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## **CHAPTER 1 – BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 1-1. - Violations; penalties.**

Any person violating any of the provisions of this chapter shall upon conviction be subject to the penalty in Section 1-13 of the Code of Ordinances for each offense. This penalty shall be cumulative of any other provision of this chapter relative to revocation, suspension or cancellation of licenses issued hereunder.

#### **Sec. 1-2. - Review of decisions of Building Official.**

- A. Petition for review; filing; time. Any persons aggrieved by any action the inspector may within two (2) business days after such action file a written petition with the City for review of the action of the inspector by the Building Official.
- B. Hearing. The building and standards board, within ten (10) days after the date of the filing of the petition, shall hear and determine the appeal. The board shall have the right to sustain, modify or reverse the action of the Building Official.
- C. Effect on inspector's action. Until such time as the Building Official's action is reversed or modified by the City, such action shall in all things be effective.

#### **Sec. 1-3. - Appeals; procedure.**

- A. Time; letter to City Council; contents. Persons dissatisfied with a decision of the building and standards board shall have the right of appeal therefrom to the City Council by addressing a letter to the City Secretary within ten (10) days after the action appealed from, stating their desire to appeal from such action.
- B. Hearing. Upon receipt of notice of such appeal, the City Council shall set a date for hearing. The City Secretary shall notify the appellant and the chairman of the building and standards board of the date set for the hearing. The building and standards board, as well as the applicant, shall have the right to be heard at the hearing.
- C. Powers of City Council. The City Council shall have the right to confirm, modify or reverse the action or decision complained of. The action of the City Council shall be final.
- D. When the building and standards board ruling is final. If no appeal be taken within the time and in the manner hereinbefore provided, the ruling of the building and standards board shall be final. The action of the building and standards board shall be in all things effective unless reversed or modified by the City Council.

**Secs. 1-4—1-25. - Reserved.**

## **ARTICLE II. - BUILDING STANDARDS**

### **Sec. 1-26. - International Building Code adopted.**

- A. Adopted. The International Building Code, 2018 Edition, including current revisions and Appendices C, E, F, G, I, and J, as published by the International Code Congress, Inc., one (1) copy of which is on file with the City Secretary, is hereby adopted and incorporated by reference as the building code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.
- B. Controlling law in case of conflict. In the event of conflict between the provisions of the building code incorporated by reference in (A) of this section and this Code, the provisions of this Code shall prevail.
- C. In this chapter, a Commercial Building means anything constructed under the International Building Code (IBC).

### **Sec. 1-27. - Amendments to building code.**

The International Building Code (IBC), as adopted in this article, is hereby amended as follows:

Chapter 11 of the 2018 IBC is hereby repealed and declared to be null and void and of no effect.

Chapter 13 of the 2018 IBC is hereby repealed and declared to be null and void and of no effect.

The International Building Code, as adopted in this article, is hereby appended to include the following:

### **Sec. 1-28. - References construed.**

- A. Within said building code, including the following shall mean the dangerous buildings ordinances of the City found in Section 1-271 et seq., of this Code (the "Unified Development Code") which ordinances and amendments thereto shall hereby be known as the dangerous building code:
  - Section 116 of the International Building Code.
  - Section 111 of the International Fire Code.
  - Section 115 of the International Existing Building Code.

- B. Within said building code when reference is made to the duties of certain officials named therein that designated official in the City who has duties corresponding to those of the named official in said building code shall be deemed to be the responsible official insofar as enforcing the provisions of said building code are concerned.
- C. Within said building codes, any and all references made to a "board of appeals," shall mean the members hereby appointed by the City Council as the building and standards board, to consider all variances to the technical code and appeals of the decisions of the Building Officials upon final approval from the City Council.

**Sec. 1-29. - International Existing Buildings Code adopted.**

- A. The International Existing Building Code, 2018 Edition, including current revisions, Appendix B, and Resource A, as published by the International Code Congress, Inc., one (1) copy of which is on file with the City Secretary, is hereby adopted by reference as though fully set forth herein.
- B. Within said existing buildings code, any and all references made to the "Unsafe Building Code," including the following, shall mean the dangerous buildings ordinances of the City found in Section 1-271 et seq. of this Code (the "Unified Development Code") which ordinances and amendments thereto shall hereby be known as the dangerous building code:
  - Section 116 of the International Building Code.
  - Section 115 of the International Existing Buildings Code.
  - Section 111 of the International Fire Prevention Code.
- C. Within said existing buildings code when reference is made to the duties of certain officials named therein that designated official in the City who has duties corresponding to those of the named official in said existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of said existing buildings code are concerned.
- D. Within said existing buildings code, any and all references made to a "board of adjustment and appeals," shall mean members appointed by the City Council as the building and standards board to consider all variances to the existing buildings code and appeals of the decisions of the Building Official, upon final approval from the City Council.

**Sec. 1-30. - International Energy Conservation Code 2015 adopted.**

- A. The International Energy Conservation Code, 2015 Edition, including current revisions and all Appendices as published by the International Code Congress, Inc., one (1) copy of which is on file with the City Secretary, is hereby adopted by reference as though fully set forth herein.

- B. Within this energy code, including the following shall mean the dangerous buildings ordinances of the City found in Section 1-271 et seq., of this Code (the "Unified Development Code") which ordinances and amendments thereto shall hereby be known as the dangerous building code:

Section 116 of the International Building Code.

Section 111 of the International Fire Code.

Section 115 International Existing Building Code.

- C. Within said energy code when reference is made to the duties of certain officials named therein that designated official in the City who has duties corresponding to those of the named official in said energy code shall be deemed to be the responsible official insofar as enforcing the provisions of said energy codes are concerned.
- D. Within said energy code, any and all references made to a "board of appeals", shall mean members appointed by the City Council as the building and standards board to consider all variances to the energy code and appeals of the decisions of the Building Official, upon final approval from the City Council.

#### **Sec. 1-31. - Contractors.**

- A. General contractor-(residential) local registration shall expire on February 28th of each year. The term "general contractor" shall mean and include every person who is engaged in the business of working on, or causing to be worked on, or accepting orders or contracts for work on any building, structure, or property, whether compensated or not compensated, under the IRC 2018 R101.2 Scope. The provisions of the IRC for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures except for the following:
1. The term "general contractor-residential" shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a licensed general contractor;
  2. The term "general contractor-residential" shall not apply to the trade of electricians who are licensed separately under City ordinances, nor to plumbing and mechanical trades which are regulated by the state; and

3. The term “general contractor-residential” shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the City from requiring licensing.

**B. *General contractor-commercial shall be defined as IBC 2018 Section 101.2 Scope.***

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

1. Detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the IRC.
2. General contractor commercial shall be registered with the City. General contractor-commercial local registration shall expire December 31<sup>st</sup> of each year. The term “general contractor-commercial” shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a registered general contractor;
  - i. The term “general contractor-commercial” shall not apply to the trade of electricians who are registered separately under City ordinances, nor to plumbing and mechanical trades which are regulated by the state; and
  - ii. The term “general contractor-commercial” shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the City from requiring registration.

**C. *Contractor-limited defined; scope of work.***

1. The term “contractor-limited” or “limited contractor” shall mean a person who is not a general contractor and who is engaged in the business of working on, or causing to be worked on, or accepting orders or contracts for work on any building, structure, or property, whether compensated or not compensated, except for the following:
2. The term “limited contractor” shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a registered general contractor;
3. The term “limited contractor” shall not apply to the trade of electricians, nor to plumbing and mechanical trades which are regulated by the state; and

4. The term “limited contractor” shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the City from requiring licensing or permitting.
- D. A limited contractor is considered applicable to such trades as roofing, framing, paving, fencing, and other specialty crafts.
- E. *Building permit required.* No person, firm, corporation, or any other entity shall erect, construct, enlarge, alter, repair, modify, excavate, fill, or change any fence, sign, land, building, structure, or property in the City, nor cause such work to be done; nor shall any building or structure be moved, removed, converted, or demolished without first obtaining any necessary permit therefore from the Building Official and complying with all applicable requirements of the City.
- F. In addition to a registered contractor, the designer or design professional that prepared the plans for the building for which a building permit is sought may submit a building permit application. Or, the property owner may apply for the building permit. Such permit shall be issued only to a registered contractor or other person approved by the Building Official in accordance with this section who will construct the building.
- G. *Owner doing own work; permits required; compliance with applicable laws and requirements.*
1. An owner of an existing single-family residence who permanently resides in that residence and who claims it as a homestead under the laws of the state may act as a limited or general contractor on his own residence without being registered. However, he must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the City as well as any other applicable state or federal laws.
  2. A person who intends to build a single-family residence and permanently reside therein and claim it as a homestead under the laws of the state may act as a limited or general contractor on his own residence without being registered, if approved by the Building Official. However, he must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the City as well as any other applicable state or federal laws.
  3. No single-family resident homeowner will be issued a permit under the provisions of this section involving any structural, electrical, or plumbing work unless the Building Official is satisfied that the applicant can competently and safely perform the work.
- H. *Registration—Application generally.* Every person desiring to engage in the business of general or limited contractor in the City shall obtain a City registration authorizing him to engage in such business. Individuals desiring such registration

shall make application with the Building Official on the form, which may be obtained from the office of the building department of the City. The Building Official may, at his discretion, issue one permit for the initial work of any otherwise approved structure pending approval of the appropriate general or limited contractor's registration. Only individuals shall be so registered, and the registration is not transferable.

- I. *Insurance required.* Before any person shall engage in the business of a general or limited contractor or be granted a registration to do so, he shall first provide the City proof of \$1,000,000.00 liability insurance for general contractor- commercial and \$300,000.00 for limited contractor and general contractor-residential.
  1. *Application for registration—Applicant who has had registration previously denied or revoked.* An applicant for a general or limited contractor's registration who has been denied a registration or had a registration revoked by this City or another entity for any building or related trade must disclose that information to the Building Official at the time of application. Any conviction for a misdemeanor or felony, other than traffic citations, must also be disclosed. Failure to disclose such information will result in automatic disapproval of the application. If the registration is issued and such failure to disclose is discovered later, the registration will be revoked. Any additional legal remedies may also be pursued by the Building Official. Upon disclosure at the time of registration application, the Building Official will make a thorough investigation and weigh carefully all details available prior to approving registration.
- J. *Fee.* Every applicant who shall make application for a general contractor's registration, as provided for in this article, shall pay a fee, as established in the Schedule of Fees, upon submitting such application.
- K. *Issuance of registration.* A contractor's registration will be issued by the Building Official only after receipt of the insurance.
- L. *Term of registration.* All registrations issued under the provisions of this article shall expire on December 31<sup>st</sup>, except the registrations identified under subsection 2.
- M. *Registration renewal; fee; requirements for renewal.* A registration holder may renew his general contractor's registration any time during the period within December 1 and 30 calendar days after the date of its expiration by paying an annual renewal fee as established in the Schedule of Fees. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued sometime within the preceding 24 months. A registration holder who has exceeded the allowed 60 days past expiration will be considered as a new applicant should he desire to reestablish his general contractor's registration.

N. *Procedure for denial, revocation, or suspension of registration or right to obtain permits.* If the Building Official initiates a recommendation for denial, revocation, or suspension of a registration or of a right to obtain permits to work under an adopted code or ordinance of the City, the following procedure will apply:

1. An applicant for registration or a registrant of the City shall have ten business days to request a review hearing to be held before the building and standards board as referenced in Chapter 1 Article 1. During the ten business-day period a current registrant shall not be allowed to obtain permits. If the applicant for registration or a registrant fails to request a hearing within ten business days, the recommendation of the Building Official shall become final. If a registrant requests a hearing, any denial, revocation or suspension of registration or right to obtain permits shall be stayed pending the decision of the board. The board shall, by majority vote, affirm or reject the Building Official's recommendation.

**Sec. 1-32. – Fees.**

A. *Commercial Building premium or overtime inspection fees.* Premium or overtime inspections are those inspections requested for times other than the normal working hours. Fees for premium inspections done after 4:00 p.m. on weekdays and on weekends shall be at an hourly rate, as established in the Schedule of Fees, per inspection with a minimum charge of three hours. The Building Official shall have the authority to approve same day inspections, only if the schedule allows it and fees for same day are paid prior to doing the inspections. The fee per inspection will be as established in the Schedule of Fees.

B. *Working without a Permit.* The Building Official shall have the authority to require, where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees established in the Schedule of Fees. The payment of such fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

C. *Re-inspection Fees.* Re-Inspection fees shall be as established in the Schedule of Fees. Reinspection fees must be paid by the person or agent to whom the permit was issued prior to any reinspection.

D. *Permit Refunds.*

1. Refunds. The Building Official shall authorize the refunding of fees as follows:
  - a. The full amount of any fee paid hereunder that was erroneously paid or collected;

- b. Not more than 50 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code;
- c. Not more than 90 percent of the plan review fee paid when an application for a permit for which a fee has been paid is withdrawn or canceled before any plan review effort has been expended; and
- d. The Building Official may refund an amount he/she determines if some, but not all, plan review effort has been expended and a permit has not yet been issued.

2. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

E. Additional plan review fee. Additional plan review fee required by changes, additions, revisions or plans submitted for review as part of the permit application (after second re-submittal) will be charged at an hourly rate, as established in the Schedule of Fees, per reviewing department (minimum charge one-half hour).

**Secs. 1-33—1-45. - Reserved.**

## **ARTICLE III. - ELECTRICITY**

### **DIVISION 1. - GENERALLY**

**Sec. 1-46. - Electrical work; defined; exceptions; by or under licensed electrician.**

A. *Electrical work defined.* The term "electrical work" as used in this article, means the installing, maintaining, altering, repairing or erecting of any electrical wiring apparatus, device, appliance, fixture or equipment for which a permit is required under the terms and provisions of this article, except poles and guy anchors installed by an electric, telephone, telegraph, signal or public service company as a part of its distribution systems.

B. *Excepted work.* The provisions of this article shall not apply to:

1. *Communications systems.* Electrical work, equipment and installations made by or for communications agencies in the actual furnishings of communications service nor to employees and to those doing electrical work and making installations in and on the lead side of the connecting switch on the communication agency's communication power switchboard, but the electrical work, installation and equipment shall comply with the provisions of the National Electrical Safety Code and the National Standard Electrical Code, including all subsequent amendments to these codes.

2. *Homeowners doing own work.* Homeowners doing their own electrical installation work on residences for their own occupancy providing sections of this article pertaining to permits, inspections, materials, workmanship standards and fees are strictly complied with.

C. *By or under licensed electrician.* Except as provided in (B) of this section, it shall be unlawful for any person to do electrical work within the City unless such person is a state licensed master electrician, or unless such person does such electrical work under the supervision, direction and control of a licensed master electrician.

**Sec. 1-47. - Liability for damages.**

This article shall not be construed to relieve or lessen the responsibility of any party owning, operating or controlling any electric wiring, apparatus, device, appliance, fixture or equipment for damages to person or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection authorized herein or the approval as provided in Section 1-110 or otherwise.

**Secs. 1-48—1-60. - Reserved.**

**DIVISION 2. - ELECTRICAL INSPECTORS**

**Sec. 1-61. - Specific duties of Building Official.**

- A. *Permits.* The Building Official shall, upon application, cause to be issued permits for the installation and alteration of electrical wiring, devices, appliances, fixtures, apparatus and equipment.
- B. *Inspections.* The inspector shall be responsible for inspection of all new electrical installations and reinspections of all existing electrical installations as provided in this article.
- C. *Records.* The inspector shall keep complete records of all permits issued, inspections and reinspections made and other official work performed in accordance with the provision of this article.

**Sec. 1-62. - Right of entry; hours.**

The Building Official and any of the assistants shall have the right, from 8:00 a.m. to 5:00 p.m., to enter any building in the discharge of their official duties or for the purpose of making any inspection, reinspection or test of the installation of electrical wiring, apparatus, devices, appliances, fixtures or electrical equipment contained therein.

**Sec. 1-63. - Cutting off current; disconnecting wires.**

The Building Official shall have the authority to cause the turning off of all electric currents and to cut or disconnect, in cases of emergency, any wire where such electric

currents are dangerous to life or property or where such wires may interfere with the work of the fire department.

**Sec. 1-64. - Emergency powers; defective, dangerous installations.**

The Building Official is hereby empowered in emergencies to disconnect and to order the discontinuance of electrical service to any electric wiring, apparatus, device, appliance, fixture or equipment found to be dangerous to life and property because of its being defective or defectively installed or otherwise not in conformity with the provisions of this article until such wiring, apparatus, device, appliance, fixture or equipment and its installation has been made safe as directed by them in conformity with this article.

**Sec. 1-65. - Engaging in business.**

It shall be unlawful for inspectors to engage in the business of the sale, installation or maintenance of electrical wiring, apparatus, devices, appliances, fixtures or equipment, either directly, or indirectly, and they shall have no financial interest in any concern engaged in such business in the City at any time while holding the office of inspector for the City.

**Secs. 1-66—1-80. - Reserved.**

**DIVISION 3. - PERMITS**

**Sec. 1-81. - Required.**

No wiring, poles, duct lines, guy anchors, apparatus, devices, appliances, fixtures or equipment for the transmission, distribution or utilization of electric energy for any purpose shall be installed within the City, nor shall any alteration or addition be made in any such existing wiring, poles, duct lines, guy anchors, apparatus, devices, appliances, fixtures or equipment without first securing a permit therefor from the Building Official, except as stated in Section 1-82.

**Sec. 1-82. - When not required; inspection; conformity.**

A. *No permit required.* No permit shall be required for the following:

1. *Replacements.* Replacing fuses or lamps or the connection of portable devices to suitable receptacles which have been permanently installed for repairs to portable appliances.
2. *Minor repairs.* Minor repair work such as repairing or replacing flush and snap switches, receptacles and lamp sockets, or minor repairs of permanently connected electrical apparatus, appliances, fixtures or equipment or the installation of light globes.
3. *Communication systems.* Poles and guy anchors for the installation, maintenance or alteration of electric wiring, apparatus, devices, appliances or

equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the supply or line side of the power switchboard but excluding the connecting switch on the power switchboard.

4. *Public service companies.* Poles and guy anchors for the installation, maintenance or alteration of electric wiring, apparatus, devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's premises other than wiring which is a part of the company's distribution system, including metering equipment wherever located and transformer vaults in which the company's transformers are located, nor shall any of its employees do any work other than that done for the company as hereinbefore provided for, by virtue of this provision.
5. *Temporary installations used in teaching.* The installation of temporary wiring, apparatus, devices, appliances or equipment used by a recognized school in teaching electricity.

B. *No permit or inspection.* No permit or inspection shall be required for the following:

1. *Dwelling outlets.* The installation of three (3) or less one hundred ten-volt outlets installed in dwellings by an electrical contractor, licensed by the State of Texas; and
2. *Specified established companies.* An established refrigeration, air conditioning, heating, motor repair firm or company for the replacement or installation of motors, solenoid valves, controls that are an established part of the system, provided the work conforms to the National Electrical Code and this article, and the electrical supply has been installed by a licensed electrician.

C. *Conformity.* Where no permit is required for the installation or repair of wiring, apparatus, devices or equipment for the transmission, distribution or utilization of electric energy for any purpose, the wiring, apparatus, devices or equipment shall be installed or repaired in conformity with the provision of this article.

### **Sec. 1-83. - Application; description; plans.**

- A. *Description of work.* The application for a permit required by this division shall describe the work to be done and shall be made in writing by a person holding the proper electrician's license.
- B. *Plans, specifications and schedules.* The application shall be accompanied by such other plans, specifications and schedules as may be necessary to determine whether or not the installation as described will be in conformity with the requirements of this article as may be requested by the Building Official. No such

plans, specifications and schedules shall be submitted and no such plans, specifications and schedules will be examined under the provisions of this division unless submitted by the holder of the proper electrician's license.

**Sec. 1-84. - Additional work; changes in original; additions to existing installations.**

- A. *Required.* Any changes or additions to work performed under this article must be covered by additional permits issued before the changes are made.
- B. *Delivery or posting before changes started.* On all installations where wiring, apparatus, devices, appliances, fixtures or equipment are added to previous installations or where changes are made on wiring, apparatus, devices, appliances, fixtures or equipment, the permit for such installations or changes shall be delivered to the one (1) person for whom the installation is to be made or posted on the building or structure as directed by the Building Official before the installation or change is started.

**Sec. 1-85. - Issuance.**

- A. *License required.* No permit to perform any electrical work shall be issued to any person who is not the holder of the proper electrician's license.
- B. *Agreement with application and plans.* The permit when issued shall be issued to the applicant to cover the work described in the application required in Section 1-83 and detailed in the plans filed with such application.
- C. *Compliance with chapter and ordinances.* If it is found that the installation as described will in general conform to the requirements of this article, and if the applicant has complied with all provisions of the ordinances of the City, a permit for such installation shall be issued. The issuance of a permit shall not be construed as permission or as a license to violate any of the requirements of this article or any other ordinance of the City.

**Sec. 1-86. - Display.**

On all new installations, the permit for electrical work shall be displayed in a readily accessible location, as directed by the Building Official, throughout the time such installation covered by the permit is being made.

**Sec. 1-87. - Emergency.**

The Building Official may issue and enforce any rules or regulations deemed necessary covering the granting of emergency permits where real emergencies exist.

**Secs. 1-88—1-105. - Reserved.**

#### **DIVISION 4. - INSPECTIONS**

##### **Sec. 1-106. - Notice of completion of work; inspection.**

- A. *Notifying.* Upon the completion of the work which has been authorized by the issuance of a permit, it shall be the duty of the licensed electrician to whom the permit has been issued to immediately notify the code enforcement office.
- B. *Time.* The Building Official shall inspect, or cause to be inspected, such installation within three (3) days, exclusive of Sundays and holidays, of the time such notice is given.

##### **Sec. 1-107. - Concealed work, continuous inspections.**

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of a building, the licensed electrician to whom the permit has been issued shall notify the Building Official and on such installation as the concealment of parts of the wiring must, in the discretion of the Building Official or their designee, necessarily proceed continuously, the licensed electrician to whom the permit has been issued shall give the Building Official due notice and inspection shall be made periodically during the progress of the work.

##### **Sec. 1-108. - Posting notice of approval; disapproval.**

- A. *Notice as to approval or disapproval.* When it is necessary, in the discretion of the Building Official or the designee, notice shall be posted upon the premises stating that work is approved and may be covered, or is not approved and may not be covered until such further inspection as is necessary has been made.
- B. *Unauthorized removal.* Any person removing, destroying, altering or defacing a notice without the consent of the Building Official or the designee shall be deemed guilty of an offense under this section, and any work described in the notice shall be stayed pending the further necessary inspection.

##### **Sec. 1-109. - Strict conformance required.**

No approval of electrical work shall be issued unless the installation is in strict conformity with the provisions of this article, the statutes of the state and the rules and regulations issued by the state.

##### **Sec. 1-110. - Final approval before connection; issued to utility company.**

If electrical work is found to be in compliance with the provisions of this article, the Building Official, subject to the other applicable provisions of this article, shall issue final approval to the public utility company furnishing the electrical service, or the person supplying the energy, which certification shall authorize connection of such approved

work to the source of energy of the electrical service, the turning on of current and the use of installation. No connection shall be made until such authorization is issued.

**Sec. 1-111. - Reinspection; correction of unsafe conditions.**

- A. *Reinspection.* The Building Official or the inspectors, upon information or belief that faulty conditions exist, shall make a thorough reinspection of any electrical wiring, apparatus, devices, appliances, fixtures or equipment now installed or that may hereafter be installed within the City and within the scope of this article.
- B. *Order to correct.* When the installation of such wiring, apparatus, devices, appliances, fixtures or equipment is found to be at variance with the original permit issued, in a dangerous or unsafe condition, or that the electrical measuring device has been tampered with so as to create a condition dangerous to the continuance of the electrical service or to life or property the person owning, using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, apparatus, devices or equipment in safe condition so as to entirely relieve the hazards created by such unauthorized conditions.
- C. *Time.* The work shall be completed within fifteen (15) days or any reasonably longer period specified by the Building Official in the notice.

**Secs. 1-112—1-125. - Reserved.**

**DIVISION 5. - STANDARDS**

**Sec. 1-126. - Adoption.**

- A. *Adopted.* The National Electrical Code, 2023 Edition, as recommended by the National Fire Protective Association, for electric wiring and apparatus, one (1) copy of which is filed with the City Secretary, is hereby adopted and incorporated by reference as the electrical code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article. The electrical code shall govern and be observed and followed in all electrical wiring and in the construction, installation, repair, alteration, operation, and maintenance of electrical wiring, apparatus, or fixtures, except insofar as they may conflict with the provisions of this article.
- B. *Controlling law in case of conflict.* In case of conflict between the National Electrical Code and the National Electrical Safety Code, the provisions of the National Electrical Code shall prevail. In case of conflict between the National Electrical Code or the National Electrical Safety Code and this Code, the provisions of this Code shall prevail.
- C. *References construed.* Within said electrical codes and this article when reference is made to the duties of certain officials named therein that designated official in

the City who has duties corresponding to those of the named official in said electrical codes and this article shall be deemed to be the responsible official insofar as enforcing the provisions of said electrical codes and this article are concerned.

