The lowest floor (including basement) elevated to a point equal to two (2) feet above the floodplain base flood elevation resulting from the ultimate development of the watershed or
2. The structure shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

B. All new construction and substantial improvements of **non-residential** structures:

1. The more stringent of the following shall apply:
 - a. The structure shall have the lowest floor (including basement) elevated to a point equal to two (2) feet above the floodplain base flood elevation resulting from the ultimate development of the watershed; or
 - b. The structure shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or
2. Together with attendant utility and sanitary facilities, shall be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, the structure shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

C. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as provided in 15.5.17 A. 1. are satisfied.

D. Within Zones AH or AO, there shall be adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

15.5.24 Floodways Located within areas of special flood hazard established in 15.5.07 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment when combined with all other existing and anticipated development and encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. If A. of 15.5.24 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12 for application for a conditional FIRM and floodway revision through FEMA.

15.5.25 Penalties for noncompliance. No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) will constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) for each violation, and each and every day the violation occurs shall constitute a separate violation. Nothing herein contained in this section or any other section of this article shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to refusal to approve a plat or to issue a building permit, or to obtain injunctive relief against the violator pursuant to Tex. Civ. Stat. Ann. Art. 1175f (Vernon's 1986) or any other statute, or any other legal remedy available to the city.

- 15.5.26** Abrogation and greater restrictions. This chapter is designed to be cumulative and in no way abrogate other provisions of the state law, the City Code, ordinances, rules, approved policies of City and other governmental commissions and departments dealing with flooding, or any existing easements, covenants or deed restrictions. If there exists any apparent conflict or overlap between provisions of this chapter and other ordinances, rules or regulations, or any easements, covenants or deed restrictions affecting the property in question, the more stringent provision shall apply. All procedures and permits mandated by other provisions of the city's laws shall remain in full force and effect and are incorporated as if reproduced in full herein. Some examples of these other materials include the Zoning Ordinance (Title 17), the Land Development Ordinance (Title 16) and the International Building and Fire Code. There are federal and state laws that are and remain applicable to this subject matter.
- 15.5.27** Interpretation In the interpretation and application of this chapter, all provisions shall be: considered as minimum requirements; liberally construed in favor of the City; and deemed neither to limit nor repeal any other powers granted under state statutes.
- 15.5.28** Warning and disclaimer of liability The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder.

Abatement

- A. *Order of abatement* Whenever the floodplain administrator finds, that a violation of the provisions of the chapter has occurred, he shall advise the property owner of this violation in writing and direct said owner to abate the violation. For purposes of this chapter, said notice shall be mailed by certified mail and shall be effective when deposited in the mail addressed to the person or entity listed as the owner on the tax rolls of the City, regardless of whether such person or entity owns record title to the property or is otherwise the legal owner of the property. The notice shall detail the nature of the violation and shall establish a reasonable abatement period.

- B. *Extension of time* Whenever an order has been given by the floodplain administrator to abate any violation of this chapter under the provisions of section 15.5.29(a), the owner thereof shall have the right, within the period of time given in the order for abatement, to appear at the office of the floodplain administrator with a written explanation to show cause why such order should not or cannot be complied with, and the floodplain administrator may, at his discretion, give such extension of time for the abatement or removal of such violation as may be necessary, provided that there is no immediate danger to the public health, safety or general welfare.
- C. *Voluntary abatement* The owner of any property found to be in violation under the provisions of this chapter may abate the violation at any time within the abatement period by repair or removal. The floodplain administrator shall be advised in writing by the owner of the property that the abatement has occurred and may inspect the premises to insure that the violation has been abated. Should any of the items which constitute a violation be placed on other public or private property without consent from the owner or person in control of such property, this will constitute a separate violation of this article and appropriate enforcement action shall be taken by the floodplain administrator.
- D. *Failure to voluntarily abate a violation.* If a violation is not properly abated within the period established under the provisions of section 15.5.29(a), the city council shall hold a public hearing to determine if the violation should be abated under the police powers of the city.
- E. *Notice of public hearing* A written notice of the public hearing before the city council shall be served on the property owner at least ten (10) days prior to the date set for the public hearing. Service shall be made upon the owner by personal service, or by certified or registered mail. If made by certified mail, services shall be effective on the date the notice is deposited in the United States mail. If there is no known address for the owner, the notice of the hearing shall be published in a newspaper of general circulation in the city at least ten (10) calendar days before the hearing. The failure of any person to receive such notice shall not affect the validity of the proceedings.
- F. *Hearing by the city council* At the public hearing, the city council shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged violation and to proposed abatement measures. The hearing may be continued from time to time.