**Sec. 1-127. - Standards for materials, devices, etc.**

No electrical materials, apparatus, devices, appliances, fixtures or equipment shall be sold or installed in the City unless they are in conformity with the provisions of this division, the statutes of the state and the rules and regulations issued by the industrial commission of the state under authority of the state statutes. The maker's name, trademark or other identification symbol shall be placed on all electrical materials, apparatus, devices, appliances, fixtures and equipment used or installed under this article.

**Sec. 1-128. - Installations on street; franchise holders only.**

- A. *Franchise required.* No person or public service company which does not operate under a franchise granted by the City shall have the right to install any electrical conduits, wires, ducts, poles or equipment of any character for the transmission, distribution or utilization of electric energy or for the operation of signals for the transmission of intelligence on, over or under the streets in the City without first obtaining from the City Council a franchise right or grant for the particular installation so desired to be made and any such installation so made under such franchise or grant shall be in strict conformity with all rules and regulations and ordinances of the City.
- B. *Under streets.* Any installation of duct tubes, conduits or wires under the public streets shall be in accordance with this article and other City ordinances covering the use of public places and streets.

**Sec. 1-129. - Distribution system limited to property of owner.**

For the purpose of this article, the distribution system of any person furnishing electric power shall not extend to any property which such person does not own in fee simple or control by easement.

**Sec. 1-130. - Installations—Connecting to current.**

- A. *Work done under permit.* It shall be unlawful for any person to make connection from a source of electrical energy to any electrical wiring, apparatus, devices, appliance, fixtures and equipment for the installation of which a permit is required until final approval, as required in Section 1-110, has been issued by the Building Official authorizing such connection and the use of such wiring, apparatus, devices, appliances, fixtures and equipment.

- B. *Disconnected by Building Official.* It shall be unlawful for any person to make connection from a source of energy to any electrical wiring, apparatus, devices, appliances, fixtures and equipment which have been disconnected by a Building Official to be discontinued until final approval has been issued by the Building Official as provided in Section 1-110.
- C. *Turned off for other reasons.* Any electrical service turned off within the fire zone or in buildings other than dwellings outside of the fire zone by the electrical company at the request of the owner, customer, inspector or fire department shall not be restored until inspected and notified by the inspector.

**Sec. 1-131. - Same—Interference and change.**

- A. *Prohibited.* It shall be unlawful for any person, in any manner, to interfere with any electrical wiring installed or being installed in, on, within or without any structure or building.
- B. *During construction; authorized person.* If in the course of erection of a building or structure the wiring is in such position as to interfere with the erection or completion of the building or structure as called for by the plans, notice shall immediately be given the person installing the wiring and the needed change shall be made by such person.

**Sec. 1-132. - Abandoned wire and equipment.**

In all repair, remodeling or rewiring installations all abandoned wire or electrical equipment shall be removed or made inaccessible.

**Sec. 1-133. - Technical provisions.**

- A. *Wiring standards, generally.* Any type of wiring or wiring system may be used in the City limits, as approved in the national codes adopted in Section 1-126, except where specifically prohibited herein.
- B. *Armored cable, type AC.* Armored cable, type AC, shall not be used under any conditions except when approved by the electrical inspector.
- C. *Flexible metallic conduit.* Flexible metallic conduit shall not be used except for motor connections not over five (5) feet long where flexibility is necessary, except where longer lengths are necessary for a particular installation to obtain the flexibility necessary for that installation.
- D. *Branch lighting circuits.* All joints on or to branch lighting circuits shall have soldered connections or the connections shall be made with an approved solderless connector.
- E. *Open wiring; conduits.* Open wiring is approved only for temporary work and in central stations, substations, transformer vaults and at switchboards. Elsewhere

than in central stations and substations, all circuits operating at more than six hundred (600) volts shall enter buildings or structures in a conduit run underground or extended overhead from another structure.

- F. *Services.* All service conductors shall be installed in conduit.
- G. *Size of service conduit.* Service conduit for any occupancy shall be not less than one-inch size.

**Sec. 1-134. - Meters.**

- A. *Location.* Contact your local transmission distribution service provider.
- B. *Fireproof cabinets and sockets.* Contact your local transmission distribution service provider.
- C. *Accessibility of meter dial.* Contact your local transmission distribution service provider.
- D. *Front or street side of building; owner's permission.* Contact your local transmission distribution service provider.
- E. *Where exterior installation impractical.* Contact your local transmission distribution service provider.
- F. *Relocation of meter loops; expense.* Contact your local transmission distribution service provider.

**Sec. 1-135. - Miscellaneous.**

- A. *Circuit defined.* A circuit shall be defined as an ungrounded conductor that is fused.
- B. *Heating units and attic fans.* In dwellings there shall be a switch or disconnection means within three (3) feet and in sight of heating units and attic fans.
- C. *Electric panels; prohibited locations.* Electrical panels shall not be installed in bathrooms, clothes closets, kitchen closets or cabinets unless a closet is the large walk-in type, and approved by the Building Official.
- D. *Size of conductor.* No conductor smaller than No. 12 shall be used in a wiring system.
- E. *Washing machines.* Where plumbing facilities are installed for washing machines, an individual circuit using No. 12 wire with a grounded receptacle or ground wire for such machine shall be provided.

F. *Temporary service pole defined.* A temporary service pole (Saw T-Pole) is utilized for providing temporary electricity for commercial and residential construction. Said temporary service shall be removed:

1. After construction is completed;
2. A request for a temporary cut-in is received;
3. Upon final inspection; or
4. Upon notification of the Building Official.

G. *Service equipment grounding conductors.* Service equipment grounding conductors must be connected to an approved accessible driven ground rod.

**Secs. 1-136—1-150. - Reserved.**

## **DIVISION 6. - ELECTRICAL SIGNS**

**Sec. 1-151. - Materials; approval before erection.**

- A. Signs constructed inside or outside the City shall be subject to the same rules and regulations as apply to any other electrical materials.
- B. After approval, the inspector shall attach an approval label or stamp to the sign before it is erected.

**Sec. 1-152. - When permit, inspection required.**

- A. *Existing circuits.* An electrical sign contractor shall be permitted to manufacture, install and do such wiring as required to connect the sign, outside lighting or inside lighting to existing circuits that have been approved by the Building Official for the specific load covered by the permit issued.
- B. *Permit, inspection required.* A permit and inspection shall be necessary for the installation, replacement, relocation or removal and replacement of any electrical sign for repair or repainting.
- C. *When permit not required.* No permit or inspection shall be required for minor repairs of signs provided the sign remains erected.

**Sec. 1-153. - Master electrician.**

Nothing in this division shall be construed as preventing a licensed master electrician from engaging in the business of electrical sign contractor. The master electrician shall otherwise comply with the requirements of this article as to rules for sign work.

**Sec. 1-154. - Persons other than contractor or electrician.**

An electrical sign may be erected by anyone other than an electrical sign contractor or master electrician provided a permit and inspection are issued and no electrical work is involved.

**Sec. 1-155—1-170. - Reserved.**

**ARTICLE IV. - PLUMBING AND GAS**

**DIVISION 1. – GENERALLY.**

**Sec. 1-171. - Codes adopted.**

- A. *Adopted and incorporated by reference.* The 2018 Editions of the International Plumbing Code, including current revisions and Appendices B, C, D, E, F, and G, and the 2018 International Fuel Gas Code, including current revisions and Appendices A, B, C, and D, as published by the International Code Congress, Inc., one (1) copy which is on file with the City Secretary, is hereby adopted and incorporated by reference as the plumbing and fuel gas codes of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.
  
- B. *Controlling law in case of conflict.* In the event of conflict between the provisions of the fuel gas code or plumbing code incorporated by reference in (A) of this Section and this Code, the provisions of this Code shall prevail.

**Sec. 1-172. - Amendments to plumbing code.**

The plumbing code adopted by this article is hereby amended, altered and modified as follows:

- A. *Inspectors.* Section 103.3 of such code is amended to read as follows:

"The Building Official, with the approval of the chief appointing authority of the municipality, may appoint such number of officers, inspectors, assistants and other employees as shall be authorized from time to time. No person shall be appointed as inspector of plumbing who has not met City, county, or state requirements."

**Sec. 1-173. - References construed.**

- A. Within said plumbing and gas codes when reference is made to the duties of corresponding to those of the named official in said plumbing and gas codes shall be deemed to be the responsible official insofar as enforcing the provisions of said plumbing and gas codes are concerned.

- B. Within said plumbing and gas codes, any and all references made to a "board of adjustment and appeals," shall mean the members hereby appointed by the City Council as the building and standards board to consider all variances to the plumbing and gas codes and appeals of the decisions of the Building Official, upon final approval of the City Council.

## **DIVISION 2. – CROSS CONNECTION CONTROLS.**

### **Sec. 1-174. - Purpose.**

Pursuant to Title 30, Texas Administrative Code, § 290.44 and § 290.46, it is the responsibility of the City to protect its drinking water supply from the possibility of contamination or pollution by isolating within the user's system such contaminants or pollutants which could backflow into the public water supply; and to provide for the monitoring and enforcement by a continuing program of backflow prevention, which will prevent the contamination or pollution of the City potable water supply.

### **Sec. 1-175. – Responsibility.**

- A. *The department.* The code enforcement department, hereinafter called "department," of the City is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this division and to prevent water from unapproved sources to enter the potable water system. No water service connection to the premises of a type specified in this division shall be installed or maintained unless the public water supply is protected as required by this division and the adopted plumbing code.
- B. *The user.* The property owner(s) and/or their lessee(s), hereinafter called the "user," shall not allow any pollutants and contaminants to enter the public potable water system from the point of delivery from the public potable water system. The cost of complying with these regulations shall be the responsibility of the user. The user shall install, operate, test and maintain approved backflow preventive assemblies, point-of-use assemblies, and premise isolation assemblies, as directed by the department. Any cost incurred by the City to enforce this division shall be the responsibility of the property owner(s) and/or their lessee(s).

### **Sec. 1-176. – Backflow prevention assembly requirements.**

- A. Backflow preventive assemblies required hereunder shall be approved by the department and shall be installed by and at the expense of the user.
- B. A certified plumbing inspector employed by or under contract with the City shall determine the type of backflow assembly to be installed within the City's water supply.

- C. The department may approve backflow assemblies when such assemblies have met the criteria set forth in Section 1-179.
- D. Assemblies shall be specified and located on the construction plans for all new buildings, additions with new service, and changes of use of existing buildings where required by Section 1-178. Approval shall be obtained prior to issuance of the building permit. This section does not apply to building permits applied for prior to the effective date of this division except as provided for in Section 1-183.

**Sec. 1-177. – Installation of devices.**

- A. Assemblies may be installed at the service connection or near the property line but in all cases before the first branch line leading off of the service line, and in an accessible location approved by the department.
- B. Backflow preventive assemblies shall have at least the same cross-sectional area as the water service and or water meter. In those instances where a continuous water supply is necessary, two (2) sets of backflow preventive assemblies shall be installed in parallel, if the water supply cannot be interrupted for the testing of the assemblies.
- C. No bypass shall be installed around backflow preventive assemblies.
- D. Double check valve assemblies shall be installed as prescribed by the department. These assemblies may be installed below ground in a vault, if approved in writing, on a case-by-case basis by the department.
- E. Reduced pressure principle assemblies shall be installed above ground and as prescribed by the department.
- F. All pressure-type backflow prevention assemblies, which are designed for periodic field testing, shall be equipped with gate valves on both the upstream and downstream side of the assembly. In addition, test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected and, in addition, a test cock shall be located upstream of the upstream gate valve as close as possible to the upstream gate valve.

**Sec. 1-178. – Backflow preventive assembly, general application.**

- A. An approved backflow assembly of the type specified in this section shall be the minimum installation of each device connection (whether from a fire hydrant, temporary regular or other water service connection for the following types of general applications). Each user shall be considered on a case-by-case basis and final determination of device type shall be made by the department.

- B. Any premises where water supplied by the City is subject to deterioration in sanitary quality and there is the potential for its entry into the public water system shall be protected as required by the department.
- C. Health hazards identified by the public water supplier or the Building Official shall be tested annually.
- D. Health hazards are identified in the table below and referenced in 30 TAC § 290.47(i).

**Assessment of Hazards and Selection of Assemblies**

The following table lists many common hazards. It is not an all-inclusive list of the hazards that may be found related to public water systems.

<b>Premises Isolation: Description of Premises</b>	<b>Assessment of Hazard</b>	<b>Required Assembly</b>
Aircraft and missile plants	Health	RPBA or AG
Animal feedlots	Health	RPBA or AG
Automotive plants	Health	RPBA or AG
Breweries	Health	RPBA or AG
Canneries, packing houses and rendering plants	Health	RPBA or AG
Commercial car wash facilities	Health	RPBA or AG
Commercial laundries	Health	RPBA or AG
Cold storage facilities	Health	RPBA or AG
Connection to sewer pipe	Health	RPBA or AG
Dairies	Health	RPBA or AG
Docks and dockside facilities	Health	RPBA or AG
Dye works	Health	RPBA or AG

Food and beverage processing plants	Health	RPBA or AG
Hospitals, morgues, mortuaries, medical clinics, dental clinics, veterinary clinics, autopsy facilities, sanitariums, and medical labs	Health	RPBA or AG
Metal manufacturing, cleaning, processing, and fabrication plants	Health	RPBA or AG
Microchip fabrication facilities	Health	RPBA or AG
Paper and paper products plants	Health	RPBA or AG
Petroleum processing or storage facilities	Health	RPBA or AG
Photo and film processing labs	Health	RPBA or AG
Plants using radioactive material	Health	RPBA or AG
Plating or chemical plants	Health	RPBA or AG
Pleasure-boat marinas	Health	RPBA or AG
Private/Individual/Unmonitored wells	Health	RPBA of AG
Rainwater harvesting system	Health	RPBA or AG
Reclaimed water systems	Health	RPBA or AG
Restricted, classified or other closed facilities	Health	RPBA or AG
Rubber plants	Health	RPBA or AG
Sewage lift stations	Health	RPBA or AG
Sewage treatment plants	Health	RPBA or AG
Slaughter houses	Health	RPBA or AG

Steam plants	Health	RPBA or AG
Tall buildings or elevation differences where the highest outlet is 80 feet or more above the meter	Non-health	DCVA

<b>Internal Protection - Description of Cross Connection</b>	<b>Assessment of Hazard</b>	<b>Required Assembly</b>
Aspirators	Non-health†	AVB
Aspirator (medical)	Health	AVB or PVB
Autoclaves	Health	RPBA
Autopsy and mortuary equipment	Health	AVB or PVB
Bedpan washers	Health	AVB or PVB
Connection to industrial fluid system	Health	RPBA
Connection to plating tanks	Health	RPBA
Connection to salt-water cooling systems	Health	RPBA
Connection to sewer pipe	Health	AG
Cooling towers with chemical additives	Health	AG
Cuspidors	Health	AVB or PVB
Degreasing equipment	Non-health†	DCVA
Domestic space-heating boiler	Non-health†	RPBA
Dye vats or machines	Health	RPBA
Fire-fighting system (toxic liquid foam concentrates)	Health	RPBA

Flexible shower heads	Non-health†	AVB or PVB
Heating equipment		
Commercial	Non-health†	RPBA
Domestic	Non-health†	DCVA
Hose bibs	Non-health†	AVB
Irrigation systems		
With chemical additives	Health	RPBA
Without chemical additives	Non-health†	DCVA, AVB, or PVB
Kitchen equipment - Commercial	Non-health†	AVB
Lab bench equipment	Health or Non-health†	AVB or PVB
Ornamental fountains	Health	AVB or PVB
Swimming pools		
Private	Non-health†	PVB or AG
Public	Non-health†	RPBA or AG
Sewage pump	Health	AG
Sewage ejectors	Health	AG
Shampoo basins	Non-health†	AVB
Specimen tanks	Health	AVB or PVB
Steam generators	Non-health†	RPBA

Steam tables	Non-health†	AVB
Sterilizers	Health	RPBA
Tank vats or other vessels containing toxic substances	Health	RPBA
Trap primers	Health	AG
Vending machines	Non-health†	RPBA or PVB
Watering troughs	Health	AG or PVB

NOTE: AG=air gap; AVB=atmospheric vacuum breaker; DCVA=double check valve backflow prevention assembly; PVB=pressure vacuum breaker; RPBA=reduced-pressure principal backflow prevention assembly.

\*AVBs and PVBs may be used to isolate health hazards under certain conditions, that is, backsiphonage situations. Additional area of premises isolation may be required.

†Where a greater hazard exists (due to toxicity or other potential health impact) additional area protection with RPBA is required.

**Sec. 1-179. – Approved backflow preventive devices.**

- A. As designated in Section 1-176, the standard installation of each service connection to the premises or each system requiring an approved backflow preventive assembly shall be a model and size approved for the appropriate hazard level.
- B. The term "approved backflow preventive assembly" means an assembly approved by the department and shall mean an assembly that has been manufactured in full conformance with the standards established in the American Water Works Association-AWWA C506-78 most recent revised publication "Standards for Reduced Pressure Principle and Double Check Valve Backflow Preventive Assemblies," and have met completely the laboratory and field performance specifications of the Foundation for Cross-Control and Hydraulic Research (FCCCHR) of the University of Southern California established by specifications of backflow preventive assembly, section 10 of the most current issue of the "Manual of Cross-Connection Control," or such other third party certifying entity approved by the department.

- C. Backflow preventive assemblies which may be subject to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by FCCCHR may be listed on the current list of "approved backflow preventive assemblies," which will be available upon written request to the department.

**Sec. 1-180. – Maintenance, testing and records.**

- A. The user shall maintain accurate records of tests and repairs to backflow preventive devices and provide the department with original copies of such records. The records shall be on forms approved by the department and shall include the list of materials or replacement parts used.
- B. Testing, maintenance and repairs to such devices shall be made at the customer's expense by a certified backflow prevention device tester that is approved by the department or any other agency designated by the department to prescribe test methods or to certify or approve persons to conduct such tests. It shall be the duty of the user to require that these tests be performed at the time of the initial installation and, thereafter, in accordance with this division.
- C. The certified tester shall obtain a permit from the department in advance of when the tests are to be performed, so that an official representative of the department may witness the test if so desired by the department.
- D. Following the installation of any assembly required by this division, it shall be tested by a certified tester. The test results shall be submitted to the department with a request for inspection approval before the certificate of occupancy can be issued.
- E. Following the repair, repiping, overhaul, or relocation of an assembly, the user shall have it inspected by the department and tested by a certified tester.
- F. Backflow prevention assemblies, which are installed to provide protection against health hazards, must be tested and certified to be operating within specifications at least annually by a certified tester.
- G. Backflow prevention assemblies, which are installed to provide protection against non-health hazards, must be tested and certified to be operating within specifications once every four (4) years by a certified tester.
- H. A person commits an offense if the person owns or is in control of any premises and knowingly fails or refuses to have the backflow preventive assemblies on said premises inspected or tested as required by this section. See Section 1-184 for offense penalty.

**Sec. 1-181. – Inspections.**

The user's system must be open for inspection at all reasonable times and in all emergencies to authorized representatives of the department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the department may deny or immediately discontinue service to the premises by providing a physical break in the service line until the user has corrected the condition in conformance with this division.

**Sec. 1-182. – Discontinuance of service.**

The service of water to any premises may be discontinued by the department if a backflow preventive assembly required by this division is not installed, tested, and maintained, if it has been found that a backflow preventive assembly has been removed or bypassed, or if a cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. Service may also be terminated by the department upon 20 days notice in writing in the case of a nonemergency.

**Sec. 1-183. – Existing devices and users.**

- A. If the department determines that a user's backflow preventive assembly does not meet current standards, the user shall retrofit his assembly so it will meet current standards.
- B. Whenever it is determined by the department or a duly authorized representative that a water service poses an actual or potential threat to the physical properties of the water system or potability of the public water system, a device complying with this division shall be installed.

**Sec. 1-184. – Penalty.**

Any violations of this division shall constitute a misdemeanor and shall be punished in accordance with the provisions as set out in subsection 1-13(a) of the Code of Ordinances.

**Secs. 1-185 – 1-190. – Reserved.**

**ARTICLE V. - MECHANICAL CODE**

**Sec. 1-191. - Code adopted.**

- A. *Adopted.* The International Mechanical Code 2018 Edition, including current revisions and Appendix A, as published by the International Code Congress, Inc., one (1) copy of which is on file with the City Secretary, is hereby adopted and incorporated by reference as the mechanical code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.

- B. *Controlling law in case of conflict.* In the event of conflict between the provisions of the mechanical code adopted by this section and this Code, the provisions of the Code of Ordinances shall prevail.

**Sec. 1-192. - References construed.**

- A. Within said mechanical code when reference is made to the duties of certain officials named therein that designated official in the City who has duties corresponding to those of the named official in said mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of said mechanical code are concerned.
- B. Within said mechanical code, any and all references made to a "board of adjustment and appeals", shall mean members hereby appointed by the City Council as the building and standards board to consider all variances to the mechanical code and appeals of the decisions of the Building Official, upon final approval from the City Council.

**Secs. 1-193—1-200. - Reserved.**

**ARTICLE VI. – FIRE CODE**

**Sec. 1-201. – Adopted.**

- A. *Adopted and incorporated by reference.* The 2018 Edition, including current revisions and Appendices B, C, D, E, F, and G thereto of the International Fire Code published by the International Code Council, Inc., three (3) copies of which are on file with the City, is hereby adopted and incorporated by reference as the fire prevention code of the City, subject to and including by reference such amendments, corrections and additions as shall appear in this article.
- B. *Conflicts.* In the event of conflict between the provisions of the fire prevention code incorporated by reference in subsection (A) of this Section and this Code, the provisions of this Code shall prevail.
- C. *Penalty.* Any person violating any provision of the fire prevention code incorporated by reference in this section shall be subject to the penalty provided in Section 1-13 of the Code of Ordinances.
- D. In addition to fees established in the International Fire Code, supplementary fire marshal fees shall be provided for in a schedule of fees established by resolution of the City Council.

**Sec. 1-202. – Amendments to International Fire Code**

The International Fire Code, as adopted in Section 1-201, is amended hereby, altered and modified as follows:

A. Section 109.1 is hereby amended to add section:

1. 109.1.1 Appointment. There is hereby established a board to be called the board of appeals, which shall consist of seven (7) members. The said board shall be appointed by the applicable governing body.

B. Section 307.5 is hereby amended to add section 307.5.1 to read as follows:

1. 307.5.1 No person shall use or authorize to be used any outdoor cooking equipment under any balcony, patio, or roof line of any multiple-family dwelling.

C. Section 503.1.1 Exception 1.1 is hereby amended to provide as follows:

Apparatus access roads shall extend to within 250' of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by approved route around the exterior of the building or facility when such facility or buildings is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3.

D. Subsection 503.2.4 is hereby amended to provide as follows:

503.2.4 Turning Radius. The minimum inside turning radii shall be 25 feet with a minimum outside turning radii of 50 feet.

E. Subsection 503.2.7 is hereby amended to provide as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 10 percent.

Exception: The grade of the fire apparatus access road may exceed 10 percent with the approval of the *fire code official* based on the fire department's apparatus.

F. Subsection 503.2.8 is hereby amended to provide as follows:

503.2.8 Angles of approach and departure. Angles of approach and departure for fire apparatus access roads shall not exceed 8 degrees.

G. Section 503.6 is hereby amended to add section 503.6.1 and 503.6.1.1:

503.6.1 Electronic Gates. Exception: Those buildings that are regulated by federal regulations for safety and health.

503.6.1.1 Where required:

1. The owner of a commercial or multi-family building designed for human occupancy in which employees or residents are located behind electronic gates

shall provide for emergency vehicle access using a key override switch and a radio operated controller (Click 2 Enter).

2. The Fire Marshal shall inspect all gates to ensure emergency vehicles have access prior to gate activation or use.
3. All such building in existence prior to the effective date of this ordinance shall have 12 months from the effective date of this ordinance to install the key override switch and radio operated controller (Click 2 Enter).
4. The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of the system.

H. Subsection 905.8 is hereby amended to read as follow:

905.8 Dry Standpipes. Dry standpipes are prohibited unless approved by the *fire code official*. The *fire code official* is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

I. Section 5704.2.13.3 is hereby amended to read as follows:

5704.2.13.3 Any tank which has been out of service for a period of more than sixty (60) days and is to be put back in service must be pressure tested to ensure that it has not been harmed during such period. The fire official shall witness this test.

J. Section 2306.7.5.2 is hereby added to read as follows:

2306.7.5.2 There shall be no repairs made to any piping, valves, vents or tanks without first receiving a permit from the fire official. If any repairs are to be made to any electrical portion of the installation, a permit must be secured from the Building Official.

K. Table C102.1 of Appendix C is hereby amended to provide as follows:

**Table C.102.1.  
Number and Distribution of Fire Hydrants**

Fire-Flow Requirements (gpm)	Minimum Number of Hydrants	Average Spacing Between Hydrants <sup>a, b, c</sup> (feet)	
		COMMERCIAL	RESIDENTIAL
1,750 or less	1	300	500
2,000-2,250	2	300	500

2,500	3	300	500
3,000	3	300	500
3,500-4,000	4	300	500
4,500-5,000	5	300	500
5,500	6	300	500
6,000	6	300	500
6,500-7,000	7	300	500
7,500 or more	8 or more <sup>e</sup>	300	500

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrants spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. Reduce by 50 feet for dead-end streets or roads.
- e. One hydrant for each 1,000 gallons per minute or fraction thereof.

L. Subsection D103.1 of Appendix D are hereby deleted.

M. Subsection D103.3 of Appendix D is hereby amended to provide as follows:  
D103.3 Turning Radius. Turning Radius. The minimum inside turning radii shall be 25 feet with a minimum outside turning radii of 50 feet.

N. Subsection D104.3 of Appendix D is hereby amended to provide as follows:  
D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

**Exception:** The *fire code official* is authorized to approve a reduced distance between fire apparatus accesses where topography would prevent meeting the distance requirement and where the reduction will not pose a threat to public safety.

O. Subsection D106.3 of Appendix D are hereby deleted.

P. Section D107 of Appendix D are hereby deleted.

**Secs. 1-203 - 1-210. – Reserved.**

**ARTICLE VII. – FLAMMABLE LIQUIDS.**

**Sec. 1-211. – Scope; application of provisions.**

This Article shall apply to all persons, government agencies, except federal, and voluntary associations storing, handling or transporting flammable liquids and to the owner or lessee of any building, structure, premises, equipment or vehicle in or on which flammable liquids are stored, handled, used or transported.

**Sec. 1-212. – Restricted storage locations for bulk plants; refineries.**

- A. The storage of Class I and Class II flammable liquids in aboveground tanks is prohibited, except for aboveground tanks existing within the City on the effective date of the ordinance from which this section is derived.
- B. No new bulk plant shall be constructed within the City south of the main line of Southern Pacific Railway, also known as the G.H. & S.A.R.R. and being the same railroad running west to East Bernard, Texas, from the City.
- C. No refinery or plant storing or handling crude petroleum shall be constructed within those parts of the City predominately residential in nature or for areas predominately retail in nature. No such refinery or plant shall be constructed within the corporate limits of the City until the City Council has approved the proposed location with respect to topography, proximity to places of public assembly and adequacy of water supply for fire control.

**Sec. 1-213. – Existing facilities.**

Where any plant, store, equipment, building, structure, installation or tank vehicle for the storage, handling, use or transportation of flammable liquids is found to be hazardous to life or adjoining buildings, structures or property, the fire marshal shall notify the owner or operator thereof, in writing, of such determination, and the owner or operator shall, upon receipt of such notice, eliminate the hazardous condition within thirty (30) days.

**Sec. 1-214. – Reserved**

**Sec. 1-215. – Reserved**

**Sec. 1-216. – Unloading tank trucks, other containers.**

The driver, operator or attendant of a flammable or combustible liquid tank truck or other container shall not leave such vehicle while it is being discharged and shall not be permitted to smoke while making deliveries.

**Sec. 1-217. – Reserved**

**Sec. 1-218. – Penalties.**

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalty provided in Section 1-13 of the Code of Ordinances.

**Secs. 1-219 - 1-230. – Reserved.**

**ARTICLE VIII. - RESIDENTIAL CODE**

**Sec. 1-231. - Code adopted.**

- A. *Adopted.* The 2018 International Residential Code, including current revisions and all appendices and all subsequent amendments thereto, published by the International Code Congress, Inc., one (1) of which is on file with the City Secretary is hereby adopted and incorporated by reference as the residential code of the City, subject to, and including by reference such amendments, corrections and additions as shall appear in this article.
- B. *Controlling law in case of conflict.* In the event of conflict between the provisions of the residential code adopted by this section and this Code, the provisions of this Code.

**Sec. 1-232. - References construed.**

- A. Within said residential code when reference is made to the duties of certain officials named therein that designated official in the City who has duties corresponding to those of the named official in said housing code shall be deemed to be the responsible official insofar as enforcing the provisions of said residential code are concerned.
- B. Within said residential code, any and all references made to a "board of adjustment and appeals," shall mean members appointed by the City Council as the building and standards board to consider all variances to the housing code and appeals of the decisions of the Building Official, upon final approval of the City Council.

**Sec. 1-233. - Amendments to the 2018 International Residential Code.**

The Residential Code adopted by this article is hereby amended, altered and modified as follows:

Section R313: Automatic Fire Sprinkler Systems is hereby deleted in its entirety.

Chapter 11: Energy Efficiency is hereby deleted in its entirety.

Section P2804.6.1 - Requirements for discharge pipe. The discharge piping serving a pressure-relief valve, temperature-relief valve, or combination valve shall:

- A. Not be directly connected to the drainage system.
- B. Discharge through an air gap located in the same room as the water heater.
- C. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
- D. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
- E. Discharge shall extend to the outdoors. When approved by the Building Official, installations in existing buildings may discharge to the floor, to the pan serving the water heater or storage tank, or to a waste receptor, in lieu of discharging to the outdoors.

**Secs. 1-234—1-240. - Reserved.**

**ARTICLE IX. - SWIMMING POOL AND SPA CODE**

**Sec. 1-241. - Code adopted.**

- A. *Adopted.* The 2018 International Swimming Pool and Spa Code is hereby adopted, including current revisions and all appendices, and all subsequent amendments thereto, published by the International Code Congress, Inc., one (1) copy of which is on file with the City Secretary is hereby adopted and incorporated by reference as the swimming pool and spa code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.
- B. *Controlling law in case of conflict.* In the event of conflict between the provisions of the swimming pool and spa code adopted by this section and this Code, the provision of this Code shall prevail.

**Secs. 1-242—1-250. - Reserved.**

## **ARTICLE X. - MULTI-FAMILY DEVELOPMENTS**

### **Sec. 1-251. - Density and size, access and separation between multi-family dwelling buildings.**

- A. Each multi-family dwelling building shall be limited to not more than seven thousand (7,000) square feet per floor. Multi-family dwelling buildings shall be limited to two (2) floors, and shall not exceed thirty (30) feet in height above finished grade. Each building shall be separate and separated by distances as stated in subsection (C) of this Section.
- B. Access must be provided around the entire perimeter of all multi-family development for emergency vehicles, including fire trucks, police cars, ambulances and garbage trucks. This access area must be paved and have a width of at least twenty (20) feet. Multi-family developments with less than ten (10) multi-family dwelling units are exempt from this requirement. Multi-family developments may not be developed in stages or phases to circumvent this requirement.
- C. Each building within a multi-family dwelling development shall be separated from other buildings by not less than thirty (30) feet. Enclosed courtyards shall not be less than forty (40) feet in depth, width, or length.
- D. *Building lines.* The following minimum building lines shall be required for lots or tracts containing multi-family dwelling buildings, measured from the applicable property line; provided, however, if the lot is encumbered with a street right-of-way, such building line shall be measured from the boundary line of such street right-of-way:
  - 1. *Front yard.* The front yard building line shall not be less than thirty-five (35) feet.
  - 2. *Side yard, interior.* The interior side yard building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed.
  - 3. *Side yard, street.* The side building line adjacent to a street shall be not less than thirty (30) feet, except that where the side yard is adjacent to a collector street or major thoroughfare such building line shall be not less than thirty-five (35) feet.
  - 4. *Rear yard; interior; alleyways.* The rear building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-

family dwelling building (not to exceed thirty (30) feet in height) is to be constructed. Provided, however, where the rear property line abuts an alleyway, there shall be a minimum of thirty (30) feet between the buildings abutting said alleyway.

5. *Rear yard, major street.* A rear building line adjacent to a collector street or a major thoroughfare shall be not less than thirty (30) feet.
- E. No multi-family dwelling development shall contain more than fourteen (14) units per net platted acre. The net platted acreage shall be the total platted acreage of the development, less any acreage occupied by lakes or ponds, irrigation canals or drainage canals. For a development with one-story multi-family dwelling buildings the density shall not exceed seven (7) dwelling units per net platted acre. For a development with two-story or a combination of one- and two-story multi-family dwelling buildings the density shall not exceed fourteen (14) dwelling units per net platted acre. At no time shall any acre contain more than fourteen (14) dwelling units.
- F. The total number of units within a multi-family development shall not exceed two hundred (200). Multi-family developments may not be developed in stages or phases to circumvent this requirement.

**Sec. 1-252. - Masonry construction.**

At a minimum, seventy-five (75) percent of the exterior walls of a multi-family dwelling development shall be constructed of masonry materials and shall contain an appropriate moisture barrier in accordance with Article II of Chapter 1 hereof.

**Sec. 1-253. - Screening.**

The following screening requirements shall apply to multi-family dwelling developments:

- A. All refuse containers shall be screened;
- B. An eight-foot tall decorative masonry wall shall be constructed on the sides and rear of any multi-family dwelling development;
- C. All walls shall be constructed of a solid masonry material of brick, decorative block or similar material. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four (4) inches wider than the wall to be erected.
- D. For security purposes, structurally sound gates complying with applicable codes shall be placed at all entrances to multi-family dwelling developments in a manner sufficient to restrict access to residents and authorized visitors. Master codes to

the gates shall be provided to the Chief of Police to provide for unrestricted access to police, fire and EMS emergency services and police routine patrol; and

E. On-site management shall be present at all times.

**Sec. 1-254. - Minimum off-street parking requirements.**

A. The minimum requirements for off-street parking for multi-family dwelling developments are set forth in Section 1-418.

B. A parking space shall be constructed of concrete cement and be the minimum size required by Section 1-418. No on-street parking shall be permitted. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device. Parking will be so arranged as to prevent backing out onto any public street.

**Sec. 1-255. - Special protective requirements.**

A. All multi-family dwelling buildings shall be constructed using one-hour fire-resistive materials in all walls, floors, ceilings, and attic separations, and shall contain a fire sprinkler system on all floors.

B. The use of wood shingle roofing and cedar shake siding materials is prohibited.

**Sec. 1-256. - Open green space requirements.**

A. A minimum of thirty (30) percent of the net platted area shall be open green space. "Open green space" is defined as, and limited to, common areas of open green space with landscaping or open community recreational areas. Open green space does not include any areas specifically designated or used as building sites for multi-family units, buildings sites for utility or storage buildings, parking lots, garages, streets, or driveways within a multi-family development. The actual surface areas of open green space, such as common area lawns and landscaping, and community recreational areas, such as playgrounds, community swimming pools and surrounding paved deck area, community tennis courts, and other open common recreation areas, shall be considered in calculating the minimum requirement for open green space. Recreational facilities located within enclosed buildings shall not be considered open green space. Park land provided to satisfy the requirements set forth in Chapter 4, Subdivisions, Article IV, Park Land, Public Sites and Open Spaces, may be included in satisfaction of the minimum required area of open green space required by this section, with the exception that detention basins (dry-bottom) shall not be used to satisfy open green space requirements.

B. All multi-family dwelling developments shall provide at least three (3) of the following amenity items:

1. Tennis courts (minimum two (2));

2. Swimming pool;
3. Recreation/community center or room;
4. Basketball court (full court);
5. Fitness center; or
6. Playground area.

A basketball court or tennis court shall not occupy the same space to be counted as separate amenities.

**Sec. 1-257. - Access.**

- A. Multi-family dwelling developments, including apartment and condominium developments, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said developments shall be provided in accordance with Section 4-61 of this Code.
- B. All multi-family dwelling units (buildings) and all common/recreational areas shall have direct access to a driveway or access street, which shall be constructed in accordance with the City's minimum design construction standards for a private street.

**Sec. 1-258. - Lighting.**

Each multi-family dwelling development shall include lighting for all recreational areas, driveways, access streets, entrances, and exits.

**Sec. 1-259. - Site plan.**

At the time a preliminary plat application is submitted, a preliminary site plan of the multi-family development shall be submitted for review and approval of the Planning Commission. At the time a final plat application is submitted, a final site plan shall be submitted for review and approval by the Planning Commission and the City Council. Any site plan of the multi-family development submitted in conjunction with an application for a building permit shall be in accordance with the final site plan approved by the City Council. This requirement to provide a site plan shall be cumulative of, and in addition to, such other regulations and requirements as may be imposed under this Code. A site plan may be denied by the Commission and Council if the proposed multi-family development is within one half (1/2) mile of an existing multi-family development, resulting in undue concentration of multi-family developments as determined by the Commission and Council.

**Sec. 1-260. - Minimum square footage.**

Each dwelling unit within a multi-family development shall meet the following minimum square footage requirements:

- A. Each one-bedroom unit shall have a minimum of area of six hundred (600) square feet;
- B. Each two-bedroom unit shall have a minimum area of nine hundred (900) square feet;
- C. Each three-bedroom unit shall have a minimum area of one thousand two hundred (1,200) square feet; and
- D. No four-bedroom units shall be permitted.

**Sec. 1-261. - Penalty.**

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalty provided in Section 1-13 of the Code of Ordinances.

**Sec. 1-262. - Exceptions.**

The following developments shall be subject to the standard regulations set forth in this article, except as otherwise hereinafter provided:

- A. Federally funded (example: U.S. Department of Housing and Urban Development, commonly referenced as "HUD") projects that comply with HUD Section 811 regulations for such projects, which is restricted to housing for persons with physical disabilities, developmental disabilities, or chronic mental illness, shall be subject to the following requirements:
  - 1. *Applicability*. Non-profit organizations: Entity must provide proof of non-profit status and federally funded status concurrently with the submittal of a site plan for consideration by the planning commission;
  - 2. *Density*: Maximum density of seven (7) units per net platted acre;
  - 3. *Number of units*: Maximum number of fifteen (15) units within a development;
  - 4. *Minimum development area*: Two (2) acres;
  - 5. *Parking*: Minimum of two (2) spaces per unit;
  - 6. *Building separation*: Minimum building separation of eighteen (18) feet;

7. *Property line fencing*: A fence, consisting of chain link, wrought iron, or wood panels, shall be required along the perimeter property lines. An opaque fence shall be required along any property line that is adjacent to a residential use, or property platted for residential use, at the time of development of the multi-family use;
8. *Amenities*: A minimum of one (1) of the following amenities shall be provided:
  - i. Tennis courts.
  - ii. Swimming pool.
  - iii. Recreation/community center or room.
  - iv. Basketball court.
  - v. Fitness center.
  - vi. Playground area.
  - vii. Open green space/play area.
  - viii. Gazebo.
9. *Size of units*: Units shall be a minimum of five hundred (500) square feet;
10. *Maximum number of residents per unit*: Three (3), with one (1) of those residents being at least eighteen (18) years of age or older; and
11. *Site plans*: All site plans shall be submitted to the planning commission for a recommendation, and the City Council for final approval.

**Secs. 1-263—1-270. - Reserved.**

## **ARTICLE XI. - DANGEROUS BUILDINGS**

### **Sec. 1-271. - Definitions.**

- A. All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:
  1. Those which have interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
  2. Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage of structural members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, morals or the general health and welfare of the occupants or the people of the City;
5. Those which are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those occupying such building;
6. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live therein;
7. Those, regardless of their structural condition, which have, during times that they were not actually occupied by their owners, lessees or other invitees, been left unsecured from unauthorized entry to the extent that they may be entered and utilized by vagrants or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area;
8. Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
9. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City; and/or
10. Those buildings existing in violation of any provisions of this article, the Texas Local Government Code, Section 214.001 et seq., the building code, the fire code, or other ordinances of this City, if the violation is of such a nature that the building constitutes a danger to its occupants and to others.

**Sec. 1-272. – Dangerous building.**

- A. The requirements established by the City of Rosenberg Unified Development Code, as amended, are hereby declared to the minimum standards for the continued use and occupancy of all buildings located within the corporate limits of the City regardless of the date of their construction.
- B. A building or structure shall be deemed to be dangerous, unsafe and/or unfit for human habitation if said building or structure fails to comply with any one or more of the requirements established by the Unified Development Code, as amended.
- C. A building, regardless of its structural condition, that is unoccupied or abandoned by its owners, lessees, or other invitees that is boarded up, fenced or otherwise

secured in any manner may, nevertheless, be deemed to be a dangerous building under the foregoing criteria if:

1. The building constitutes a danger to the public, even though secured from entry; or
2. The means utilized to secure the building are not adequate to prevent unauthorized entry or use of the building.

**Sec. 1-273. – Public nuisances declared.**

- A. Any building or structure which has any or all of the conditions or defects described herein, where such condition or conditions pose a threat or potential threat to life, health, property, or human safety, is also hereby declared to be a public nuisance, and is prohibited as unlawful, and shall be abated according to provisions of this article.
- B. The City Council hereby finds and determines that any building which has any or all of the defects set forth in this article above is dilapidated, substandard, a nuisance or unfit for human habitation; and is deemed to be a dangerous building and is a hazard to the public health, safety and welfare is hereby declared to be a public nuisance.

**Sec. 1-274. - Duties of the authority having jurisdiction.**

The City Manager or his/her designee shall:

- A. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of the terms of this article;
- B. Inspect any building, wall or structure reported (as hereafter provided for) by the fire, health or police departments of this City as probably in violation of the terms of this article;
- C. Inspect or cause to be inspected buildings in the City to determine whether they are dangerous buildings within the terms of Section 1-271;
- D. Notify the City Manager or his/her designee of buildings that are found to be dangerous so that hearings may be scheduled pursuant to Section 1-274 et seq.;
- E. Place a notice on any dangerous building found to be out of compliance with the provisions of this article; and,
- F. Appear at all hearings conducted pursuant to Section 1-274 et seq. and testify as to the conditions existing in the dangerous building.

**Sec. 1-275. - Duties of City Attorney.**

The City Attorney may:

- A. Prosecute any person failing to comply with the terms of the notices and orders provided for in this article;
- B. Appear at hearings before the City Manager or his designee in regard to dangerous buildings;
- C. Bring suit to collect municipal charges, liens, or costs incurred by the City in preparing or causing to be vacated or demolished dangerous buildings; or
- D. Take such other legal action as is necessary to carry out the terms and provisions of this article.

**Sec. 1-276. - Hearing—Notice.**

- A. Upon inspection, if a building has been found to be a dangerous building, written notice, by personal service or by certified mail, return receipt requested, shall be served on persons having an interest in the property, the owner, lienholder, or mortgagee for the property, as shown by the county real property records of the county where the land is located; appraisal district records of the appraisal district in which the building is located; records of the Secretary of State; assumed name records of the county in which the building is located; tax records of the City; and utility records of the City. This notice shall inform such persons that a public hearing will be held before the designated Hearing Officer, in which the City will seek an order requiring the building to be vacated, and/or requiring the building to be repaired and/or demolished and/or secured upon a finding that the building is dangerous and that it constitutes a hazard to the health, safety or welfare of its occupants and/or citizens of this City. Such notice shall also set forth:
  - 1. Contain a description and a GIS map of the building or structure deemed unsafe and its location;
  - 2. Contain a statement of the specific conditions which render the building a dangerous building within the standards set forth by this Code;
  - 3. Contain a statement that it shall be illegal to occupy or utilize said building for any purpose until such time as the premises have been brought into compliance with the applicable provisions of this Code;
  - 4. That a hearing will be held before the designated Hearing Officer in which the City will seek an order that the building be vacated and/or that the building also be repaired and/or demolished and/or secured as provided for in this article;
  - 5. The date, time and place of such hearing to determine whether the building complies with the standards set out in this article;

6. That all persons having an interest in the property or desiring to present factual evidence relevant to the case may appear in person and/or be represented by an attorney and may present testimony and may cross examine all witnesses; and
  7. That all persons having an interest in the property will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
- B. Notwithstanding any other term or provision of this article of the Code, notice given pursuant to this article shall be sufficient and deemed properly served upon the responsible parties if a copy thereof is served in compliance with this section of the article. If the address of any person having an interest in the property is unknown, or if notice to any person having an interest in the property is returned undelivered, a copy of such notice shall be posted in a conspicuous place on the building found by the designated Hearing Officer to be dangerous and such notice shall be published in a newspaper of general circulation within the City. The posting and publishing of such notice shall constitute notice to any person having an interest in the property who does not receive personal notice or notice by mail.

**Sec. 1-277. - Same—Conduct.**

- A. All hearings shall be held by the designated Hearing Officer. Such official shall be referred to as the hearing officer; provided, however, that the City Manager shall not designate any person to perform the duties of hearing officer under this section who has participated in the inspections of such building or has had prior knowledge of the conditions of such building, except such person designated as hearing officer may, prior to the hearing, receive a copy of the notice given to the owners.
- B. All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, the following rules shall apply to such hearings:
  1. All parties shall have the right to representation by a licensed attorney, though an attorney is not required.
  2. Each party may present witnesses in his own behalf.
  3. Each party has the right to cross-examine all witnesses.
  4. Evidence and testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work.
  5. Only evidence presented before the hearing officer at such hearing may be considered in rendering the order.

6. The person having an interest in the building has the burden of proof to demonstrate the scope of any work that may be required to comply with ordinance and the time it will take to reasonably perform the work.
- C. If no person having an interest in the building appears before the hearing officer at the date and time specified, the City shall produce evidence showing the building to be a dangerous building within the standards set forth in this article and that the same constitutes a hazard to the health, safety and welfare of the citizens.
- D. The City may request that public utilities be disconnected in order that demolition or other nuisance abatement actions may be accomplished without delay in those cases where the structure is open, vacant, dilapidated, or subject to any of the conditions defining dangerous building and public nuisance in this article.

**Sec. 1-278. - Same—Findings; placards.**

- A. After completion of the presentation of testimony and evidence by all parties appearing, the hearing officer shall make written findings of fact as to whether or not the buildings are dangerous buildings, dilapidated, substandard or unfit for human habitation and constitute a hazard to the health, safety or welfare of occupants and/or the citizens, and whether or not the buildings in question are dangerous within the standards set forth in this article, setting out the underlying facts supporting the findings.
- B. If the hearing officer finds that any building is a dangerous building, dilapidated, substandard or unfit for human habitation and that same constitutes a hazard to the health, safety or welfare of its occupants and/or the citizens, and that same is a dangerous building within the terms of this article, he shall issue an order directing the owner, occupant and all other persons having an interest in such building, as shown by the deed records of the county clerk of the county where the land is located:
  1. That the building shall be vacated if same is occupied and the hearing officer finds that the building is in such condition as to make it dangerous to the health, safety or welfare of its occupants;
  2. That, at the owner's option, the building shall be either demolished or repaired (if it can reasonably be brought into compliance by repair);
  3. That the building shall be demolished if it cannot reasonably be repaired; and/or
  4. If the building is unoccupied and the condition of the building is such that it may be brought into compliance by securing it from unauthorized entry, then the order may provide that it be so secured and be kept secured and may include or adopt written specifications that must be complied with in securing the building, and the order may provide that the building be demolished if it is not secured in compliance therewith.

- C. If the hearing officer finds that the building is a dangerous building, substandard as above described and in such condition as to make same dangerous to the health, safety or welfare of its occupants or to the citizens, the hearing officer shall order that the City place a notice in a conspicuous place on such building. Such notice to have the heading "DANGEROUS BUILDING" in letters one and one-fourth (1¼) inches high and to read, in letters at least one and one-fourth (1¼) inches high, the words:

DANGEROUS BUILDING

"THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING. OCCUPANCY OF THIS BUILDING IS PROHIBITED BY LAW, AS SUCH OCCUPANCY IS DANGEROUS TO THE HEALTH, SAFETY OR WELFARE OF ITS OCCUPANTS. THIS NOTICE IS POSTED (here the notice shall set forth the date and hour such notice is posted). ALL PERSONS MUST VACATE THIS BUILDING NOT LATER THAN FORTY-EIGHT (48) HOURS AFTER THE TIME OF POSTING AND SHALL NOT RE-ENTER THE SAME UNTIL THE PLANNING DIRECTOR FINDS THAT THE BUILDING HAS BEEN REPAIRED SO AS TO BE IN COMPLIANCE WITH THE ORDINANCES OF THE CITY OF ROSENBERG. THIS NOTICE SHALL REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR DEMOLISHED. REMOVAL OF THIS PLACARD BY ANY PERSON OTHER THAN THE UNDERSIGNED OFFICER OF THE CITY SHALL BE UNLAWFUL."

- D. If the hearing officer finds that the building is in such condition that it is dangerous for anyone to enter, the hearing officer shall order that the City place a notice in a conspicuous place on such building. Such notice to have a heading stating DANGEROUS BUILDING in letters at least one and one-fourth (1¼) inches high and read in letters at least one and one-fourth (1¼) inches high, the words:

DANGEROUS BUILDING

"THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING. NO PERSON SHALL ENTER THIS BUILDING EXCEPT INSPECTORS OF THE CITY OF ROSENBERG AND PERSONS AUTHORIZED BY THE OWNER WHO ENTER SOLELY FOR THE PURPOSE OF CORRECTING THE HAZARDOUS CONDITIONS THEREIN. THIS NOTICE SHALL REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR DEMOLISHED. REMOVAL OF THIS PLACARD BY ANY PERSON OTHER THAN THE UNDERSIGNED OFFICER OF THE CITY SHALL BE UNLAWFUL."