- G. *Decision of the city council* Following the public hearing, the city council shall consider all evidence and determine whether the property, or any part thereof, constitutes a violation of this chapter as alleged. If the council finds that a violation does exist and that there is sufficient cause to abate the violation, the city council shall make a written order setting forth the findings and ordering the owner or other person having charge or control of the property to abate the violation by repair or removal in the manner and by the means specifically set forth in that order. The order shall set forth the time within which the abatement shall be completed.
- H. *Limitation on filing judicial actions* Any owner or other person with a vested interest who is aggrieved by the decision of the city council ordering the abatement of any violation under the provisions of this chapter may contest such decision by filing a petition in court within ten (10) days of the date of the decision of the city council. Otherwise, the decision of the city council shall be deemed final and conclusive, and all objections to such decision shall be deemed waived.
- I. *Service of abatement order* Within five (5) days following the decision of the city council, the property owner and/or the person having charge or control of the premises shall be served with a copy of the written order in the manner provided in section 15.5.29 (e).
- J. *Abatement by property owner* The property owner, or person having charge or control of the property, may at his own expense abate the violation as prescribed by the order of the city council prior to the expiration of the abatement period set forth in the order. If the violation has been inspected by a representative of the public works department and has been abated in accordance with the order, the proceedings shall be terminated.
- K. *Abatement by city* If a violation is not completely abated within the time prescribed in the city council order, the floodplain administrator, or other designated city official, is authorized and directed to cause the violation to be abated by city forces or private contract. In furtherance of this section, the floodplain administrator or duly authorized agents, employees, contractors, subcontractors, or other representatives of the City are expressly authorized to enter upon the property to abate the violation.

L. Record of abatement costs

1. The floodplain administrator, or such other city official as the administrator may designate, shall keep an account of the costs (including incidental expenses) of abating the violation on each separate lot or parcel of land where the work is done and shall render an itemized report in writing to the city council showing the cost of abatement of said, violation including any salvage value relating thereto; provided that before said report is submitted to the city council a copy of the same shall be served on the property owner in the manner provided in section 15.5.29 (e), together with a notice of the time when said report shall be heard by the city council for confirmation.
2. The city council shall set the matter for hearing to determine the correctness and reasonableness of the abatement costs.
3. Written proof of the service of such report shall be made under oath and filed with the city secretary.
4. The term “incidental expenses” shall include, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, inspection of work (including survey if necessary), and costs of printing, mailing and publication required hereunder.

M. Report; hearing and proceedings The city council shall hear and pass upon the report of the abatement costs, together with any objections or protests. Thereupon, the city council may make such revision, correction or modification in the report, as it may deem just, after which the report, as submitted or as revised, corrected or modified, shall be confirmed by the council. The decision of the city council on the correctness and reasonableness of abatement costs shall be final and conclusive.

N. Assessment of costs against property; lien

1. The total cost of abating such violation, as confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and, upon recordation in the office of the county clerk of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

2. After such confirmation and recordation, a copy of the notice of lien may be turned over to the county tax office, whereupon it shall be the duty of the tax collector to add the amounts of the respective assessments to the next regular city tax bills for said respective lots and parcels of land, and thereafter said amounts shall be collected at the same time and in the same manner as ad valorem taxes are collected and shall be subject to the same penalties and the same procedure under foreclosure and sale as in the case of delinquent ad valorem taxes.

3. At any time after recordation, such lien may be foreclosed by judicial or other sale in the case of delinquent ad valorem taxes.

4. The foregoing remedy shall not preclude a suit against any person violating this chapter who may be held personally liable for the cost incurred by the City in connection with such abatement procedures. The costs of abating any such violation shall constitute a personal liability of the person causing such abatement procedures to be necessary. In addition, the foregoing remedy shall not constitute the exclusive remedy available to the City, and such provisions shall not prevent said city from using any means legally available to it, with or without notice to the landowner, in the event of an emergency or other situation posing a serious threat to the public health, safety, or welfare.