**Sec. 1-279. - Opportunity to bring property into compliance.**

- A. The findings shall contain an identification of the building and the property on which it is located, detail the violations of the minimum standards that are present at the building and require the owner and persons having an interest in the building to repair, vacate, or demolish the building within the time period ordered. The persons having an interest in the property coming under this article shall be given a

reasonable period of time in which to comply with the hearing officer's order. Such period not to exceed thirty (30) days unless, in the judgment and discretion of the hearing officer, it is determined that a greater period of time is necessary. The order shall state the date by which the action ordered must be completed and state that the planning director shall cause the building to be vacated, repaired and/or demolished if the persons having an interest in the property do not comply with the order.

- B. If the hearing officer allows the owner or a person with an interest in the dangerous building more than 30 days to repair, remove, or demolish the building, the hearing officer in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the planning director of the designee.
- C. The order of the hearing officer shall be served on all persons having an interest in the property, as shown on the deed records of the county in which the land lies, by registered mail or certified mail, return receipt requested. If the address of a person having an interest in the property as shown on the deed records is unknown, or if such order is returned undelivered, a copy of such order shall be posted in a conspicuous place on such building. Such posting of the order shall constitute notice to any person having an interest in the property who does not receive personal service.
- D. A copy of the order of the hearing officer shall also be filed in the deed records of the county in which the land lies.
- E. If the persons having an interest in the property fail to comply with the order of the hearing officer within the time specified in the order for compliance, the planning director shall cause such building to be vacated, repaired and/or demolished as the facts may warrant.

**Sec. 1-280. - Charges; lien.**

- A. When the City incurs expenses to repair, remove, or demolish a building under this Ordinance, the City places a lien against the property on which the building is located, unless it is a homestead as protected by the Texas Constitution. The lien arises and attaches to the property when the notice of lien is recorded and indexed with the Fort Bend County Clerk, Texas. The notice shall contain:
  - 1. The name and address of the owner, if that information can be determined with a reasonable effort;
  - 2. A legal description of the property on which the building was located.
  - 3. The amount of expense incurred by the City;

4. The balance due; and
  5. The date on which said work was done or improvements made.
- B. A lien filed in accordance with the terms of this article is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the City's lien attaches.

**Sec. 1-281. - Execution of release, notice of compliance.**

- A. Upon full payment of the charges assessed against any property, or in the event the lien is placed on the property through error, the finance director or his/her designee is hereby authorized to execute, for and on behalf of the City, a written release approved in each case by the City Attorney.
- B. Upon compliance with an order of the hearing officer to repair or demolish a building, the planning director shall be and is hereby authorized to execute a written "notice of compliance" setting forth the date the notice of compliance is issued, the date the building was found to be repaired or demolished in compliance with the order; and if the building has not been demolished, whether or not the building is in such condition that it may be occupied.
- C. A fee in the amount of fifty dollars (\$50.00) shall be imposed for such release of lien provided hereunder.

**Sec. 1-282. - Violations.**

- A. The owner of any dangerous building who shall fail to comply with any order to repair, vacate, demolish or secure such building by any person authorized by this article to give such order shall be guilty of a misdemeanor.
- B. The occupant or lessee in possession, who fails to comply with any order to vacate, and anyone having an interest in such building as shown by the deed records of the county clerk of the county where the land is located, and under a legal duty to repair, who fails to repair or secure such building in accordance with any order given as provided for in this article, shall be guilty of a misdemeanor.
- C. Any person removing any notice provided in this article shall be guilty of a misdemeanor.
- D. The penalty upon conviction for violation of this section shall be as provided in Section 1-13 of the Code of Ordinances.
- E. In any prosecution charging a violation of this article governing the failure to comply with any notice or order to repair, vacate, remove, or demolish any building or structure, proof that the particular property described in the complaint was substandard in violation of this article, together with proof that the defendant named in the complaint was, at the time of such notice or order, the registered

owner of such property, shall constitute in evidence a prima facie presumption that the registered owner of such property was the person who failed to comply with the notice or order to repair, vacate, remove, or demolish, and for the time during which, such violation occurred.

**Sec. 1-283. - Emergencies.**

- A. In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building is immediately repaired, vacated, demolished or secured, the public works director or planning director shall report such facts to the City Manager. In any emergency case, the City Manager shall have the power to take emergency measures to abate or correct such conditions. The City Manager shall cause the immediate repair, vacation, demolition or securing of such building.
- B. Whenever the City Manager causes a building to be repaired, vacated, demolished or secured pursuant to this section, he shall cause a notice, as described in this article to be posted on the building.
- C. Whenever the City Manager causes a building to be repaired, vacated, demolished or secured pursuant to this section, he/she shall also cause notice to be given that a hearing will be held concerning the orders issued in connection therewith, and whether the building constitutes a dangerous building. Such notice shall be given to the owners and lienholders of the building, all persons having possession of any portion thereof, and all other persons who may have an interest in the building. The notice shall set forth the specific conditions which render the building a dangerous building within the standards set forth in this article, the date, time and place of such hearing, that all persons having an interest in the building may appear in person and/or be represented by an attorney and may present testimony and may cross examine all witnesses. Such notice shall comply with the provisions set out in this article; however, the hearing shall be held as soon as it is reasonably possible, but in no case later than ten (10) days, after the City Manager has caused the building to be repaired, vacated, demolished or secured, unless all persons having either an ownership interest or a possessory interest in the building request a continuance of the hearing. All such hearings shall be held by the City Manager or a person designated by him/her in accordance with the provisions of this article. At such a hearing, the burden shall be upon the City to show that there was an immediate danger to health, life or safety necessitating the immediate action and whether the building constitutes a dangerous building within the provisions of this article at the time of the hearing.
- D. After completion of the presentation of the testimony by all parties appearing, the hearing official shall make written findings of fact as to whether or not the building was an immediate danger to health, life or safety necessitating the action taken by the City Manager, and whether the building was a dangerous building within the provisions of this article. If the hearing official finds that there was an immediate danger to public health, life or safety that required the action that was taken, all

administrative expenses and any cost of repair or demolition shall be calculated and assessed with the owners of the building, and shall constitute a lien on the land on which the building stands or stood, which shall bear interest as provided in this article. If the hearing official finds that the building, at the time of the hearing, constitutes a dangerous building within the provisions of this article, he shall issue an order for its abatement as set out in this article. The provisions of this article shall be applicable to any such order.

**Sec. 1-284. – Where owner absent from City.**

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the City, all notices or orders provided for herein shall be sent by registered mail or certified mail. Notices and/or orders shall be served on persons having an interest in the property, the owner(s), lienholder(s), or mortgagee for the property, as shown by the county real property records of the county where the land is located; appraisal district records of the appraisal district in which the building is located; records of the Secretary of State; assumed name records of the county in which the building is located; tax records of the City; and utility records of the City to the owner, occupant, mortgagee, lessee and all other persons having an interest in any building coming under this article, as shown by the deed records of the county clerk of the county where the land is located, to the last known address of each. A copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such posting and mailing shall be deemed adequate service.

**Sec. 1-285. - Duty of City employees to report dangerous buildings.**

It shall be the duty of all City employees to make a report in writing to the Department of Code Enforcement of all buildings or structures which they believe are, may be or are suspected to be dangerous buildings within the terms of this article. Such reports are to be made within a reasonable time after the discovery of such buildings or structures.

**Sec. 1-286. - Other remedies; Chapters 54 and 214, Texas Local Government Code.**

- A. Nothing in this article shall preclude the City's pursuit of any and all other remedies allowed under the civil and criminal statutes, and in equity, to address conditions which are treated in this article, under the theory of public nuisance and abatement of dangerous structures or buildings. Neither shall the City be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this article.
- B. Specifically, in addition to provisions of this article and remedies afforded under the Texas Local Government Code, Chapter 214, Municipal Regulation of Structures, the City further asserts full authority to exercise its right to remedy under all provisions of the Texas Local Government Code, including, but not limited to, Chapter 54, Subchapter B, Municipal Health and Safety Ordinances, in

prosecution of civil suits for enforcement, injunctive relief, and civil penalties to remedy conditions of public concern described in this article.

**Sec. 1-287. – Appeal.**

In accordance with Section 214.0012 of the Local Government Code, the owner, lien holder, or mortgagee shall have the right to appeal the decision made at the hearing to a district court. A notice of appeal must be filed with the district court within thirty (30) calendar days from the date the order is mailed to the owner, lien holder or mortgagee, as provided herein. The petitioner shall provide the City with evidence that an appeal has been made to district court within thirty (30) days.

**Secs. 1-288—1-300. - Reserved.**

**ARTICLE XII. - DEMOLITION OR REMOVAL OF STRUCTURES**

**Sec. 1-301. - Removal of debris required.**

- A. Within thirty (30) days after any building or structure is demolished or removed from any lot or tract of land:
  - 1. All debris must be removed from the property;
  - 2. All holes or depressions in the ground must be filled to grade level;
  - 3. All lumber, pipes and all other building materials must be removed from the property or stored in such a manner that they are not a hazard to safety and do not create a condition where rats are likely to live or mosquitoes likely to breed;
  - 4. All pipes and conduits must be removed from above grade and must be removed or sealed below grade;
  - 5. The foundation and all piers, pilings, steps, flatwork and other appurtenances shall be removed; and
  - 6. An existing foundation and related appurtenances may be re-used if a valid building permit has been issued for construction reusing the existing foundation and related appurtenances, and the approved plans include a signed and sealed drawing, from a registered engineer, approving the re-use of the existing foundation.
- B. Each owner and each person having control over the property on which the building or structure stood prior to removal or demolition is individually responsible for completing such work or causing such work to be completed.
- C. After all debris has been removed from the lot or tract of land, the owner or person having control over the property must provide fill dirt to eliminate any sunken areas

due to the debris removal. The lot or tract of land must remain free of any sunken areas for a minimum of ninety (90) days after all debris is removed.

**Sec. 1-302. - Report, inspection where work believed not completed.**

It shall be the duty of all City employees to make a report in writing to the public works director whenever such employee has reason to believe a building or structure has been demolished or removed from a lot of land and the work required by this article has not been completed. Upon receipt of such written report, the public works department shall inspect the lot or tract, and if it is found that in fact the work required by this article has not been completed, the facts shall be reported to the public works director.

**Sec. 1-303. - Notice to complete work.**

Whenever it shall come to the knowledge of the public works director that a building or structure has been demolished or removed and that the work required by this article has not been completed, the public works director shall cause written notice to be given by personal service or by certified mail, return receipt requested, to the owner of the property or to any person having control over the property, setting out the work required by this article which has not been completed. In such notice, the public works director shall order the owner of the property or person having control over the property to complete or cause to be completed all work required by the article within thirty (30) days of service of such notice.

**Sec. 1-304. - Penalty for violation of article.**

The penalty upon conviction for violation of this article shall be as provided in Section 1-13 of the Code of Ordinances.

**Secs. 1-305—1-325. - Reserved.**

**ARTICLE XIII. - PERMIT FOR CONSTRUCTION, RECONSTRUCTION OF DRIVEWAYS, CULVERTS**

**Sec. 1-326. - Required.**

No person shall construct or reconstruct, or cause to be constructed or reconstructed, any driveway connecting private property with a public street or a culvert without first obtaining a written permit therefor from the public works department.

**Sec. 1-327. - Determination of necessity.**

Upon receipt of an application for a driveway permit, the public works department shall make a determination as to whether the driveway and/or culvert applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, taking into account, among other conditions, the following matters:

- A. The nature and volume of traffic on the street on which the private property abuts;
- B. The dimensions and type of construction of the street on which the private property abuts;
- C. The effect that the passage of vehicles to and from the private property will have on the safety of the traveling public and on the movement of traffic in the street to which the driveway connects;
- D. The use to be made of the private property;
- E. The dimensions of the private property and the type and location of improvements thereon or to be placed thereon; and
- F. The extent of the access which the private property has or will have to other public streets, if any.

**Sec. 1-328. - Factors in issuance.**

After making such determination, the public works department shall grant or refuse the application in accordance with such determination and in accordance with the following rules:

- A. A permit for a single driveway opening shall be refused unless it shall have been found to be necessary for reasonable access.
- B. If the application is for more than one (1) driveway opening into the same premises, no more such openings than the minimum number necessary to provide reasonable access shall be allowed.
- C. The public works department shall refuse to issue a permit for any driveway opening as to which it has been found that the proposed use of the driveway would create an extraordinary traffic hazard or would excessively interfere with the normal use of the street right-of-way.
- D. Every permit issued shall specify the maximum width of the driveway opening for which the permit is granted, and such width shall be no greater than the minimum necessary to provide reasonable access.
- E. If a permit is granted for more than one (1) driveway opening into the same premises, it shall specify that each such opening shall be separated from the others by a distance of not less than twenty (20) feet, and that an upright curb must be constructed along the edge of the area of separation next to the improved portion of the street.

**Sec. 1-329. - Notice of construction.**

Notice of proposed construction or reconstruction of a driveway or culvert must be given by the owner of the proposed improvements or his agent to the public works department at least forty-eight (48) hours before construction or reconstruction begins so that inspection of plans may be made by the public works department.

**Sec. 1-330. - Fee.**

Except for culvert fees otherwise provided for in Section 1-331, fees shall be charged for each permit granted under this article based upon the value of construction as set forth in the current issue and amendments of the building code adopted by Section 1-26 and Section 1-27.

**Sec. 1-331. - Culverts.**

Culvert fees shall be provided for in a schedule of fees established by resolution of the City Council. Residential driveway culverts will be installed by public works, with the homeowner being responsible for purchasing the culvert pipe. Commercial driveway culverts will be installed by a contractor, with the business owner being responsible for purchasing and furnishing all materials and hiring the contractor to perform the work. Public works shall inspect all commercial driveway culvert installations.

**Secs. 1-332—1-341. - Reserved.**

**ARTICLE XIV. - ALARM SYSTEMS**

**Sec. 1-342. - Purpose.**

The purpose of this article is to provide for the regulation of the use of alarm systems within the City, not inconsistent with the provisions of Texas Revised Civil Statutes Annotated, Article 4413(29bb), in order to minimize the adverse impacts occurring in the community from unmonitored and incorrectly operating alarm systems.

**Sec. 1-343. - Duty of owners and operators of alarm systems.**

- A. The person in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation and deactivation of the alarm system.
- B. Any person in control of the property on which an alarm system is installed who is notified by any member of the police or fire department of the activation of an alarm system and who is available to come to the alarm site shall come to the alarm site within thirty (30) minutes of the time such person is notified of such activation and shall provide the police or fire department any necessary access.
- C. The City will respond to proper notification of activation of an alarm system without charge, except:

1. The person in control of the property on which an alarm system is installed will be charged the full costs incurred by the City when he, his agent or his employee intentionally or knowingly activated the alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice. The City Council finds that the minimum costs incurred by the City in responding to the activation of an alarm system is one hundred sixty dollars (\$160.00). Notwithstanding any tabulation of costs, a minimum charge of one hundred sixty dollars (\$160.00) shall be charged the person in control of the property whenever he, his employee or his agent intentionally or knowingly activates an alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice and the City responded to such activation of the alarm system. Such one hundred sixty-dollar charge shall be a minimum charge only, and shall not be applicable when a tabulation of costs, including overhead, the cost of investigation, and all costs incident to the response to a particular alarm system, shows that the cost was greater than one hundred sixty dollars (\$160.00).
  2. Unless full costs are chargeable under subsection (C)(1), the amount of the penalty for the signaling of a false alarm shall be:
    - i. No charge, if the location has had five (5) or less false alarms in the preceding twelve-month period;
    - ii. Seventy-five dollars (\$75.00), if the location has had more than five (5) but fewer than eight (8) false alarms in the preceding twelve-month period; or
    - iii. One hundred dollars (\$100.00), if the location has had eight (8) or more false alarms in the preceding twelve-month period.
- D. Provided, however, no fee will be charged for a response to notification of the activation of an alarm system if the person in control of the alarm site shows that the activation was not a false alarm and any response by the City to notification of an alarm system will not be included in determining the fees set out above if the person in control of the alarm site shows that such activation was not a false alarm. For purposes of determining the fees set out above, the highest ranking police and/or fire department officer responding to notification of the activation of an alarm system will make the determination as to whether or not such activation was a false alarm as defined herein in the Definitions Chapter of this Code and the burden shall be on the person in control of the alarm site to prove that the activation of the alarm system was not a false alarm.

**Sec. 1-344. - Operation of alarm system.**

No person shall install, cause to be installed or permit to be installed any alarm system unless the requirements of this section are met.

- A. Any alarm system which may be activated as a result of different types of emergency situations shall give a unique signal to designate activation as a result of a holdup, a burglary, a fire or any other type of emergency situation, so that the proper notification and proper response can be made.
- B. Any local alarm system, except a fire alarm system, shall have a fifteen-minute shutoff and shall not make a sound similar to that of a siren of an emergency vehicle or a civil defense warning system.

Exception: An alarm system without a fifteen-minute shutoff which is operating on the effective date of this article need not comply with this subsection, until the existing system is replaced.

- C. No holdup alarm shall include a money clip, pressure pad or similar device which can cause inadvertent activation; and any holdup alarm shall be designed so that it can be activated only by intentional and deliberate human action.
- D. It shall be unlawful for any person to install, cause to be installed or permit the installation within the City of any alarm system equipped with an automatic dialing device unless the same is equipped with a means to automatically disconnect and discontinue the transmittal of said prerecorded message after the same has been communicated to the police department or fire department. For the purposes of this section, an "automatic dialing device" is any device connected to any alarm system which automatically sends a prerecorded message indicating the activation of the alarm system to the police department or fire department.
- E. It shall be unlawful for any person to operate, cause to be operated or permit the operation within the City of an alarm system equipped with an automatic dialing device unless the same is equipped with a means to automatically disconnect and discontinue the transmittal of said prerecorded message after the same has been communicated to the police department or fire department. Any prerecorded message shall include a statement as to the nature of the emergency, the resident's name, address and a call-back telephone number.

Exception: A person in control of property upon which an alarm system is operating on the effective date of this article shall not be deemed in violation of this subsection for a period of three (3) months from the effective date of this article.

- F. The chief of police may set reasonable standards and procedures to be followed by an alarm system business or telephone answering service when giving notice to the police department of activation of an alarm system.

**Sec. 1-345. - Alarm systems monitored by the police department.**

- A. *Existing monitoring panels.* All persons or corporations maintaining an alarm monitoring station in the communications office of the police department at the time of adoption of this article may continue to operate alarm systems which will

continue to get monitored by the police department. However, any such systems which fail to continuously operate for more than twelve (12) months will be subject to a monthly monitoring fee of five hundred dollars (\$500.00) thereafter.

- B. *Future installations.* After the adoption of this article, the City may permit the installation of alarm systems in the communications office of the police department at the expense of the owner which shall be maintained and serviced by an appropriately licensed company. Such systems will be monitored by the police department for a monthly fee of five hundred dollars (\$500.00), except in the following instances, for which a monthly monitoring fee of one hundred fifty dollars (\$150.00) shall apply:
  - 1. *Financial institutions.* Any financial institution that is required to have a security alarm system installed directly to the police department pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882).
  - 2. *Drug manufacturers, wholesalers, distributors.* Any person handling controlled substances that is required to have a security alarm system installed directly to the police department pursuant to 21 CFR Sections 1301.71 and 1301.72.
  - 3. *Hospitals and homes for the elderly.*
- C. *City not liable.* At no time, shall the City assume any liability for the proper monitoring of such panels or indications that may appear thereon, nor shall the City assume any liability of any nature for the payment of any fees, costs and expenses.
- D. *Administrative regulations.* The chief of police may promulgate administrative regulations deemed necessary for the control and maintenance of installations in the communications office of the police department.

**Sec. 1-346. - Alarm system businesses conducted within the City.**

Whenever any person, partnership or corporation conducts the business of installing, servicing or maintaining alarm systems at alarm sites within the limits of the City, such entity shall:

- A. Maintain a sufficient force of personnel to render effective assistance at the alarm site within thirty (30) minutes of a request by an employee or officer of the City;
- B. Ensure that sufficient personnel are available to provide service and to repair any alarm system installed and maintained within the City within seventy-two (72) hours after notification that such system is in need of repair is received from any person in control of the property (alarm site) or from any employee of the City; and
- C. Keep and maintain a written record of the date and time of repair and description of the specific repair which was performed on any alarm system when such repair was made in response to notification by the person in control of the property or by

an employee of the City that such alarm system was in need of repair; such written record shall be maintained for at least two (2) years and shall be made available during the regular business hours of said entity for inspection and duplication by any employee of the City as directed by the City Manager or the chief of police.

**Sec. 1-347. - Tampering with alarm systems prohibited.**

It shall be unlawful for any person to tamper with or maliciously injure any alarm system or equipment.

**Sec. 1-348. - Hazardous and/or improperly functioning alarm systems.**

It shall be unlawful for any person to operate and/or activate by connection to a master power source any alarm system within the City that is hazardous or likely to cause injury to persons or property or which is improperly functioning and operating and will thus cause false alarms or fail to activate signaling an alarm when the proper procedures are used for the activation thereof.

**Sec. 1-349. - False alarms prohibited; exceptions.**

No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this section that the alarm system was sounded solely for the purposes of testing the alarm and the person who tested the alarm took reasonable precautions to avoid any request being made to the police department, fire department or other department of the City to respond to such alarm. If a person is convicted of the crime of making a false alarm or report as provided for in § 42.06 of the Texas Penal Code, said person shall not also be prosecuted for the same offense under the terms and provisions of this section.

**Sec. 1-350. - Injunctive relief.**

The City may at any time proceed in a court of competent jurisdiction to secure such injunction or equitable relief as may be deemed necessary to secure performance and compliance under the terms and provisions of this article.

**Secs. 1-351—1-361. - Reserved.**

**ARTICLE XV. - SIGN REGULATIONS**

**Sec. 1-362. - Standards; on-premises signs.**

- A. The provisions as herein set out shall be applicable to on-premises signs as that term shall be herein defined. Signs shall not imitate or resemble any official traffic control sign, signal or device. Real estate signs as herein previously defined shall be deemed "on-premises" signs so long as the same shall be located on the premises for which they are used to advertised property and improvements for

lease, rent or sale. On-premise real estate signs shall meet the requirements of this section and shall not be required to meet other requirements as herein provided for height, width and size of real estate signs.

- B. Signs shall not be erected or maintained upon trees or painted or drawn upon rocks or natural features.
- C. No sign shall exceed nine (9) feet in height, or thirty-six (36) square feet in area, except for signs that are located within a Sign District.
- D. A commercial development or other tract of land utilized for business purposes shall be entitled to one (1) freestanding on-premise sign for each two hundred fifty (250) feet of street frontage, or portion thereof.
- E. Signs may not be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or to obstruct or interfere with the driver's view of approaching, merging or intersecting traffic.
- F. No signs shall be so illuminated in a manner that interferes with the effectiveness of or obscures an official traffic sign, device or signal.
- G. Lights which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highways, and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.
- H. Every sign regulated by this article shall also comply with all other applicable sections of the Code or building regulations, statutes or ordinances of the City.

**Sec. 1-363. - Sign District "A."**

There is hereby created a Sign District "A", which shall include:

- A. All property extending from the right-of-way of U.S. Highway 59 and extending outward for a distance of three hundred (300) feet to create a corridor parallel to the right-of-way of the road, for the entire length of the road within the City limits.
- B. All property extending from the right-of-way of Spur 10 and extending outward for a distance of three hundred (300) feet to create a corridor parallel to the right-of-way of the road, for the entire length of the road within the City limits.
  - 1. The following standards shall apply to single tenant signs within District "A":
    - i. The maximum height shall be thirty (30) feet.
    - ii. The maximum size shall be one hundred sixty (160) square feet.

2. The following standards shall apply to multi-tenant signs within District "A":
  - i. The maximum height shall be thirty-six (36) feet.
  - ii. The maximum overall size shall be five hundred seventy-six (576) square feet.
  - iii. The maximum size per individual tenant shall be one hundred sixty (160) square feet.

**Sec. 1-364. - Sign District "B."**

A. There is hereby created a Sign District "B," which shall include:

1. All property located within the City adjacent to and fronting on the right-of-way of FM 2218;
2. All property located within the City adjacent to and fronting on the right-of-way of FM 2977;
3. All property located within the City adjacent to and fronting on the right-of-way of FM 762;
4. All property located within the City adjacent to and fronting on the right-of-way of FM 723 and not in the Downtown Area;
5. All property located within the City adjacent to and fronting on the right-of-way of the sections of State Highway 36 that extend south of City Hall Drive and north of U.S. Highway 90A;
6. All property located within the City adjacent to and fronting on the right-of-way of the section of U.S. Highway 90A that extends west of Spur 529;
7. All property located within the City adjacent to and fronting on the right-of-way of Spur 529;
8. All property located within the City adjacent to and fronting on the right-of-way of the section of U.S. Highway 90A that extends east of 8th Street;
9. All property located within the City adjacent to and fronting on the right-of-way of the section of FM 1640 that extends east of Mahlmann Street;
10. All property located within the City adjacent to and fronting on the north side of the right-of-way of the section of FM 1640 between 8th and Mahlmann Streets; and
11. All property located within the City adjacent to and fronting on the right-of-way of the section of Lane Drive between U.S. Highway 90A and Westwood Drive.

B. The following standards shall apply to single tenant signs within District "B":

1. The maximum height shall be sixteen (16) feet.
2. The maximum size shall be one hundred twenty (120) square feet.

C. The following standards shall apply to multi-tenant signs within District "B":

1. The maximum height shall be twenty-four (24) feet.
2. The maximum overall size shall be three hundred twenty (320) square feet.
3. The maximum size per individual tenant shall be one hundred twenty (120) square feet.

**Sec. 1-365. - Sign District "C."**

A. There is hereby created a Sign District "C," which shall include:

1. All property located within the City adjacent to and fronting on the right-of-way of the section of State Highway 36 between City Hall Drive and U.S. Highway 90A and not in the Downtown Area;
2. All property located within the City adjacent to and fronting on the right-of-way of the section of U.S. Highway 90A between Spur 529 and 8th Street and not in the Downtown Area;
3. All property located within the City adjacent to and fronting on the right-of-way of the section of FM 1640 between Spur 529 and 8th Street and not in the Downtown Area; and
4. All property located within the City adjacent to and fronting on the south side of the right-of-way of the section of FM 1640 between 8th and Mahlmann Streets.

B. The following standards shall apply to single tenant signs within District "C":

1. The maximum height shall be twelve (12) feet.
2. The maximum size shall be sixty (60) square feet.

C. The following standards shall apply to multi-tenant signs within District "C":

1. The maximum height shall be twelve (12) feet.
2. The maximum overall size shall be ninety-six (96) square feet.
3. The maximum size per individual tenant shall be sixty (60) square feet.

**Sec. 1-366. - Sign District Map.**

The Sign District Map, depicting Sign Districts "A," "B," and "C" and the Downtown Area of the City of Rosenberg, is attached hereto as Exhibit "A" and incorporated herein for reference purposes.

### Sign Districts

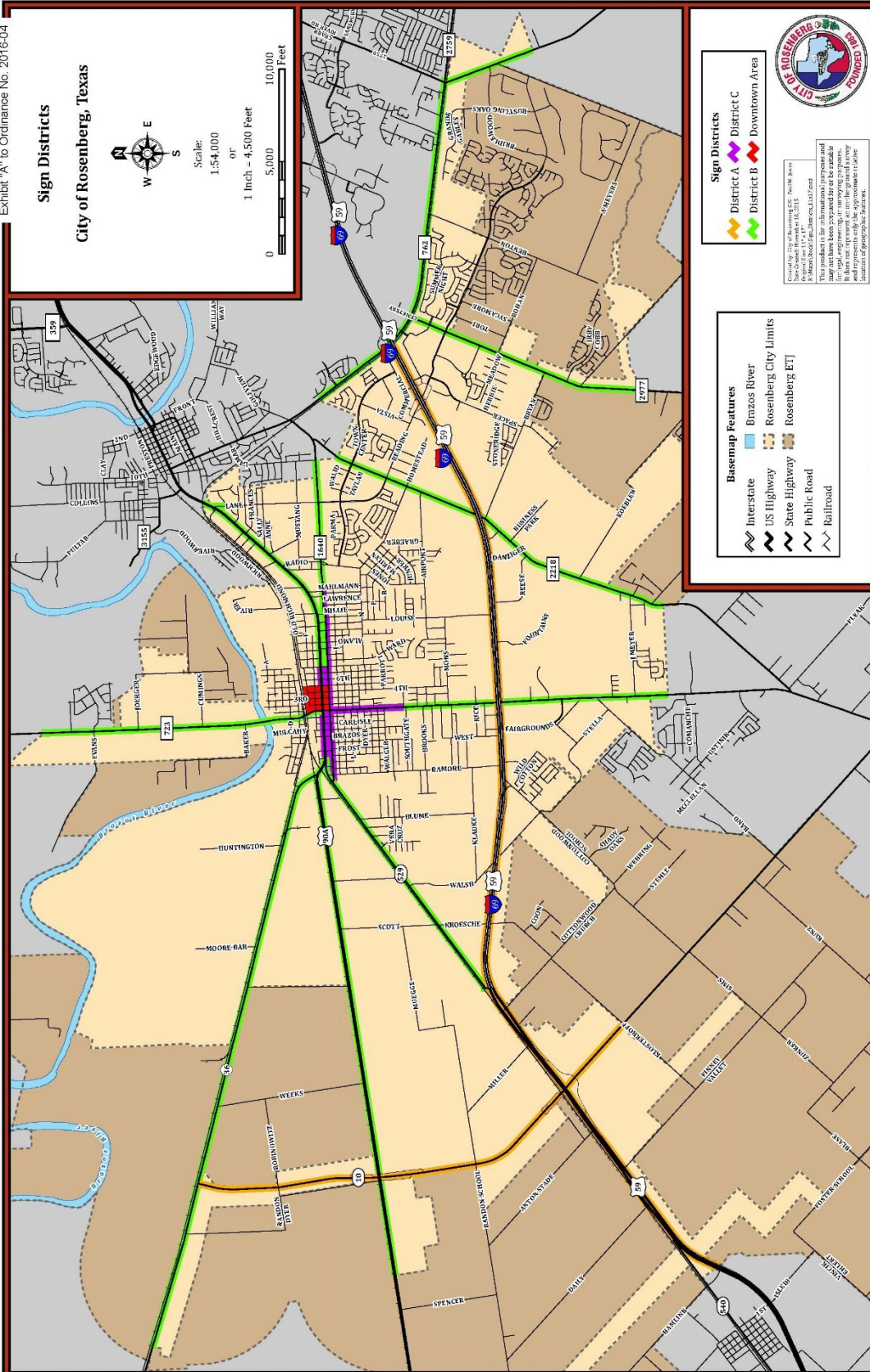
## City of Rosenberg, Texas



Scale:  
1:54,000

OR

1 Inch = 4,500 Feet



**Base Map Features**

- Interstate
- US Highway
- State Highway
- Public Road
- Railroad
- Brazos River
- Rosenberg City Limits
- Rosenberg ETJ

**Sign Districts**

- District A
- District B
- Downtown Area



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**Sec. 1-367. - Prohibition of certain new on or off-premises signs.**

- A. From and after the effective date of this Code amendment, no new construction permits shall be issued for off-premises signs other than digital billboards, subject to the provisions of Section 1-369(C)(4) below. This prohibition shall apply to all classifications of signs, types of signs and special function signs, and all other signs used as off-premises signs, including portable signs; however, signs directing persons to the location of places of worship, schools and specified community events shall be permitted providing the size of said signs shall be limited to thirty-two (32) square feet in area.
- B. All signs that are portable, moveable, trailer, or signs that are not permanently affixed in a concrete base or placed in the ground to a depth sufficient to prevent said sign from being removed shall be deemed illegal signs and shall be removed on or before October 1, 2000. Any person owning, maintaining or assisting in the maintenance of such signs after October 1, 2000, shall be deemed guilty of a misdemeanor and may be punished as otherwise provided in Section 1-13 of the Code of Ordinances. Each day such sign shall remain after October 1, 2000, shall constitute a separate violation of this Code and may be punished to the extent as provided for in the Code of Ordinances. Any sign which is in violation of this Code may be removed in accordance with applicable provisions of law.

**Sec. 1-368. - Signs in public places.**

It shall be unlawful for any person to fasten, tack, nail, tie, glue, paste or maintain any sign anywhere on any public building or property, including but not limited to the streets, sidewalks, curbs, gutters, trees on public rights-of-way, utility poles, signal lights or posts in the City, or to cause the same to be done, except for signs required or authorized by governmental authority, or political signs as provided herein.

**Sec. 1-369. - Signs subject to specific regulations.**

- A. Prohibited signs and the maintenance, continuation, erection, change or permitting prohibited signs to remain on any property in the City shall be deemed a violation of this Code. The owner of the property or persons in actual possession of said property or the persons operating or employed in a managerial capacity by any business where such signs are erected and exhibited shall be deemed in violation of this Code. Such persons may be punished in accordance with the provisions of law to the maximum extent as otherwise permitted under the law and each day a violation shall remain in existence shall be a separate, distinct violation of this Code.
- B. The following shall be deemed prohibited and shall apply to all signs including nonconforming signs:
  - 1. A sign requiring a permit under this Code but erected, repaired, replaced or modified without the required permit is a prohibited sign.

2. A sign that has become injurious, potentially injurious or a hazard to the health, safety and well-being of the residents, citizens and inhabitants of the City, including, but not limited to: the sign has become dilapidated and has fallen into a state of disrepair; or the sign has become structurally unsound, unsafe, has defective parts, splintered wood, rusted supports, or in need of other similar acts of repair.
3. A sign that is inadequately maintained which may include, but is not limited to: evidence of deterioration including broken or cracked faces, peeling, rust, fading, in need of painting, discoloration or contains wear holes or stress separations.
4. A sign maintained on private property advertising or describing a business which is no longer in business and in operation as a business or advertising a product that is no longer sold where such sign has become hazardous and unsafe because of neglect, deterioration or structural damage, neglect or lack of maintenance.
5. Signs which obstruct doors, windows or fire exits. No sign or other advertising structure shall at any time be erected, relocated or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire hydrant or fire escape. All such signs shall be deemed prohibited signs.
6. No signs shall be erected, relocated or maintained which constitute a traffic hazard and such signs shall be deemed prohibited signs. Any sign, which meets any of the following criteria, shall be prohibited under this subsection. A sign under this subsection shall be deemed prohibited if such sign:
  - i. Obstructs free and clear vision of any sight visibility triangle as defined herein; or
  - ii. Interferes with or obstructs the view or may be confused with any authorized traffic sign, signal or device because of its position, shape or color.
7. Any sign or other advertising structure, which shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance shall be deemed a prohibited sign.
8. Signs shall not cause beams or rays of light to be directed at the traveled way if the light is of such intensity or brilliance as to cause glare that impairs the vision of the driver of any motor vehicle or interfere with any driver's operation of a motor vehicle.
9. Any sign which shall display any matter which is designed to promote or advertise a sexually oriented business or sexually oriented product or where the dominant theme of the sign affronts community standards relating to the

description or representation of sexual matters and is generally without redeeming value shall be deemed a prohibited sign.

10. Any sign or other advertising structure painted, affixed, or in any way attached or placed upon an inoperable motor vehicle shall be prohibited.
11. Any other signs, display devices, banners or other advertising pieces not specifically permitted under this Code shall be deemed prohibited, may not be maintained or displayed and must be removed immediately. Display or maintenance of a sign not permitted herein shall constitute a violation of this Code and each day a violation shall continue will represent a separate and distinct violation.
12. No sign of any type whether subject to the permitting provisions of this Code or otherwise shall at any time be located any closer than five (5) feet from the edge of the public street right-of-way abutting the property where said sign is located. The provisions of this section shall not be applicable to properties located within the area designated as Tax Increment Reinvestment Zone No. 1 established and provided for in Ordinance No. 99-33 on file in the office of the City Secretary of the City.
13. Off-premise changeable electronic variable message signs (CEVMS) shall be prohibited within the corporate limits and the extraterritorial jurisdiction of the City. No new permit shall be issued for the installation, erection, or replacement of an off-premise CEVMS, including any conversion or modification of an existing off-premise sign to a CEVMS, within the corporate limits or the extraterritorial jurisdiction of the City.
14. On-premise changeable electronic variable message signs (CEVMS) shall be permitted within the corporate limits and the extraterritorial jurisdiction of the City, provided that:
  - i. Such signs shall be permitted only as an appurtenance to an otherwise permitted on-premise sign.
  - ii. Flashing or blinking messages shall not be permitted on such signs; however, rolling messages or other stationary messages shall be permitted.
  - iii. Such signs shall comply with all provisions of Section 1-362(A) through (H).
15. All signs in violation of the City's building and electrical codes. All signs, together with their supports, braces, guys, and anchors shall be kept in good repair.

C. The following types of signs shall be deemed to be permitted signs:

1. *Real estate signs.* Real estate signs advertising real property for sale or lease and located on the premises of said property and not exceeding thirty-two (32)

square feet in size may remain in place so long as the real estate that is being advertised remains "for sale" and/or "for lease" on the applicable market. No real estate sign shall remain on property beyond the expiration of any listing agreement with any real estate broker and in the case of sales or offers for sale by individuals without brokers or agents, a real estate sign may not be permitted to remain on the subject property after the property has been removed from sale and/or "for lease" status. In addition, no real estate sign shall remain for more than five (5) days after the property subject to the real estate sign has been sold or leased.

2. *Political sign:* A political sign shall be a sign which advertises, supports or urges support for a particular candidate or person seeking election to a particular office or position or a sign advertising and/or advocating a particular position or vote for or against a proposition, proposal or issue. No political sign, erected solely as a political sign and not as changeable copy to a sign or signboard lawfully permitted and used for other commercial purposes, shall remain in the City after the election for which the sign is placed has been completed. It shall be a violation of this Code for any political sign to be placed more than ninety (90) days prior to the date of the election and to remain more than ten (10) days after the date of the election or event for which the sign has been placed. Political signs affixed to billboards shall be removed within twenty (20) days after the date of the election or event for which the sign is placed. No political signs shall at any time be placed on a public street, public street right-of-way or any other public properties owned by or dedicated to the City.
3. *Kiosk signs:* Kiosk signs shall be approved sign plaza structures located within the City right-of-way, providing directions to subdivisions, homebuilders, and City facilities, installed and maintained by the City or a contractor authorized by the City.
4. *Digital billboards:*
  - i. Digital billboards shall be permitted in Sign District "A" on existing and new off-premises signs pursuant to a conversion agreement between the City and the applicant. Such conversion agreement shall provide that:
    - (a) The applicant shall remove off-premises sign face area from within the City and its extraterritorial jurisdiction (ETJ) at a 3:1 square footage ratio;
    - (b) The sign face area and all above ground supporting structures to be removed shall be removed within one hundred and eighty (180) days after issuance of the building permit for the digital billboard and receipt of the requisite TxDOT permit for the digital billboard but prior to commencement of construction of the digital billboard, provided that final approval of the building permit shall be subject to completion of removal of the requisite sign face area, and all above ground supporting structures;

- (c) The applicant shall agree to utilize one (1) spot in a standard eight (8) spot rotation on the digital billboard for five (5) separate two (2) week periods each year to display City-sponsored event announcements and non-commercial public service announcements to promote the civic interests of the City without charge to the City; and
  - (d) Regional emergency information shall be displayed in accordance with the established protocols of local and state authorities. Emergency communications should travel through established protocols set up by the division of emergency management or first responders.
- ii. Digital billboard sign size shall not exceed six hundred and eighty (680) square feet in sign face area.
  - iii. Digital billboard signs shall be set back a minimum of ten (10) feet from all public street rights-of-way.
  - iv. No digital billboard shall be located within two hundred and fifty feet (250') of the property line of a property used for residential purposes if the property is in the line of sight of the digital billboard face, except when the site is along a controlled access roadway. Residential use is defined as the use of the property on the date of installation of the digital face(s).
  - v. Digital billboard signs shall not exceed 42.5 feet in height above the main traveled way.
  - vi. A digital billboard sign shall not be located within a one and one-half (1 ½) mile radius of another digital billboard sign.
  - vii. Owners of digital billboard sign faces have the sole option to remove the digital units from the outdoor advertising structure at any time, for any reason. During all periods where there are no digital units on the sign structure, the sign owner shall be permitted to operate the sign faces as traditional, static type. However, owners will be limited to a static sign no larger than the existing digital billboard. In no case will the owner be able to reconstruct the signs that were removed pursuant to subsection (4) herein in the event such digital billboard is converted and operated as a traditional static sign.
  - viii. Minimum display time. Each message on the sign must be displayed for a minimum of eight (8) seconds.
  - ix. Brightness level. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance of two hundred and fifty feet (250') from a sign with a nominal face size of 14' x 48'.

- x. Permit Fees. Digital billboards shall be subject to an annual permit fee of \$1,000 per digital display face.

**Sec. 1-370. - Temporary signs.**

Temporary signs such as garage sale signs and real estate signs, with the exception of political signs, shall be allowed on private property with the owner's permission and shall be removed within forty-eight (48) hours after the date of the event to which such signs make reference or to which such signs are relevant.

**Sec. 1-371. - Painting street numbers on City curbs.**

- A. The public works director or his designee is hereby authorized to issue a permit for limited periods of time, not exceeding ninety (90) days, stated in the permit, authorizing the permittee to paint street numbers, according to the specific standards set forth below, on the City curb showing the correct street number of abutting property. Such permit shall be expressly conditioned upon the permittee's obtaining the consent of the abutting property owner before painting the address applicable to such abutting property, and such permit shall be revocable by the public works director or his designee upon violation of this section. Prior to issuance of a permit hereunder, a permittee shall be required to pay a permit fee of twenty-five dollars (\$25.00). A property owner may paint street numbers on the City curb abutting his or her private property in accordance with specifications hereinafter provided, but shall be exempt from the requirement of obtaining a permit and payment of the twenty-five dollar (\$25.00) permit fee.
- B. All street numbers shall be painted in the following manner:
  - 1. Street numbers shall be in a block numbering style;
  - 2. Four (4) inches in height;
  - 3. Width shall be in proportion to the height or approximately two and one-half (2½) inches in width;
  - 4. A one-inch distance shall be maintained between figures;
  - 5. Painted in reflective paint with black numbers on a white background;
  - 6. Background shall be rectangular in shape and shall not exceed more than one (1) inch above and below the numbers and not more than two (2) inches on each side; and
  - 7. Rectangular background shall be no more than twenty (20) inches in length.
- C. The use of the Texas flag is permitted under the following conditions:
  - 1. Red and blue portions of the flag shall not be painted in reflective paint;

2. The white portion of the flag shall be in painted in reflective paint;
  3. The house number shall be painted in the reflective white portion of the flag; and
  4. All size, width and placement of the numbers shall be consistent with subsection (B) listed above.
- D. Painted street numbers, including flags other than the Texas flag, and other symbols, existing on City curbs on the date of adoption of this section as amended, nonconforming to the requirements as amended, shall not be permitted. If a City curb is painted in violation of this section, the property owner shall have ninety (90) days to remove such painting. If a property owner fails to remove the curb painting in violation of this section with the ninety-day time period specified above, then the property owner will be in violation of this section and the City may take any necessary action to remove the curb painting in violation of this section.

**Sec. 1-372. - Display devices.**

- A. *General Prohibition.* It is unlawful for any person or business within the City of Rosenberg to use a display device for the purpose of advertising, promoting, or soliciting the sale or purchase of goods, services, wares, or merchandise.

Display devices—due to their visual features such as brightness, movement, color, and novelty—may distract motorists and pedestrians, creating traffic and safety hazards. Therefore, their use is regulated in the interest of public safety and community aesthetics.

- B. *Exemptions.* The following uses of display devices are exempt from the general prohibition:

1. *Governmental Use.* Display devices installed or maintained by the City or other governmental entities within public rights-of-way for the purpose of promoting civic, cultural, or recreational events officially sponsored or endorsed by the City.
2. Flags as defined in Chapter 8 provided they are:
  - i. Mounted on a permanent flagpole, affixed to the ground or building.
  - ii. Attached by a lanyard or bracket.
  - iii. Flown respectfully and in accordance with flag etiquette.
3. Swooper flags, feather flags, balloons, and similar promotional materials, provided they are:
  - i. Located entirely on private property, and

- ii. Displayed only during business hours of the establishment they promote.
- C. *Prohibited Use of Display Devices.* The use of display devices, as defined in Chapter 8, is strictly prohibited in all other contexts and locations not exempted under this section.
- D. *Compliance Period for Existing Devices.* Any display device lawfully in use prior to the effective date of this ordinance must be removed or brought into compliance within sixty (60) days of the ordinance's enactment.

**Sec. 1-373. - Maintenance, Violations and Removal.**

- A. *Maintenance Requirement.* All signs, banners, display devices, and flags—regardless of whether they were installed prior to or following the effective date of this ordinance—shall be maintained in a clean, orderly, and structurally sound condition at all times. These displays must remain consistent with the purpose and specifications for which they were originally permitted, including but not limited to their size, location, materials, and intended messaging or function.

Property owners or responsible parties are required to ensure that all such installations do not become dilapidated, damaged, faded, or otherwise degraded in a manner that detracts from the aesthetic or safety of the surrounding area. In the event that any sign, banner, display device, or flag is found to pose a potential hazard to public health, safety, or general welfare—due to factors such as structural instability, obstruction of visibility, or deterioration—it must be promptly repaired, replaced, or removed, as directed by the applicable authority.

- B. *Enforcement and Removal.*

- 1. *Notice of Violation.* The Building Official may issue written notice requiring correction or removal of any non-compliant sign, banner, display device, or flag. Failure to comply within the specified timeframe will constitute a violation of this ordinance.
- 2. *Immediate Hazard Removal.* Any display device or sign determined to be an immediate danger to public safety may be removed by the Building Official without prior notice.

**Sec. 1-374. - Signs attached to or painted on buildings.**

Except in the Downtown Area, wall signs shall be regulated as follows:

- 1. The effective area of all wall signs attached to a principal building serving as a nonresidential use may not exceed fifteen percent (15%) of the area of the wall or façade of a single tenant building or twenty percent (20%) of the area of the wall or façade of a multi-tenant building upon which they are attached. The Building Official shall permit a sign attached to a building when the same can be safely erected and maintained in accordance with all applicable codes.

2. The effective area of all wall signs painted on the wall or façade of a building serving as a nonresidential use may not exceed twenty-five percent (25%) of the area of the wall or façade upon which they are located, or three hundred (300) square feet, whichever is less, and in no case shall the letters be greater than four (4) feet in height.

**Sec. 1-375. - Contractor's sign.**

Nothing in this article shall prohibit a construction or remodeling contractor from placing a sign upon the premises upon which the work is performed and the same may remain upon the premises where the work is being performed until the work is completed so long as said sign shall meet the requirements as otherwise set out herein as to signs and configuration for real estate signs.

**Sec. 1-376. - Community information signs.**

Community information signs are subject to the following:

- A. Sign shall be a maximum of twenty-four (24) feet in height.
- B. Sign shall be a maximum of one hundred twenty (120) square feet in surface area.
- C. Sign shall be setback a minimum of ten (10) feet from the property line.
- D. No portion of the sign, including any support structures or projections, shall encroach into the public right-of-way.
- E. Sign shall not be closer than one hundred (100) feet to any other sign located on the property.
- F. A sign containing a changeable electronic variable message, in accordance with Section 1-369(C)(14) of this Code, shall not have such message entail more than seventy-five (75) percent of the total surface area of the sign.
- G. The support structure extending from the ground to the sign surface area shall be constructed of masonry, so that there are no visible metal poles or similar type material.
- H. The support structure at the ground level shall be landscaped as follows:
  1. A minimum landscaped area of twice the size of the footprint of the support structure at ground level shall be provided around each support structure, and the base of the support structure shall be screened with evergreen shrubbery maintained at a minimum of one (1) foot in height; or
  2. A hardscaped area be provided around the support structures at the ground level to provide screening at a minimum of one (1) foot in height. For the

purposes of this section, hardscape shall mean any masonry, stone, iron, or wood work that is integrated into a landscape setting.

**Sec. 1-377. - Signs in downtown area.**

The following signs shall be permitted in the downtown area, so long as such signs comply with the regulations as set forth below:

- A. A-frame signs are subject to the following:
  - 1. Maximum of twelve (12) square feet of surface area per side, including any support structures.
  - 2. Maximum of four (4) feet in height.
  - 3. Maximum of three (3) feet in width.
- B. Easel signs or freestanding frames with a sign insert are subject to the following:
  - 1. Maximum of six (6) square feet of surface area per side.
  - 2. Maximum of five (5) feet in height.
  - 3. Maximum of three (3) feet in width.
- C. A-frame signs and easel signs are both subject to the following:
  - 1. No more than one (1) sign per business shall be allowed.
  - 2. Signs must be placed on a sidewalk or adjacent to a sidewalk.
  - 3. Signs must be located a minimum of two (2) feet from any curb of any adjacent street.
  - 4. Signs must provide an unobstructed pedestrian clearance of at least four (4) feet in width.
  - 5. Signs may be displayed from the time the business opens and should be taken in at the close of business each day.
  - 6. Signs shall be sufficiently weighted or anchored to prevent movement by wind or other elements.
  - 7. A sign permit is required to be issued by the City of Rosenberg for any A-frame sign or easel sign.
- D. Hanging signs are subject to the following:

1. No more than one (1) hanging sign per each ten (10) feet of linear feet shall be allowed.
2. Hanging signs shall not exceed six (6) square feet in surface area per side.
3. Hanging signs must maintain a minimum clearance of seven (7) feet from pedestrian grade measured from the lowest hanging portion of the sign.
4. Hanging signs must maintain a minimum clearance of one (1) foot from the curb.
5. Hanging signs shall be securely fastened.
6. A sign permit is required to be issued by the City of Rosenberg for any hanging sign.

**Sec. 1-378. - Signs regulations extended to extraterritorial jurisdiction.**

The provisions of this article are hereby extended and shall be enforced in all areas within the City's extraterritorial jurisdiction.

**Sec. 1-379. - Regulation of nonconforming signs.**

A. *Nonconforming signs* shall be subject to the following regulations:

1. Nonconforming signs, with an approved permit from the City, may be permitted to have a changing of the façade and content of the face of the sign.
2. General maintenance of a nonconforming sign shall be permitted without the need of a permit, such as repainting, or cleaning maintenance.
3. Any part of a sign or the supporting structure of a sign that is nonconforming may be repaired or renovated only by the use of the types of materials and dimensions of materials that are the same as the parts of the sign or supporting structure being repaired or renovated. A person shall not repair or renovate such sign without first obtaining a permit.

B. *Destruction; repairs.*

1. Any nonconforming sign, including its supporting structure, which is destroyed, dismantled, damaged, dilapidated or deteriorated, must not be replaced, repaired, altered, or renovated, in whole or in part, if such replacement, repair, alteration, or renovation would require an expenditure of monies in excess of sixty (60) percent of the reproduction cost of erecting a new sign, including its supporting structure, at the same location, which is substantially the same or similar to the nonconforming sign destroyed, dismantled, damaged, dilapidated or deteriorated, unless such replacement, repair, alteration, or renovation makes the sign conforming.

2. To reasonably determine the applicability of subsection (B)(1) of this section, the owner of the nonconforming sign shall submit to the Building Official, two (2) or more independent estimates from established sign companies of the cost of replacing, repairing, altering or renovating, in whole or in part, the existing nonconforming sign and two (2) or more independent estimates from established sign companies of the reproduction cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, dismantled, damaged, dilapidated or deteriorated. The estimates must include an itemized list of the materials to be used.
- C. Relocation. Except for off-premises signs, a nonconforming freestanding sign that does not exceed fifty (50) feet in overall height or 200 square feet in total sign area, including its supporting structure, that is located within Sign District "A" within the City limits may be relocated to another location within Sign District "A" within the City limits in the event an existing business changes locations and wishes to utilize the same sign at a different location. The sign and its supporting structure, as relocated, must be placed within one (1) and ¼ miles of its original location, may not be increased in size or height or otherwise altered to increase or add any nonconforming characteristic to the sign, and may not be relocated more than one (1) time.

**Sec. 1-380. - Flags.**

The use and display of flags is herein permitted, in accordance with the following:

- A. The flag, as defined herein, of any nation, state, political subdivision, or other recognized governmental entity, or the flag of any religious, fraternal, or charitable organization, or the flag of a historic, political, or military nature displayed, shall be permitted, as follows:
  1. The flag is displayed on a flagpole as defined in the Definitions Chapter of this Code.
- B. Flags displaying a company or business entity logo shall be permitted as follows:
  1. The flag representing or advertising the business entity is located on the business property.
  2. The flag, if displayed with a flag as permitted in (1) above, shall be no larger than the flag described in (1) above in accordance with established rules of etiquette.
  3. No more than two (2) such flags may be displayed per property.

- C. Flags and flagpoles on commercial property shall be setback a minimum of fifteen (15) feet from the property line. Flags on residential properties shall be exempt from any setback requirements.
- D. Flags and flagpoles shall not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of two hundred fifty (250) feet along the street.
- E. Existing flagpoles as of the effective date of this ordinance shall be allowed to remain.

**Sec. 1-381. - Banners.**

The use and display of banners is herein permitted, in accordance with the following:

*A. Building banner.*

1. A building banner shall be securely fastened to the fascia of the building on at least four (4) places on the banner.
2. A banner may be placed on an opaque fence of a business that serves as a screening device, provided that the banner is securely fastened to the fence on at least four (4) places on the banner.
3. A building banner must be displayed on-premise of the product or service that the banner advertises.
4. No more than one (1) banner shall be allowed on each side of the façade of the building, or no more than one (1) banner per fence.
5. Each tenant within a multi-tenant building that has a storefront shall be allowed one (1) building banner per tenant on the front façade of the tenant's lease space.

*B. Bracketed, free-standing banner.*

1. For the purposes of this section, bracketed shall mean the banner is framed at the top and bottom of the banner with a metal bracket, so the banner is stationary and does not move in the wind.
2. A bracketed, free-standing banner shall be permitted on a property in which the principal building is set back at least fifty (50) feet from the adjacent roadway.
3. A bracketed, free-standing banner shall be securely fastened to a permanent post made of steel or wood of not less than four (4) inches in diameter, with a base set

in concrete in the ground a minimum of two (2) feet, and secured to the post in at least two (2) places on the banner.

4. The permanent post shall be setback a minimum of five (5) feet from the property line.
5. The banner must be fastened a minimum of seven (7) feet from the ground.
6. A bracketed, free-standing banner must be displayed on-premise of the product of service that the banner advertises.
7. One (1) banner per two hundred (200) feet of linear frontage, or portion thereof, shall be allowed per property. Any property of less than two hundred (200) feet of linear frontage shall be allowed one (1) bracketed, free standing banner.
8. A bracketed, free standing banner shall not exceed twenty-four (24) square feet in size.
9. The permanent post in subsection (3) above cannot be any part of a permanent sign structure.
10. No banner shall be displayed over a driveway or access easement into a property.

#### C. Event banner.

1. An event banner shall be allowed for events that occur on-premise of the event that the banner advertises, including, but not limited to, banners announcing grand openings and sales events.
2. An event banner shall be located on-premise of the event that the banner advertises.
3. An event banner shall be displayed no more than sixty (60) consecutive days, and no more than three (3) times per calendar year.
4. One (1) event banner per five hundred (500) feet of linear frontage, or portion thereof, shall be allowed per property. Any property of less than five hundred (500) feet of linear frontage shall be allowed one (1) event banner.
5. An event banner shall be securely fastened to a permanent fixture, such as a building façade, a fence or a gate, on at least four (4) places on the banner.
6. An event banner shall not exceed the following sizes:
  - i. Sign District "A": one hundred sixty (160) square feet.
  - ii. All other areas: sixty (60) square feet.

D. Permits required.

1. A permit shall not be required for a building banner as described in this section.
2. A permit shall be required prior to the installation of a bracketed, free-standing banner and an event banner as described in this section.
3. For event banner permits, the applicant shall specify the event for which the permit is requested. The permit shall set forth the date of removal of the event banner as described in this section.

E. Maintenance of banners.

1. All banners must be maintained and in good repair and in compliance with other provisions of the Code. Any banner that is torn, worn, or faded shall be removed from the property within seventy-two (72) hours of written notification by the City.

F. Compliance.

1. A person or business displaying a banner on the date of enactment of this article shall have a period of sixty (60) days from the date of enactment of this article in which to comply with the requirements set forth in this article.

**Secs. 1-382—1-389. - Reserved.**

**ARTICLE XVI. – OTHER RESIDENTIAL DWELLING UNITS.**

**Sec. 1-390. – Masonry Requirement.**

Residential dwelling units other than single-family dwellings and multi-family developments, including but not limited to townhouses, patio homes and duplexes, shall consist of a minimum of seventy-five percent (75%) masonry exterior.

**Secs. 1-391—1-395. - Reserved.**

**ARTICLE XVII. - BUILDING AND SETBACK LINES**

**Sec. 1-396. - Required.**

No building permit shall be issued for the construction, exterior alteration, enlargement, or location of any building or structure which does not conform with the building and setback lines established in Chapter 4 of this Code.

**Sec. 1-397. - Application.**

The building and setback lines established herein shall apply to the following:

- A. Unplatted property;

- B. Property platted without building or setback lines;
- C. Property platted which did not conform with the building or setback lines established in the subdivision regulations existing at the time of platting.

**Secs. 1-398—1-415. - Reserved.**

## **ARTICLE XVIII. - PARKING LOT AND DRIVEWAY STANDARDS AND SPECIFICATIONS**

### **Sec. 1-416. - Off-street parking regulations.**

It is the intent of this section to ensure that adequate off-street parking is provided.

#### A. Location.

1. Generally. All off-street parking spaces shall be located on the same lot as the building and/or use to be served.
2. Shared Parking. (Uses with Variable Parking Demand Hours.) The owners or tenants of two or more separate uses located in a development that has variable hours of peak parking demands or a parking lot designed to accommodate the parking needs of multiple uses may utilize the shared parking standards set out in Sec. 1-421, "Shared Parking".

#### B. Improvements to Nonconforming Parking Lots.

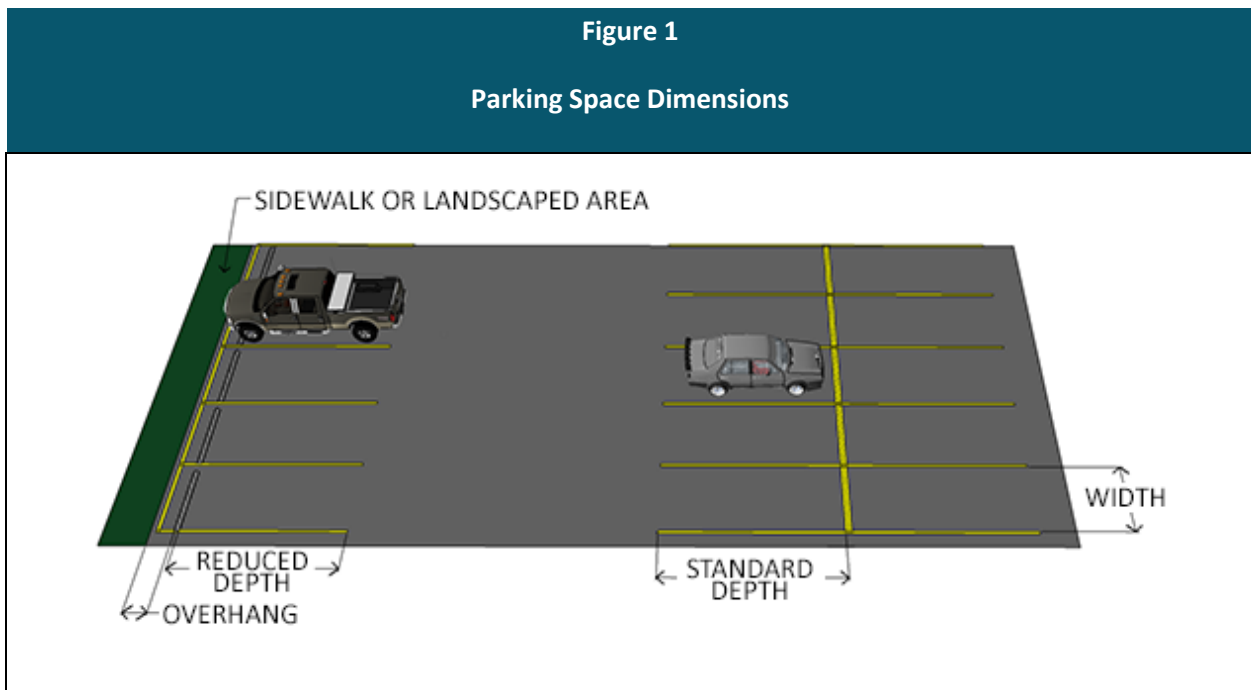
1. Generally. Nonconforming parking refers to parking spaces, parking drive aisles, and loading areas, and the required landscaping normally associated with it, that do not conform to the requirements that are set out in Article XVIII.
2. Specific Standards.
  - i. If an existing building or use is expanded, additional parking and landscaping shall be required only in proportion to the new area of the building or use.
  - ii. If the use of a building changes, resulting in additional demand for parking, additional parking and associated landscaping shall be provided in an amount equal to the difference between the requirements of the former use (not the actual parking provided on-site) and the requirements for the new use, as set in this Section. However, a permit for the new use may be denied if the available parking is less than 75 percent of the required parking.
  - iii. If an existing building is redeveloped, parking shall be provided as required by this section.

- iv. If a non-conforming parking lot provides parking for a nonconforming building, the off-street parking lot will be brought into compliance with the parking standards of this section if the building loses its nonconforming status.
- v. If a nonconforming building is required to be brought fully into compliance with all applicable development standards, the parking lot and parking lot landscaping shall also be brought into compliance.

C. Parking Space Dimensions.

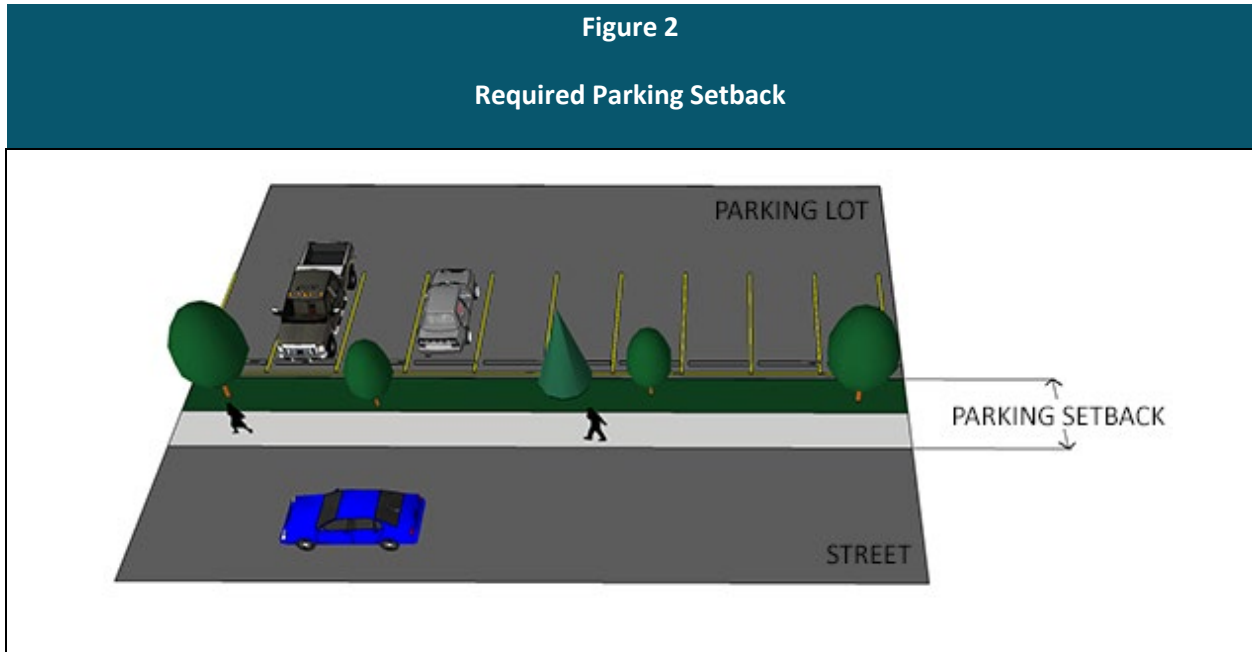
Off-street parking areas (as illustrated in Figure 1) shall provide parking spaces

1. With a minimum stall width of nine (9) feet as measured from centerline to centerline;
2. With a minimum depth of twenty (20) feet. The Depth requirement may be met by using a reduced depth and overhang as shown in Figure 1;
3. With a minimum drive aisle width of twenty (20) feet;
4. That are marked with striping to indicate the location of the individual spaces; and
5. That comply with the maintenance requirements of subsection (F)(2).



D. All parking and paving areas shall meet the following setbacks:

1. Parking and paving areas shall be setback a minimum of fifteen (15) feet from any property line that abuts a street right-of-way or an access easement as defined in the Definitions Chapter of this Code, as illustrated below in Figure 2.



2. Parking and paving areas shall be setback a minimum of five (5) feet from any side property line. For corner lots, parking and paving areas shall provide the minimum five (5) foot setback on both interior side yards, regardless of whether one (1) yard is considered a rear yard.
3. There shall be no parking or paving setback on the rear of a lot with the exception of subsection (4) below. Parking spaces abutting an adjoining property line in the rear shall be provided with wheel guards or bumper guards located so that no part of a normally parking vehicle shall extend beyond the property line.
4. Parking and paving areas shall be setback a minimum of five (5) feet from any alley.
5. For interior side property lines in commercial developments with shared parking, no setback from the interior property lines are required.
6. Single family residential parking shall be exempt from these setback requirements.
7. Nonconforming parking and paving areas:



- iv. Concrete single-family residential, duplex and townhome driveways shall have a minimum thickness of four inches (4") with number three (#3) grade 60 deformed steel rebar spaced at eighteen inches (18") measured center to center of the rebar, each way, with a minimum of one inch (1") sand cushion. The concrete must be able to achieve a minimum compressive strength of three thousand (3,000) pounds per square inch in twenty-eight (28) days. Asphalt single-family residential driveways shall have a minimum base thickness of four inches (4") and a minimum asphalt surface course of one and one-half inches (1 ½").

2. Maintenance.

- i. The following shall be maintained in to be high quality, fully functioning, and in full compliance with the Americans with Disabilities Act (ADA):
  - (a) Access and circulation drives;
  - (b) Driveways;
  - (c) Parking aisles;
  - (d) Off-street parking and loading spaces; and
  - (e) On-site traffic directional control devices.
- ii. The following shall be kept clearly visible and distinct:
  - (a) Parking space lines; and
  - (b) Pavement markings and improved hard surfaces.

G. All off-street parking areas within commercial or multi-family projects shall be provided with exterior lighting, which meets the following minimum standards:

- 1. Proper illumination shall be provided for safety, which at a minimum, shall be the equivalent of one-foot candle average of illumination throughout the parking area. In commercial parking lots, lights should be operable at a minimum of one (1) hour before the business is open to a period at least one (1) hour after the business has closed.
- 2. All lighting shall be on a time clock or photo sensor system.
- 3. All lighting shall be designed to confine direct rays to the premises. No spill over beyond the property line shall be permitted, except onto public thoroughfares provided, however, that such light shall not cause hazard to motorists.

- H. Access to parking areas for commercial or multi-family projects shall be provided as follows:
  - 1. Two-way access driveways shall have a width of no less than twenty (20) feet nor greater than forty-four (44) feet. In cases where one-way access drives are approved, a minimum width of twelve (12) feet is required.
  - 2. The parking area shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one (1) location to any other location within the parking area. (Businesses requiring twenty-five (25) spaces or less are exempt from this provision.)
  - 3. Under no circumstances will spaces be approved that require a vehicle to back into a public right-of-way. (Businesses requiring twenty-five (25) spaces or less are exempt from this provision.)
  - 4. This section relating to access for commercial or multi-family projects shall not be applicable for single-family residential parking requirements.
- I. Access to parking area for single-family residential units shall be provided as follows:
  - 1. The driveway shall be a minimum nine (9) feet wide and connect to all parking areas including garage.
  - 2. The driveway can permit a vehicle to safely back into a public right-of-way.
  - 3. The access drive may be of like material of the City street, but in no case less than an asphalt material. It does not have to match the parking space material.
  - 4. The design criteria shall be in accordance with City regulations and approved by the Building Official and be properly tied into the City street.
- J. The Downtown Area, as defined in the Definitions Chapter, shall be exempt from the parking regulations set forth in this article. When, however, off-street parking lots are proposed in the Downtown Area they shall be designed and constructed in accordance with all of the standards of this Article.

**Sec. 1-417. - Off-street parking landscaping (twenty-five spaces or more).**

- A. All areas, except the Downtown Area, that are used for parking shall conform to the minimum landscaping requirements of this section. Parking lots shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking area. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of fifty (50) percent of the required landscaped area must be used as islands.

- B. Landscaping in the right-of-way shall be permitted subject to the approval of the planning director. Credit for up to fifty (50) percent of the minimum landscaping area requirement shall be allowed for landscaping of the street right-of-way.
- C. Off-street parking areas (including loading docks, access roads and drives) that are adjacent to an area used for residential purposes may require screening by means of a six-foot wall or opaque fence, which shall be erected and maintained along the property line to provide visual screening. It shall be necessary to show all planting areas drawn to scale and all plants and trees within shall be clearly located and labeled on-site plans for development regulated by this article.
- D. Landscaping areas shall be protected from vehicular encroachment by curbs or wheel stops.
- E. Landscaping shall consist of a combination of such materials as grasses, groundcover, shrubs, vines, hedges, trees, or other such materials. Grasses and groundcover alone shall not constitute adequate landscaping.
- F. Visibility at intersections. On a corner lot, no structure shall be erected or constructed, and no vegetation shall be planted and allowed to grow, in such a manner as to impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of the intersecting streets, in the triangular area bounded by the intersecting street lines and a line joining points along said street lines twenty (20) feet from the point of their intersection.

**Sec. 1-418. - Schedule of parking regulations.**

- A. *Calculations.* The number of required off-street parking spaces will be calculated according to the formulas set out in this Section.
  - 1. *Variables for Calculating Required Parking.* The variables used for parking calculations are:
    - i. *Per Square Foot (sf.) of Parking Floor Area (PFA).* The phrase "per sf. of PFA" means that the number of parking spaces is calculated based on the number of "parking-related" square feet of floor area put to the use. The "PFA" is 85 percent of the gross floor area, plus (unless otherwise specified) the area of any parts of the parcel proposed for development that are delineated and used in a manner that is comparable in function and intensity of use to the use of the inside of the building (e.g., outdoor dining areas).
    - ii. *Per Dwelling Unit (DU) or Per Bedroom (BR).* The phrase "per '#' DU" means that the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per '#' BR unit) in the dwelling units.

- iii. *Per Bed*. The phrase "per bed" means that the number of parking spaces is based on the number of beds in the facility instead of the number of sleeping rooms or some other measure. Per bed calculations are normally applied to uses that offer residential care or overnight accommodations with shared rooms.
  - iv. *Per Employee*. The phrase "per employee" means that the number of parking spaces is based on the number of employees during the shift in which the maximum number of employees is present.
  - v. *Per Seat Capacity*. The phrase "per seat" means that the number of parking spaces is based on the number of seats that are provided for guests (patrons, members, etc.), with benches or pews measured as one seat per each two feet of width.
  - vi. *Per Square Feet (sf.) of Assembly Area*. The phrase "per sf. Of assembly area" means that the number of parking spaces is based on the number of square feet in the largest room used for assembly (e.g. at a school, this is often the gymnasium, but it could also be a theater or lunch room).
  - vii. *Others*. Other variables are measured according to their common meanings.
  - viii. *Special Parking Study or Modifications to Required Parking*, as set out below in "Special Studies".
2. *Rounding*. If the final calculation of the number of required parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.
  3. *Multiple Mixed-use or Nonresidential Use*. If several mixed-use or nonresidential uses occupy a single parcel or building, the off-street parking and loading requirements shall be the cumulative total for all uses, or as set out in Section 5.103, Alternatives or Modifications to Required Parking, whichever is lesser.
- B. *Required Parking*. The parking spaces required for individual uses are provided in this section delineated by the land use classifications.
1. *Residential and Commercial Use of the Home*. Required off-street parking for residential and commercial uses of the home are set out in Table 1.
  2. *Institutional, Recreation and Amusement Uses*. Required off-street parking for institutional, recreation and amusement uses are set out in Table 2.
  3. *Commercial Uses*. Required off-street parking for commercial uses as set out in Table 3.

4. *Agriculture Industrial, Transportation, Utility and Communication Uses.* Required off-street parking for agriculture, industrial, transportation, utility and communication uses are set out in Table 4.

C. *Required Disabled Parking.* As required by the Americans with Disabilities Act, a certain number of required disabled parking spaces are required as part of new development and redevelopment. The disabled parking spaces shall be incorporated into, rather than in addition to, the overall number of parking spaces required by this Section.

D. *Uses Not Listed.* The Planning Director shall determine the parking requirements for uses that are not listed based on the uses that are most similar to the proposed uses or based on parking studies of similar uses that are provided by the applicant and certified by a qualified transportation planner or professional engineer. The Director's decision may be appealed to the Planning Commission.

E. *Special Studies.* Some uses have widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the following parking tables as "Special Study." Required parking for these uses shall be established by special study according to the standards of this Section. The Special Study shall be prepared as follows:

1. The Special Study shall be completed by a qualified transportation engineer at the applicant's expense.

2. The Special Study shall provide:

i. A peak parking analysis of at least three comparable uses.

ii. Documentation regarding the comparability of the referenced uses, including name, function, location, floor area, parking availability, access to transportation network (including vehicular or other if applicable), use restrictions, and other factors that could affect the parking demand.

3. Approval of Special Study.

i. The City Engineer and Planning Administrator may approve the Special Study.

ii. The Special Study, if denied, may be appealed to the Planning Commission. The City Engineer and Planning Administrator reserve the right to refer the study to the Planning Commission for review and approval for any reason.

iii. A Special Study may be submitted as the basis for requesting a reduction of parking requirements by demonstration of lesser demand management, subject to:

- (a) The City is able to retain a qualified traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the City;
- (b) The comparability of the uses being documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that were considered by the traffic engineer that could affect parking demand; and,
- (c) Planning Commission review and approval.

<b>Table 1 Residential and Commercial Use of the Home Parking Requirements</b>	
Use	Required Off-Street Parking Spaces
<b>Residential Uses (Housing Types)</b>	
<b>Single-Family Detached</b>	
- Single-Family Detached	2 spaces per dwelling unit.
<b>Single-Family Attached</b>	
- Duplex	2 covered spaces per dwelling unit plus 2 spaces per unit for visitor parking.
- Townhouse	2 spaces per dwelling unit plus 2 spaces per unit for visitor parking.
- Live-Work Unit	3 spaces per dwelling unit.
<b>Multi-family</b>	
Apartment	2 spaces for efficiency unit and 1 BR plus 2 spaces per unit for visitor parking; 3 spaces per dwelling unit for 2 BR plus 2 spaces per unit for visitor parking; and 4 spaces per dwelling unit for 3 BR plus 2 spaces per unit for visitor parking (min. 30% covered parking)
<b>Special Neighborhood Types</b>	
Planned Cluster	Individual spaces as set out above for single-family detached or single-family attached, whichever is applicable + 1 visitor space per each 5 dwelling units
Mobile/Manufactured Home Park or Subdivision	Individual spaces as set out above for single-family detached + 2 visitor spaces per each 1 manufactured home space. Visitor spaces may not be located on the lot/stand and must be clustered in groups of 10 or more, throughout the park
Recreational Vehicle (RV) Park	1 space per RV pad (not including RV space) + 2 visitor spaces for each 1 recreational vehicle space. Visitor spaces may not be located on the lot or RV space and must be clustered in groups of 10 or more, throughout the park
<b>Commercial Uses of the Home</b>	
Child-Care, Family Home	1 space per each 3 children on the premises at any one time + 1 space per each provider, staff member, or employee on duty at any one time
Child-Care Facility, Group Home	Greater of: 1 space per 3 rooms or 1 space per BR
Child-Care Facility, Residential (foster home/agency foster home)	Greater of: 1 space per 3 rooms or 1 space per BR
Child-Care Facility, Residential (other)	Greater of: 1 space per 3 rooms or 1 space per BR
Home Occupation	No additional parking required

Table 2 Institutional, Recreation and Amusement Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Institutional Uses	
Assisted Living Facility	1 space per 3 du's; if not configured as individual du's; 1 space per each employee + 1 space for each 4 beds
Child Care Facility, Day-Care	1 space per 300 sf. PFA
Hospitals	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Medical Office / Clinic / Medical Lab	1 space per 250 sf. PFA
Nursing / Convalescent Home	1 space per 3 beds + 1 space per 2 employees on the largest shift
Place of Public Assembly (event facilities; meeting halls; fraternal organizations; places of worship)	1 space per 200 sf. PFA
Schools, Elementary and Middle	1 space per 20 students Fewer spaces as determined by Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Schools, High	1 space per 20 students Fewer spaces as determined by Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Recreation and Amusement Uses	
Commercial Amusement, Indoor	6 spaces per 1,000 sf.
Commercial Amusement, Outdoor	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Golf Course / Club	3 spaces per hole + 3 spaces per 4 driving range stations (if applicable)
Recreation and Fitness, Indoor	1 space per 300 sf. PFA
Recreation and Fitness, Outdoor	Greater of: 1 space per each 5 persons seat capacity + 1 space per each 4 seats; or 1 space per each 30 sf. PFA

Table 3 Commercial Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Commercial Uses	
Alcohol Beverage Sales	On-site consumption: 1 space per 75 sf. PFA Off-site consumption: 1 space per 300 sf. PFA
Animal Grooming Facilities	1 space per 400 sf. PFA
Animal Boarding or Veterinarian Services, Large Animal	1 space per 200 sf. PFA
Animal Boarding or Veterinarian Services, Small Animal	1 space per 300 sf. PFA
Bar or Nightclub	1 space per 75 sf. PFA
Drive-In, Drive-Through Facility	1 space per 75 sf. PFA
Retail / Home Center	1 space per 200 sf. PFA + 1 space per 1,000 sf. outdoor sales and display area
Nursery / Greenhouse, Retail	1 space per 300 sf. PFA of office or sales floor area + 1 space per 5,000 sf. of outdoor nursery area
Office, General	1 space per 250 sf. PFA
Overnight Accommodations (hotels, motels)	1 space per guest room + 1 space per 300 sf. PFA of meeting rooms, ballrooms, administrative offices, and areas used for self-service breakfast for guests only + 75% of parking requirements for integrated restaurants and bars that are open to the public
Pawn Shop	1 space per 200 sf. PFA
Restaurant	1 space per each 100 sf. PFA
Vehicle Gas or Fueling Station	1 space per 250 sf. PFA

Table 3 Commercial Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Commercial Uses	
Vehicle Sales, Rental, and Service	1 space per employee on maximum shift + 3 spaces per service bay or fueling stall + 1 space per 125 sf. PFA of convenience store floor area
Wholesale Uses	1 space per 1 employee + 1 space per business vehicle parked on-site + 2 spaces for customer parking

Table 4 Agriculture, Industrial, Transportation, Utility and Communication Use Parking Requirements	
Use	Required Off-Street Parking Spaces
Agriculture, General	
Agriculture, General	N/A
Nursery / Greenhouse, Wholesale	1 space per 300 sf. PFA of office or sale floor area + 1 space per 5,000 sf. of outdoor nursery
Industrial	
Heavy Industry	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Light Industry	1 space per 400 sf. PFA
Mining / Extraction	1 space per employee on the largest shift
Oil / Gas Operations	1 space per employee on the largest shift
Storage, Self	1 space per 25 storage units + 1 space per 300 sf. of office space
Storage Yard	1 space per 300 sf. PFA
Vehicle Wrecking and Salvage Yard; Junkyard	1 space per 3 stalls
Warehousing	4 spaces per 5,000 sf. of PFA + 1 space over each additional 5,000 sf. PFA
Waste Transfer Station / Recycling Collection Facility	1 space per 500 sf. facility
Transportation Uses	
Helistop	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Parking, Stand-Alone	No minimum
Rail Yard	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Utility Uses	
Power Generation, Small-Scale (renewable, noncombustible)	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Power Generation, Utility Scale	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Public Utilities	Special Study. <i>See</i> subsection [5], <i>Special Study</i> .
Wireless Telecommunication Tower Uses	
WTT, Attached	1 space per each free standing facility (may be grass pavers)
WTT, Freestanding	2 spaces per tower

**Sec. 1-419. - Special exceptions for parking and landscaping for commercial uses with frontage on Avenue H, Avenue I, and State Highway 36 only.**

- A. Upon written request of the property owner, the City Council may grant a special exception to the provisions of this article, including the parking and paving setbacks required by subsection 1-416 (D), limited to and in accordance with the items referenced in this section.

- B. The purpose of a special exception as it pertains to this section shall be to authorize a modification of standards applicable to development within the City, which is consistent with the overall intent of the Code, but that requires additional review to determine whether the development with the modifications is compatible with adjoining properties and the character of the neighborhood in which the development is proposed.
- C. An application for a special exception shall be filed only for parking and landscaping provisions contained within this article of the Code.
- D. In granting a special exception under this article, the City Council may impose such criteria and conditions as necessary to bring the property into further compliance with this article and to protect adjacent property owners.
- E. Special exceptions shall be limited to the following:
  - 1. The property to which a special exception applies shall be no larger than one (1) acre in size.
  - 2. The property to which a special exception applies shall be a property in which an improvement is upon, and not be a stand-alone, vacant property, in which no building currently exists. A vacant property adjacent to a developed property, in which the vacant tract and the developed tract are replatted into one (1) lot, shall be permitted.
  - 3. The special exception may allow for the reduction of parking requirements in an amount not exceeding twenty-five (25) percent of the parking required for that use under this article.
- F. Application requirements. A completed application, as provided by the planning department, for a special exception shall be accompanied by the following:
  - 1. A statement detailing the specifics of the site, including the size of the site, the size of any buildings to be utilized, the parking spaces proposed, and any other information deemed appropriate by the planning director.
  - 2. A site plan of the subject property.
  - 3. A landscape plan showing as much conformance to the landscaping requirements as the site can accommodate.
- G. Application processing.
  - 1. The planning commission shall consider an application for a special exception and make a recommendation to the City Council.
  - 2. The planning department shall cause notice to be sent by regular mail before the tenth day before the date on which the special exception is considered by

the City Council, to each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question.

3. The planning department shall cause notice to be published in a newspaper of general circulation in the City before the tenth day before the date in which the special exception is considered by the City Council.
4. The City Council shall hold a public hearing and receive public comments regarding the special exception.

**Sec. 1-420. - Outdoor displays of motor vehicles; paving requirements.**

A. *Outdoor display areas, paving requirements.* All outdoor display areas shall be paved with a permanent all-weather surface of asphalt concrete or Portland cement concrete approved by the planning director.

1. Outdoor display of motor vehicles shall not be displayed on areas that are designated for off-street parking or are included in the computation for designated off-street parking (unless the off-street parking spaces available exceed the number of spaces required for off-street parking), areas designated for landscaping, grass, dirt, gravel or other unimproved surfaces.
2. Display of one (1) motor vehicle for sale on residential property shall not be considered an outdoor display area for purposes of this section.
3. Outdoor display areas of motor vehicles that require proper screening pursuant to applicable City ordinances shall comply with screening requirements in addition to paving.
4. Outdoor display areas shall not encroach into the sight visibility triangle.

B. *Outdoor display areas in existence at time of enactment of this article.* A person owning, renting, leasing, or operating an outdoor display area on the date of enactment of this article shall have a period of six (6) months from the date of enactment of this article in which to comply with the paving requirements set forth in Section 1-420 of this article. This section shall only apply to outdoor display area(s) as it existed on the date of enactment of this article. Should an existing outdoor display area(s) be enlarged or expanded prior to the end of the six-month period, the entire outdoor display area(s) shall be required, at time of enlargement or expansion, to comply with Section 1-420.

**Sec. 1-421. – Shared Parking.**

A. Generally. The City Council recognizes that uses may have different hours of operation and peak parking demand hours. The City desires to encourage the sharing of parking for its potential to reduce impervious surfaces and / or enhance the efficiency of land use. Thus, where a mix of uses creates synergy with respect to the utilization of parking spaces due to differences in peak use, the City may

reduce the required number of off-street parking spaces according to the provisions of this Section.

- B. Shared Parking Table. Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:
1. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals (except car share programs), by the appropriate percentage listed in Table 5, Shared Parking Table, for each of the designated time periods.
  2. Calculate a sum for all uses for each of the five time periods (columns). The minimum parking requirement is the highest of these sums. Table 6, Illustrative Shared Parking Credit Calculation, provides an example of how to use Table 5, Shared Parking, to calculate required parking.
  3. In general, the maximum reduction allowed by Table 5, shall be 25 percent. However, a greater reduction is permitted, provided that:
    - i. Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the City Engineer determine that they are necessary; and
    - ii. The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the City Engineer.
- C. Adjoining Property Owners. Property owners on adjoining properties may enter into contractual agreements for shared off-street parking provided that there is enough total parking available to meet the overall parking requirements of both sites.

Table 5 Shared Parking Table					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

Table 6 Illustrative Shared Parking Credit Calculation					
EXAMPLE: A mixed-use building has 50 2-bedroom residences, 50,000 square feet of office space, and 50,000 square feet of retail space. Separately, these uses would require 600 parking spaces [(50 sp. x 3 sp. / unit) + (50,000 sf. x (1 sp. / 250 sf.))] + [50,000 sf. x (5 sp. / 1,000 sf.)] = 600. However, combined, they could share 465 parking spaces.					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential 150 spaces	100% x 150 = 150	60% x 150 = 90	90% x 150 = 135	80% x 150 = 120	90% x 150 = 135
Office 200 spaces	5% x 200 = 10	100% x 200 = 200	10% x 200 = 20	10% x 200 = 20	5% x 200 = 10
Retail / Commercial 250 spaces	5% x 250 = 13	70% x 250 = 175	90% x 250 = 225	100% x 250 = 250	70% x 250 = 175
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
<b>COLUMN TOTALS</b>	<b>173</b>	<b>465</b>	<b>380</b>	<b>390</b>	<b>320</b>
<b>TABLE NOTE:</b> <sup>1</sup> The largest number, 465, is the number of parking spaces that are required. This example is a 22.5 percent reduction compared to individual calculations.					

**Secs. 1-422—1-425. - Reserved.**

**ARTICLE XIX. - SINGLE-FAMILY AND ACCESSORY DWELLING UNITS**

**Sec. 1-426. - Single-family dwelling units.**

- A. There shall be only one (1) single-family dwelling unit permitted per platted lot, tract, or parcel of land.
- B. Single-family dwellings in subdivisions of two (2) or more lots, and for which a completed land plan, preliminary plat, or final plat application has not been submitted to the City of Rosenberg prior to the effective date of this ordinance, shall consist of a minimum of:
  - 1. Seventy-five (75) percent masonry exterior for structures that are one (1) story in height.
  - 2. Fifty (50) percent masonry exterior for structures that are two (2) stories and above in height.

**Sec. 1-427. - Construction of accessory dwelling units.**

An accessory dwelling unit shall be permitted to be constructed, in accordance with the provisions of this article, on an estate lot containing a single-family dwelling unit. An accessory dwelling unit shall not be permitted to be constructed on a lot, tract, or parcel of land containing less than three (3) acres.

**Sec. 1-428. - Restrictions on accessory dwelling units.**

An accessory dwelling unit constructed on an estate lot shall be subject to the following conditions and restrictions:

- A. An accessory dwelling unit shall not be rented or leased, under any conditions;
- B. There shall be only one (1) accessory dwelling unit permitted on any estate lot;
- C. An accessory dwelling unit shall not exceed two (2) stories;
- D. There shall be only one (1) water tap, sanitary sewer tap, electrical connection, and gas connection permitted for an estate lot to serve the main structure and any accessory dwelling unit.; and
- E. An accessory dwelling unit shall not be a mobile home or manufactured home.

**Sec. 1-429. - Building permit requirements for accessory dwelling units.**

At the time a building permit application is submitted for the construction of an accessory dwelling unit, the applicant must submit a site plan. This requirement to provide

a site plan shall be cumulative of, and in addition to, such other regulations and requirements as may be imposed under this Code.

**Sec. 1-430. - Setbacks for accessory dwelling units.**

The following set back lines shall be established for all accessory dwelling units, and shall be so indicated on all site plans as delineated below:

- A. Front yard. The front yard setback for an accessory dwelling unit shall be fifty (50) feet from the property line. The front yard orientation is established in accordance with the main structure.
- B. Side and rear yard. The side and rear yard setbacks for an accessory dwelling unit shall be thirty (30) feet from the property line. The side and rear yard orientation is established in accordance with the main structure.
- C. Main dwelling. The setback for an accessory dwelling unit from the main structure shall be ten (10) feet.

**Sec. 1-431. - Penalty.**

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalty provided in Section 1-13 of the Code of Ordinances.

**Secs. 1-432—1-440. - Reserved.**

**ARTICLE XX. - LANDSCAPE IRRIGATION SYSTEMS**

**Sec. 1-441. - License required.**

Any person who connects an irrigation system to the water supply within the City or the City's extraterritorial jurisdiction, commonly referred to as the ETJ, must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by Chapter 1301 of the Texas Occupations Code.

Exemptions:

A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, § 1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. The City may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation

system. See Texas Occupations Code § 1903.002 for other exemptions to the licensing requirement.

**Sec. 1-442. - Permit and fee required.**

No irrigation system shall be installed, altered, or repaired within the territorial limits or extraterritorial jurisdiction of the City without first obtaining a permit from the City's Building Official and paying a fee for such permit, as established by resolution of the City Council.

Exemptions:

- A. An irrigation system that is that an on-site sewage disposal system, as defined by Section 355.002, Health and Safety Code; or
- B. An irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or
- C. An irrigation system connected to a groundwater well used by the property owner for domestic use.

**Sec. 1-443. - Backflow prevention methods and devices.**

- A. Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.
- B. If conditions that present a health hazard exist, one (1) of the following methods must be used to prevent backflow;
  - 1. An air gap may be used if:
    - i. There is an unobstructed physical separation; and
    - ii. The distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges is at least one (1) inch or twice the diameter of the water supply outlet, whichever is greater.
  - 2. Reduced pressure principle backflow prevention assemblies may be used if:

- i. The device is installed at a minimum of twelve (12) inches above ground in a location that will ensure that the assembly will not be submerged; and
    - ii. Drainage is provided for any water that may be discharged through the assembly relief valve.
  3. Pressure vacuum breakers may be used if:
    - i. No back-pressure condition will occur; and
    - ii. The device is installed at a minimum of twelve (12) inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler.
  4. Atmospheric vacuum breakers may be used if:
    - i. No back-pressure will be present;
    - ii. There are no shutoff valves downstream from the atmospheric vacuum breaker;
    - iii. The device is installed at a minimum of six (6) inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler;
    - iv. There is no continuous pressure on the supply side of the atmospheric vacuum breaker for more than twelve (12) hours in any twenty-four-hour period; and
    - v. A separate atmospheric vacuum breaker is installed on the discharge side of each irrigation control valve, between the valve and all the emission devices that the valve controls.
- C. Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.
- D. If there are no conditions that present a health hazard, double check valve backflow prevention assemblies may be used to prevent backflow if the device is tested upon installation and test cocks are used for testing only.
- E. If a double check valve is installed below ground:
  1. Test cocks must be plugged, except when the double check valve is being tested;
  2. Test cock plugs must be threaded, water-tight, and made of non-ferrous material;

3. A y-type strainer is installed on the inlet side of the double check valve;
  4. There must be a clearance between any fill material and the bottom of the double check valve to allow space for testing and repair; and
  5. There must be space on the side of the double check valve to test and repair the double check valve.
- F. If an existing irrigation system without a backflow-prevention assembly requires major maintenance, alteration, repair, or service, the system must be connected to the potable water supply through an approved, properly installed backflow prevention method before any major maintenance, alteration, repair, or service is performed.
- G. If an irrigation system is connected to a potable water supply through a double check valve, pressure vacuum breaker, or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.
- H. The irrigator shall ensure the backflow prevention device is tested by a licensed backflow prevention assembly tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten (10) business days of testing of the backflow prevention device.
- I. All backflow prevention devices shall be tested at the frequencies required under Article IV, Division 2, "Cross-Connection Controls", of this Code.

**Sec. 1-444. - Specific conditions and cross-connection control.**

- A. Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.
- B. Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly or an air gap.
- C. Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.
- D. If an irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:

1. All irrigation piping and valves must meet the separation distances from the On-Site Sewage Facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);
2. Any connections using a private or public potable water source that is not the City's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and
3. Any water from the irrigation system that is applied to the surface of the area utilized by the on-site sewage facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the on-site sewage facilities system from operating effectively.

**Sec. 1-445. - Water conservation.**

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in the Definitions Chapter.

**Sec. 1-446. - Irrigation plan design: Minimum standards.**

- A. An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:
  1. Diminish the operational integrity of the irrigation system;
  2. Violate any requirements of this article; and
  3. Go unnoted in red on the irrigation plan.
- B. The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.
- C. All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:
  1. The irrigator's seal, signature, and date of signing;
  2. All major physical features and the boundaries of the areas to be watered;

3. A North arrow;
4. A legend;
5. The zone flow measurement for each zone;
6. Location and type of each:
  - i. Controller; and
  - ii. Sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);
7. Location, type, and size of each:
  - i. Water source, such as, but not limited to a water meter and point(s) of connection;
  - ii. Backflow prevention device;
  - iii. Water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;
  - iv. Valve, including but not limited to, zone valves, master valves, and isolation valves;
  - v. Pressure regulation component; and
  - vi. Main line and lateral piping.
8. The scale used; and
9. The design pressure.

**Sec. 1-447. - Design and installation: Minimum requirements.**

- A. No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.
- B. *Spacing:*
  1. The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.
  2. New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than forty-eight (48) inches not including the impervious surfaces in either length or width and which contain impervious

- pedestrian or vehicular traffic surfaces along two (2) or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four (4) inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.
3. Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.
- C. *Water pressure.* Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.
  - D. *Piping.* Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five (5) feet per second for polyvinyl chloride (PVC) pipe.
  - E. *Irrigation zones.* Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.
  - F. *Matched precipitation rate.* Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.
  - G. *Irrigation systems* shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.
  - H. *Master valve.* When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.
  - I. *PVC pipe primer solvent.* All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC cement in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).
  - J. *Rain or moisture shut-off devices or other technology.* All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a

sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.

K. *Isolation valve.* All new irrigation systems must include an isolation valve between the water meter and the backflow prevention device.

L. *Depth coverage of piping.* Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

1. If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six (6) inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six (6) inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.
2. If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two (2) inches of select backfill between the top of the pipe and the natural grade of the topsoil.
3. All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

M. *Wiring irrigation systems.*

1. Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.
2. Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.
3. Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.
4. Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six (6) inches of select backfill.

N. *Water contained within the piping of an irrigation system is deemed to be non-potable.* No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water

to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

- O. Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be onsite at all times while the landscape irrigation system is being installed. When an irrigator is not on-site, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

**Sec. 1-448. - Completion of irrigation system installation.**

Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete the following items:

- A. A final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system;
- B. The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:
  - 1. The manufacturer's manual for the automatic controller, if the system is automatic;
  - 2. A seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;
  - 3. A list of components, such as the nozzle, or pump filters, and other such components; that require maintenance and the recommended frequency for the service; and
  - 4. The statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the

Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

- C. A permanent sticker which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink and include:
  - 1. The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.

**Sec. 1-449. - Maintenance, alteration, repair, or service of irrigation systems.**

- A. The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.
- B. All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.
- C. Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).
- D. When maintenance, alteration, repair or service of an irrigation system involves excavation work at the water meter or backflow prevention device, an isolation valve shall be installed, if an isolation valve is not present.

**Sec. 1-450. - Reclaimed water.**

Reclaimed water may be utilized in landscape irrigation systems if:

- A. There is no direct contact with edible crops, unless the crop is pasteurized before consumption;
- B. The irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;
- C. The irrigation system is installed using purple components;

- D. The domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i) (relating to Appendices);
- E. A minimum of an eight inch by eight inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER - DO NOT DRINK" and "AGUA DE RECUPERACIÓN - NO BEBER"; and
- F. Backflow prevention on the reclaimed water supply line shall be in accordance with the regulations of the City's water provider.

**Sec. 1-451. - Advertisement requirements.**

- A. All vehicles used in the performance of irrigation installation, maintenance, alteration, repair, or service must display the irrigator's license number in the form of "LI \_\_\_\_\_" in a contrasting color of block letters at least two (2) inches high, on both sides of the vehicle.
- B. All forms of written and electronic advertisements for irrigation services must display the irrigator's license number in the form of "LI \_\_\_\_\_." Any form of advertisement, including business cards, and estimates which displays an entity's or individual's name other than that of the licensed irrigator must also display the name of the licensed irrigator and the licensed irrigator's license number. Trailers that advertise irrigation services must display the irrigator's license number.
- C. The name, mailing address, and telephone number of the commission must be prominently displayed on a legible sign and displayed in plain view for the purpose of addressing complaints at the permanent structure where irrigation business is primarily conducted and irrigation records are kept.

**Sec. 1-452. - Contracts.**

- A. All contracts to install an irrigation system must be in writing and signed by each party and must specify the irrigator's name, license number, business address, current business telephone numbers, the date that each party signed the agreement, the total agreed price, and must contain the statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)." All contracts must include the irrigator's seal, signature, and date.
- B. All written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) must include the irrigator's name, license number, business address, current business telephone number(s), and the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)."

- C. An individual who agrees by contract to provide irrigation services as defined in Title 30, Texas Administrative Code, Section 344.30 (relating to License Required) shall hold an irrigator license issued under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations) unless the contract is a pass-through contract as defined in Title 30, Texas Administrative Code, Section 344.1(36) (relating to Definitions). If a pass-through contract includes irrigation services, then the irrigation portion of the contract can only be performed by a licensed irrigator. If an irrigator installs a system pursuant to a pass-through contract, the irrigator shall still be responsible for providing the irrigation system's owner or through contract, the irrigator shall still be responsible for providing the irrigation system's owner or owner's representative a copy of the warranty and all other documents required under this chapter. A pass-through contract must identify by name and license number the irrigator that will perform the work and must provide a mechanism for contacting the irrigator for irrigation system warranty work.
- D. The contract must include the dates that the warranty is valid.

**Sec. 1-453. - Warranties for systems.**

- A. On all installations of new irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative with a written warranty covering materials and labor furnished in the new installation of the irrigation system. The irrigator shall be responsible for adhering to terms of the warranty. If the irrigator's warranty is less than the manufacturer's warranty for the system components, then the irrigator shall provide the irrigation system's owner or the owner's representative with applicable information regarding the manufacturer's warranty period. The warranty must include the irrigator's seal, signature, and date. If the warranty is part of an irrigator's contract, a separate warranty document is not required.
- B. An irrigator's written warranty on new irrigation systems must specify the irrigator's name, business address, and business telephone number(s), must contain the signature of the irrigation system's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)."
- C. On all maintenance, alterations, repairs, or service to existing irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative a written document that identifies the materials furnished in the maintenance, alteration, repair, or service. If a warranty is provided, the irrigator shall abide by the terms. The warranty document must include the irrigator's name and business contact information.

**Sec. 1-454. - Duties and responsibilities of Building Official.**

The Building Official or designee shall enforce this article, and shall be responsible for:

- A. Verifying that the appropriate permits have been obtained for an irrigation system and that the irrigator and installer or irrigation technician, if applicable, are licensed;
- B. Inspecting the irrigation system;
- C. Determining that the irrigation system complies with the requirements of this chapter;
- D. Determining that the appropriate backflow prevention device was installed, tested, and test results provided to the City;
- E. Investigating complaints related to irrigation system installation, maintenance, alteration, repairs, or service of an irrigation system and advertisement of irrigation services; and
- F. Maintaining records according to this chapter.

**Sec. 1-455. - Items not covered by this article.**

Any item not covered by this article and required by law shall be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, and any other applicable state statute or Texas Commission on Environmental Quality rule.

**Sec. 1-456. - Enforcement.**

- A. The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article codified in this chapter is declared to be a nuisance.
- B. Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:
  - 1. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and
  - 2. Other available relief.

**Secs. 1-457—1-461. - Reserved.**

## **ARTICLE XXI. - RESIDENTIAL RENTAL INSPECTION**

### **Sec. 1-462. – Residential Rental Inspections.**

Upon receipt of a complaint regarding a rental unit, the Building Official may conduct an inspection of a rental unit. There is no cost for an initial rental inspection. If a rental inspection fails, a Notice of Violation will be issued to the property owner. Repairs must be made within the time frame allowed and a reinspection will be required. Per the schedule of fees, a reinspection fee will be charged for the first and any subsequent reinspections.

**Sec. 1-463 – 1-469. - Reserved.**

## **ARTICLE XXII. - SIDEWALKS**

### **Sec. 1-470. - Sidewalk regulations for all residential and non-residential construction.**

- A. Sidewalks are required for all residential and non-residential construction, and shall be installed at the expense of the developer or owner, as follows:
  - 1. Sidewalks shall be constructed along one (1) side of all major thoroughfares and collector streets in accordance with the master sidewalk plan, and along both sides of any new local or residential streets.
  - 2. Sidewalks shall meet the minimum width and other design elements as specified in the design standards in effect at the time of construction.
  - 3. Sidewalks shall be constructed by the developer or owner along any existing and any new perimeter streets of subdivisions at the time of completing subdivision improvements. Such sidewalks shall be shown on the construction plans and constructed prior to acceptance of the public improvements by the City.
  - 4. Sidewalks shall be constructed by the developer or owner at the fronts of all lots, tracts, and reserves, and also along the side streets of corner lots, at the time of completing construction of building improvements on the lot, tract, or reserve. Such sidewalk shall be shown on the site plan submitted with the building permit application and shall be constructed prior to issuance of a certificate of occupancy for the structure on that lot.
  - 5. In accordance with the master sidewalk plan for major thoroughfares and collector streets and along both sides of any new local or residential streets, sidewalks shall be required on all lots where an existing use is enlarged, structurally altered, or remodeled to the extent of increasing or changing the

use by more than fifty (50) percent as it existed at the effective date of this article upon development. Such sidewalk shall be completed prior to issuance of a certificate of occupancy for the structure on that lot.

6. Sidewalks shall be constructed within the right-of-way of the adjacent street, unless there is no space due to an open ditch or other obstacle, in which case the sidewalk shall then be located upon private property within a pedestrian access easement provided on the plat. A pedestrian access easement shall be defined as an easement created for the sole purpose of providing pedestrian access via a sidewalk on a property, of a width necessary to accommodate a sidewalk or portion of sidewalk.
- B. A note shall be added to any residential or non-residential plat that specifies that a sidewalk shall be constructed and shall specify the required width.
  - C. Additional sidewalks may be provided as the developer or owner may desire and shall conform to the design standards in effect at the time of construction.
  - D. Sidewalks shall not be required:
    1. Along any side of an existing local or residential street in which no other sidewalk exists.
    2. Along U.S. Highway 59 or the frontage roads of U.S. Highway 59.

## **ARTICLE XXIII. – CORRIDOR STANDARDS**

### **Sec. 1-471. - Purpose.**

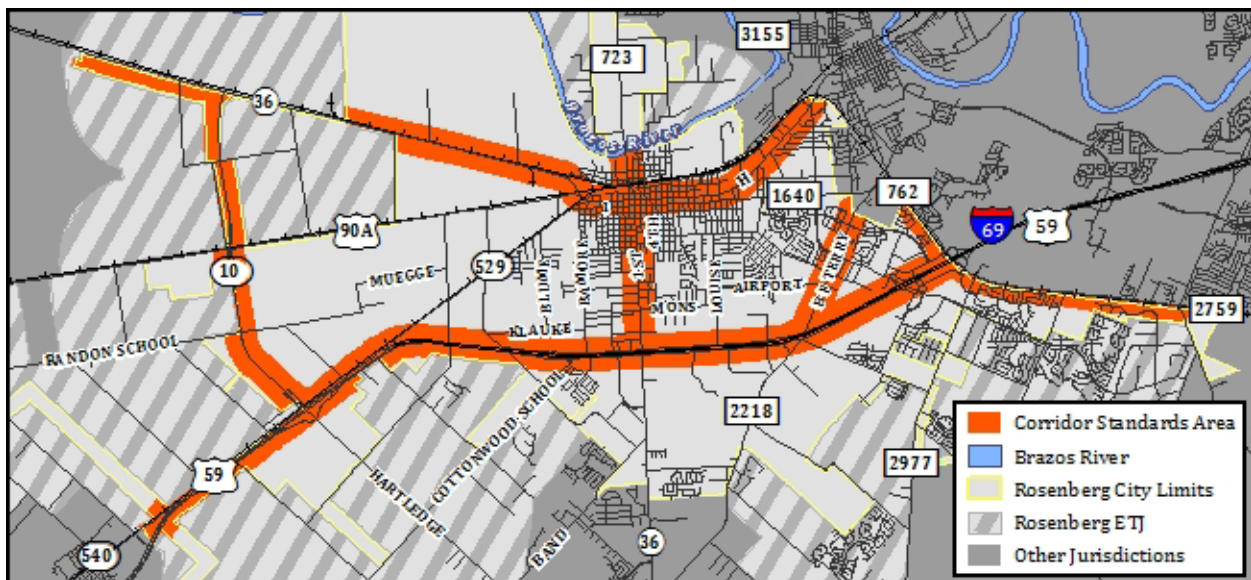
- A. It is the purpose of this article to provide for the following:
  1. The safe and orderly development of highly visible and heavily traveled corridors;
  2. Promotion of economic development;
  3. Protection and enhancement of property values; and
  4. Enhanced quality of life and appearance of newly developed and redeveloped properties along the subject corridors.

### **Sec. 1-472. - Application and conflicts.**

- A. This article shall apply to development and redevelopment of property located within the City limits and within one thousand (1,000) feet of the centerlines of the following streets as depicted in Figure XXIII.1, Corridor Standards Map:

1. U.S. 59/Interstate 69;
2. Spur 10;
3. State Highway 36 West;
4. FM 723 south of the Brazos River;
5. State Highway 36 between U.S. Highway 90A/Avenue H and U.S. 59/Interstate 69;
6. U.S. Highway 90A/Avenue H east of State Highway 36 West;
7. FM 2218 north of U.S. 59/Interstate 69; and
8. FM 762.

**Figure XXIII.1 – Corridor Standards Map**



B. If any provision of this article conflicts with another provision of this Code or the Code of Ordinances, the more restrictive provision will control.

**Sec. 1-473. - Exemptions.**

- A. The provisions of this article shall not apply to:
  - 1. Single-family residential development;
  - 2. The downtown area, as defined in the Definitions Chapter;
  - 3. Development existing on the effective date of this article where redevelopment is not proposed to occur;
  - 4. Building or parking setbacks or lines established by plat prior to the effective date of this article; or
  - 5. Redevelopment where development is not being expanded in size.
- B. Redevelopment under one category of these standards (e.g., exterior building materials) does not trigger a requirement that the site meet all standards. For example, if a building façade is added, the applicant may be required to meet the standards for exterior building materials, but they will not be required to meet any other standards (e.g., landscaping).
- C. Additions to existing developments shall not cause the existing developments to come into compliance with this article unless the existing development is expanded in size by fifty (50) percent or more. If the existing development is expanded in size by fifty (50) percent or more, additions to existing developments shall cause the existing developments to come into compliance with this article. Additions themselves, however, shall always be in compliance with this article.

**Sec. 1-474. - Authority of planning commission.**

- A. The planning commission may:
  - 1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article;
  - 2. Hear and decide special exceptions to the terms of this article for properties that are no larger than one (1) acre in size, that have existing development upon them, and that are located in the State Highway 36 corridor between U.S. Highway 90A/Avenue H and U.S. 59/Interstate 69 or in the U.S. Highway 90A/Avenue H corridor east of State Highway 36 West;
  - 3. Authorize in specific cases a variance from the terms of this article if:
    - i. The variance is not contrary to the public interest;
    - ii. Due to special conditions;

- iii. A literal enforcement of the ordinance would result in unnecessary hardship; and
  - iv. So that the spirit of the ordinance is observed and substantial justice is done.
- B. In granting variances, the commission may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. Conditions may include additional landscaping and/or enhanced building or site design above and beyond the minimum requirements of this article.

**Sec. 1-475. - Amendments.**

City Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Article as recommended by the planning commission.

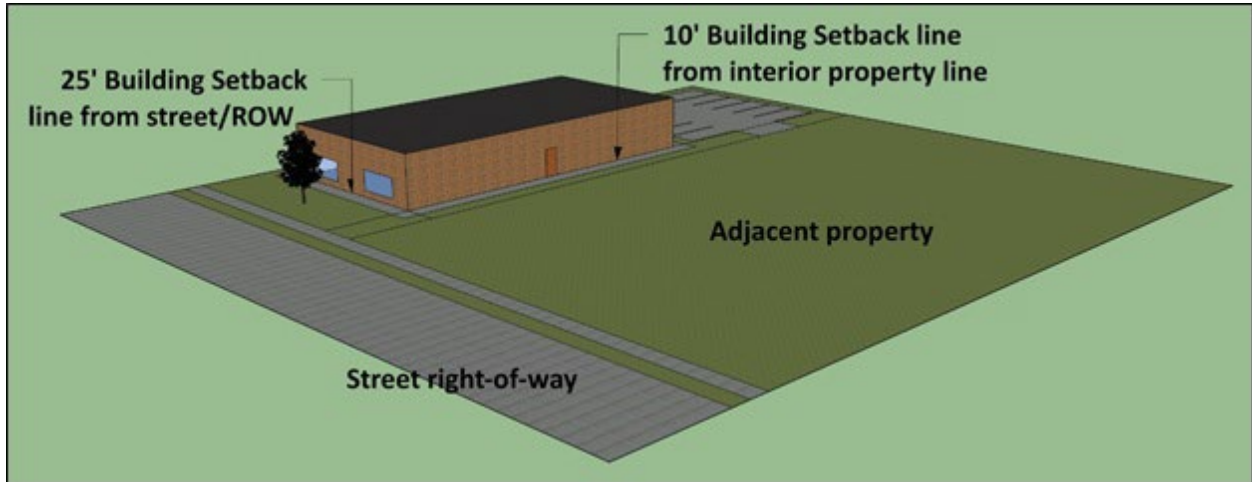
**Sec. 1-476. - Site plans.**

Site plans for all developments in the subject corridors shall be submitted for review and approved by the community development department prior to the issuance of applicable building permits. The review shall include, but is not limited to, setbacks, exterior building materials, landscaping, and signage. Site plans shall comply with the standards contained in this article.

**Sec. 1-477. - Setbacks.**

- A. The following minimum building setback lines shall be required:
- 1. Twenty-five (25) feet from street rights-of-way; and
  - 2. Ten (10) feet from all other interior property lines.

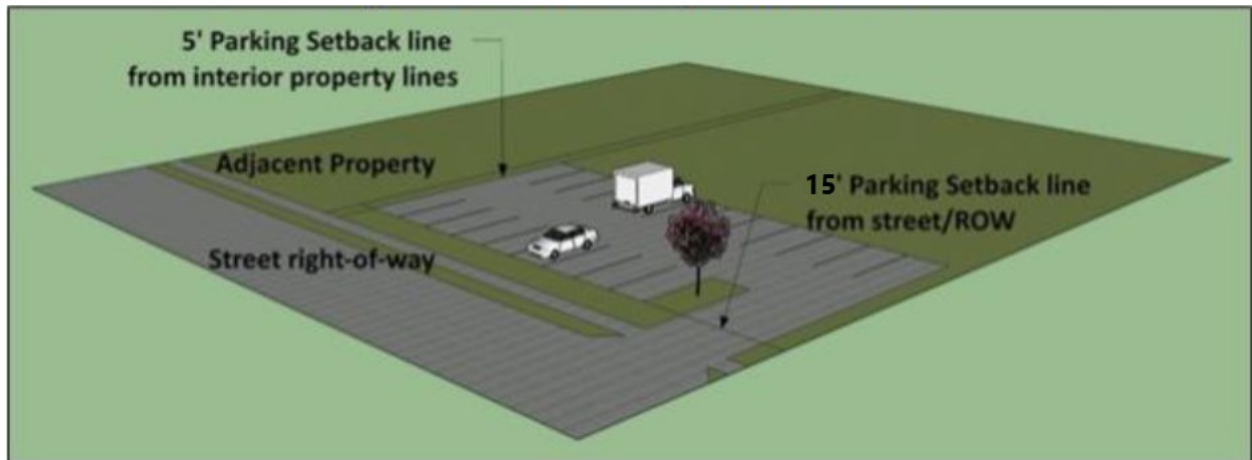
**Figure XXIII.2 – Building Setback Lines**



B. The following minimum parking setback lines shall be required:

1. Fifteen (15) feet from street rights-of-way; and
2. Five (5) feet from all other interior property lines.

**Figure XXIII.3 – Parking Setback Lines**



**Sec. 1-478. - Exterior building materials.**

A. All buildings, columns, and support structures shall consist of a minimum of seventy-five (75) percent masonry, glass or a combination thereof; except only the Front Building Elevation may be required by the planning director or his or her designee to consist of one hundred percent (100%) masonry and/or glass under the following circumstances:

1. For Industrial Uses;

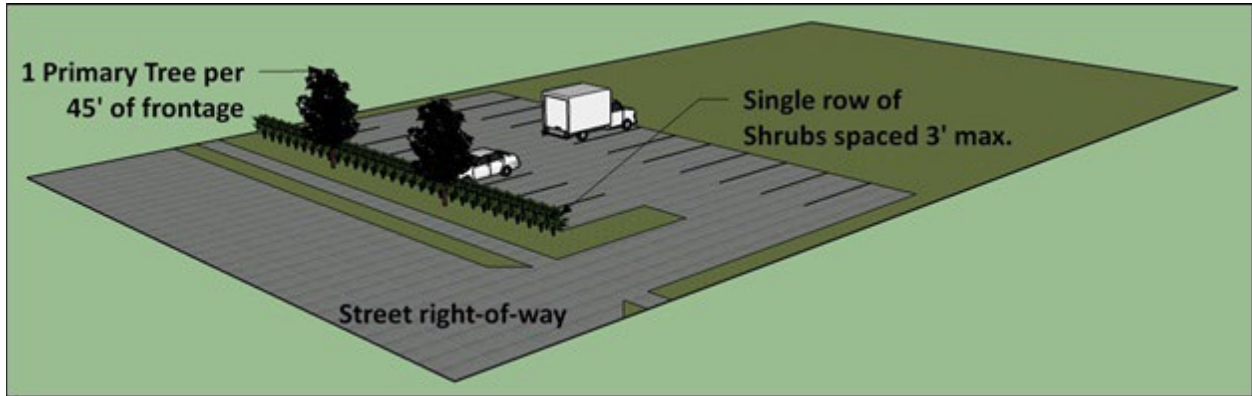
2. Along the Spur 10, State Highway 36, and U.S. Highway 90A/Avenue H corridors and when the immediately surrounding architecture is not consistent with a seventy-five percent (75%) overall masonry requirement; and
  3. For properties not fronting on the primary corridor and when the immediately surrounding architecture is not consistent with a seventy five percent (75%) overall masonry requirement.
- B. All parking lots shall be constructed of reinforced concrete or asphalt pavement.
- C. *Screening requirements.*
1. All utility and mechanical areas, rooftop equipment, outside storage, and loading facilities shall be screened from view from the public street in a manner compatible with the exterior building materials or site landscaping. Utility and mechanical areas, outside storage, and loading facilities located at the rear of the building shall be acceptable.
  2. All dumpsters shall be screened from view from the public street with a wood, masonry, or chain link fence with slats.
  3. All fencing, except for the purpose of screening dumpsters, shall be constructed of masonry, concrete, wrought iron, tubular metal, or vinyl coated chain link compatible with the exterior building materials or site landscaping. Additionally, vinyl slats may be used in conjunction with chain link fencing for screening purposes.

**Sec. 1-479. - Landscaping.**

- A. Parking setback areas shall be comprised of primary trees, secondary trees, shrubs, grass, or a combination thereof.
- B. One (1) minimum thirty-gallon, one and one-half-inch caliper primary tree shall be required for every forty-five (45) feet of street frontage in parking setback areas along public streets. The minimum height of primary trees shall be eight (8) feet at the time of planting. Trees need not be spaced evenly. In cases where there are existing overhead utilities, only secondary trees shall be used.
- C. A single row of minimum three-gallon or larger shrubs shall be installed with a maximum spacing of three (3) feet abutting the fronts of all parking lots in parking setback areas along public streets. The minimum height of shrubs shall be two (2) feet at the time of planting.
- D. For each twenty (20) parking spaces, or fraction thereof, landscaped areas containing a total of at least one hundred eighty (180) square feet must be provided within the parking lot. One (1) primary or secondary tree must be provided in each required landscaped island. The remainder of the island must be landscaped with plants not exceeding three (3) feet in height.

- E. All landscaping required to be installed must, after installation, be maintained in good condition. If the required landscaping becomes diseased, deteriorated, or dies, the owner of the premises must replace the landscaping.
- F. In addition to the parking lot, landscaping shall be provided adjacent to the front entrance of buildings where possible.
- G. Indigenous and drought resistant plant material should be used, but if not used, an irrigation system must be installed.
- H. *Tree preservation and replacement.*
  - 1. With the exception of existing, single-family residential lots, the clearance of any land containing one (1) or more trees with a caliper size of eight (8) inches or greater, as measured at four and one-half (4½) feet above ground level, requires the submittal of a landscape plan identifying said trees and providing for their replacement with trees of like size, type, and quantity. The caliper size of multiple smaller trees may be aggregated to reach the equivalent size, provided, however, that the smaller trees must meet the minimum criteria outlined for the definition of primary tree in the Definitions Chapter.
  - 2. Due to the heavily wooded nature of some vacant lots, there may be instances in which it is not feasible to reasonably develop the property while preserving existing trees or matching their aggregated caliper size. In these instances, prospective developers may submit an alternative plan for tree preservation and replacement, which may be approved by the community development department. If, after reviewing the plan, the director determines that reasonable efforts to preserve or replace trees have not been exhausted, the director's decision may be appealed to the City Council, which shall have the final decision.

**Figure XXIII.4 – Landscaping**

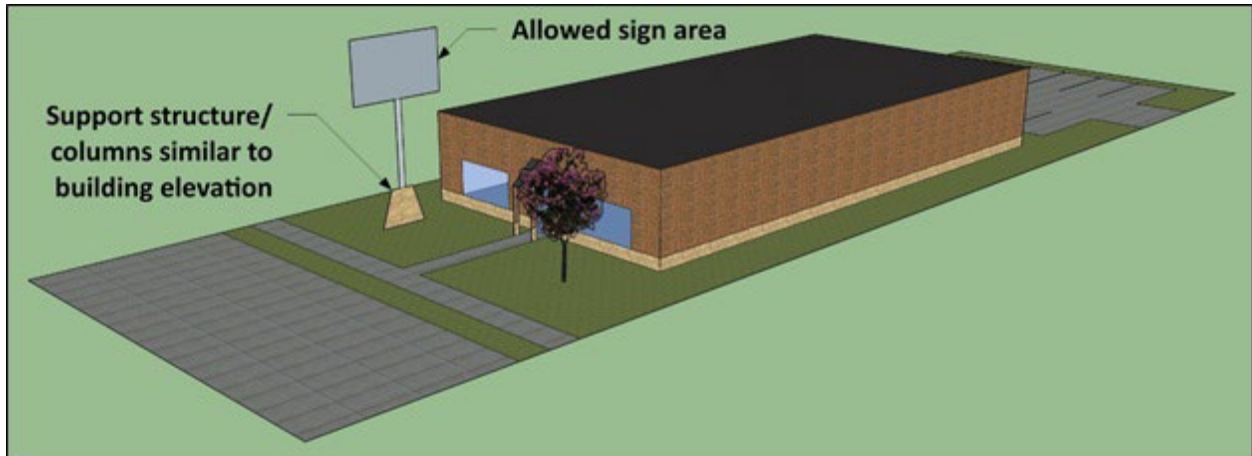


**Sec. 1-480. - Signage.**

A. Freestanding signs.

1. Regarding their height, size, setbacks, and spacing, freestanding signs shall comply with this Code, Chapter 1, Article XV.
2. In addition to the requirements of Article XV, freestanding signs' support structures and columns shall be constructed of materials similar to the materials used in the building elevation.

**Figure XXIII.5 – Freestanding Signs**



B. Wall signs.

1. The area of wall signs attached to a principal building serving as a nonresidential use shall not exceed in the aggregate fifteen percent (15) of the area of the wall of a single tenant building or twenty percent (20%) of the area of the wall of a multi-tenant building on which they are located. No wall sign may extend outside of the boundaries of the wall on which it is mounted.
2. The effective area of all wall signs painted to the wall or façade of a building serving as a nonresidential use may not exceed twenty-five percent (25%) of

the area of the wall or façade upon which they are located, or three hundred (300) square feet, whichever is less, and in no case shall the letters of a mural be greater than four (4) feet in height.

C. Animated, moving, flashing or inflatable signs or figures are prohibited.

## **ARTICLE XXIV. – FENCES**

### **Sec. 1-481. - Fence Requirements and Prohibitions.**

- A. Public Property: A fence or any part of a fence shall not be constructed upon or allowed to protrude over a property line or lot line. All fences must be maintained so as not to overhang or interfere with public property.
- B. Fence Maintenance: All fences shall comply and be maintained in accordance with all the requirements of this ordinance at all times.
1. Fences shall not be more than twenty (20%) percent out of vertical alignment.
  2. Damaged, removed, or missing portions of a fence shall be replaced or repaired with comparable materials to the remaining portion.
- C. Dilapidated Fences: A dilapidated fence means a fence that is decayed, deteriorated, or fallen into partial or total ruin. Should a fence be deemed dilapidated or substandard by the Code Enforcement Officer, then the following shall occur:
1. A notice shall be served to the property owner informing of the fence violation.

Should the violations not be corrected by the owner within a thirty (30) day time period, the City may remove the fence at its own expense and the cost shall be charged against the land and become a personal obligation of the owner. The provisions for notice, hearing and appeal shall be conducted in compliance with provisions of Chapter 6 of the Code of Ordinances.

## **ARTICLE XXV. – OUTDOOR LIGHTING REGULATIONS**

- A. It is the purpose of this article to provide developments with adequate outdoor lighting to preserve safety and comfort while maintaining a visibly welcoming environment.
- B. In addition to the exterior lighting regulations for parking areas within commercial and multi-family developments in Chapter 1, Article XVIII, all commercial or multi-family projects shall be provided with exterior lighting, which meets the following minimum standards:

1. Outdoor lighting shall be designed so that the lighting is deflected, shielded, and focused away from adjacent properties and does not constitute a nuisance to such adjacent properties. Any overspill of lighting over property lines shall not exceed 0.3 foot-candle, measured vertically, and 0.3 foot-candle, measured horizontally, on adjacent properties except onto public thoroughfares provided, however, that such light shall not cause hazard to motorists. A photometric analysis is required at the time of permitting.
2. Elevated light sources must be shielded by full cutoff or fully shielded fixtures.
3. Spotlights and floodlights elevated above the ground and used for area lighting must be adjusted so that their axis of illumination is at an angle not greater than 20 degrees measured from the vertical line between the fixture and the ground. Under no circumstance should a spotlight or floodlight be directed toward property lines. This does not apply to outdoor recreational facilities.
4. As measured on the Kelvin color temperature scale, warm colored lighting 3000k or below shall be used where possible.