

ORDINANCE NO. 86

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS; ADOPTING THE 2006 INTERNATIONAL MECHANICAL CODE; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL PLUMBING CODE; ADOPTING THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE; ADOPTING THE 2006 INTERNATIONAL FIRE CODE; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FUEL CODE; ADOPTING THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR PERMITS AND INSPECTION; PROVIDING FOR REGISTRATION AND LICENSE REQUIREMENTS FOR PLUMBING, MECHANICAL, AND ELECTRICAL CONTRACTORS; PROVIDING FOR A PENALTY FOR VIOLATION HEREOF; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, plumbing, electrical work and buildings within the City of Uhlend, Texas; and

Whereas, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Adoption and Amendment of Certain Ordinances. The City Council hereby provides for, establishes and adopts the Building Code of the City of Uhlend, Texas, and hereby establishes certain definitions and rules for the organization and construction of the Building Code, as more particularly set forth in the Buildings and Building Regulations attached hereto and incorporated herein as though fully transcribed herein for all purposes. To that end, to the extent, if any, that any term or provision of the Buildings and Building Regulations is in conflict with any ordinance of the City, such ordinance is amended to the extent of such conflict with the Buildings and Building Regulations only.

Section 3. Building Code Adopted. The City Council hereby adopts the "Buildings and Construction Regulations" as the Building Code of the City of Uhland in its entirety to read as set forth in and attached hereto entitled "Buildings and Construction Regulations, Building Code of the City of Uhland" attached to and incorporated in this ordinance as though fully transcribed herein for all purposes.

Section 4. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 5. Savings Clause. All rights and remedies of the City of Uhland are expressly saved as to any and all violations of the provisions of any ordinances affecting building construction, building codes, fire codes, plumbing codes, mechanical codes, electrical codes and all other codes affected hereby including permit issuance, or contractor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the _____ day of _____, 2008.

ATTEST:

THE CITY OF UHLAND, TEXAS

_____, City Secretary

Daniel R. Hiedeman, Mayor

BUILDINGS AND BUILDING REGULATION

THE BUILDING CODE OF THE CITY OF UHLAND

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BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Section 1.1. Purpose and Scope. The purpose of this ordinance is to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use, occupancy, location and maintenance of all buildings and structures within the City and other such equipment regulated herein. The provisions of this ordinance shall apply to all construction, site clearance, alteration, moving and repair of any building or structure within the City.

Section 1.2. Adoption of Codes. The international codes listed in the following "Codes Schedule" are adopted and of which not less than one copy has been and is now filed in the office of the City Secretary of the City. In the event a conflict is determined to exist between said code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former. Any codes referenced therein are not adopted hereby unless specifically adopted. The following codes are hereby adopted and incorporated as fully as if set out at length in this ordinance, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the city.

- (a) International Building Code, 2006 Edition, International Code Council.
- (b) International Residential Code for 1 & 2 Family Dwellings, 2006 Edition, International Code Council.
- (c) International Mechanical Code, 2006 Edition, International Code Council.
- (d) International Plumbing Code, 2006 Edition, International Code Council.
- (e) International Fire Code, 2006 Edition, International Code Council.
- (f) International Fuel Code, 2006 Edition, International Code Council.
- (g) International Energy Conservation Code, 2006 Edition, International Code Council.
- (h) International Property Maintenance Code, 2006 Edition, International Code Council.
- (i) National Electrical Code, 2005 Edition, National Fire Protection Association.

Section 1.3. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this ordinance, except where the context clearly indicates a different meaning:

"Accessory Building" means a subordinate building located on the same lot as a principal building, the activity of which is clearly integral with or incidental to the permitted use of the principal building.

"Alterations" means any change, addition or modification in construction, including any change in structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

"Approved" under the terms of this ordinance means having paid all permit fees and receiving the written approval of the Building Official, or appropriate Inspector, as the result of an investigation and, if necessary, tests conducted by the Building Official or appropriate enforcement official of the City.

"Building" means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property.

"Building Official" (herein "Inspector" or "Building Official") shall mean the person, his staff or employees, or entity designated by the City or appointed to perform the duties and responsibilities set forth herein. Where the inspection is for plumbing, electrical or other such inspection or permitting, the Inspector designated to perform such specific duties is the Building Official for such project.

"Certificate of Occupancy" or "Completion" means a written certificate issued by the Building Official authorizing use and occupancy of a structure upon the satisfactory completion of any work or operations authorized by the City's Building Permit or other Permit or change in occupancy. No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change requiring a permit, shall take place until a written certificate titled "Certificate of Occupancy" or "Certificate of Completion" therefore shall have been issued by the City Building Official.

"City" or "Municipality" shall mean the City of Umland, Texas.

"City Attorney" or "Corporate Counsel" means the attorney appointed to represent the City.

"City Official" means the legally designated head of a City department or his authorized representative when acting in an official capacity.

"Dwelling" means a building used for residential purposes.

"Dwelling Unit" means a residential unit designed to accommodate one (1) household.

"Fire Chief" or "Fire Marshal" means the legally designated Chief of the Fire Department of the City, or where none, the head of the Hays Caldwell Emergency Service District No. 1 ("Hays Caldwell ESD") or his authorized representative.

"Health Officer" or "Health Inspector" means the legally designated head of the City Health Department or his authorized representative, or where none, the head of the County Health Department or his authorized representative.

"Occupant" means any person who rents, leases or appears to reside, rent or lease a building, structure or property through custody of the premises or who has the legal right to possession of such premises.

"Owner" means any person who holds any interest in the legal title of a building, structure or property or who has the legal right of possession thereof.

"Permit" means a written document or certification issued by the Building Official permitting the specific construction, alteration, or extension requiring a permit under the provisions of this ordinance and regulations stated herein.

"Person" shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"Plot Plan" or "Site Plan" means graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned; the dimensions also including the relation of each use to that adjoining and to the boundary of the property.

"Repair" means the reconstruction, renovation or renewal of any part of an existing building or structure for the purpose of its maintenance or improvement.

"Responsible Parties" or "Responsible Party" means the owner or occupant, including the person in custody of the building, property or structure, and any mortgagee or lien holder.

"Sheriff" means the legally designated Sheriff of Hays or Caldwell County, or his authorized representative.

"Utility Service" shall have its common meaning and shall specifically include, but not be limited to, electric, water, wastewater, gas and telephone service.

"Variance" means a modification of the literal provisions of this ordinance granted when strict enforcement of this ordinance would cause undue hardship caused by circumstances unique to the individual property on which the variance is granted.

Section 1.4. Permits, Bonds and Insurance Required. (a) *Permits.* No building or structure or part thereof shall be hereafter constructed, erected, altered, moved, or placed within the City of Umland unless all appropriate permits to comply with this ordinance shall have first been issued for such work. No permit or certificate of occupancy shall be issued by the City for building or for connection to the City's water and wastewater services or private water and private sewage facility upon any lot in a subdivision or confirming plat for which a final plat has not been approved by the City of Umland, Texas and filed for record, or upon any lot in a subdivision in which the standards contained in the City's Subdivision Ordinance, as amended, or referred to therein have not been complied with in full. No site clearance, excavation, grading, or land fill on public or private land shall commence unless all applicable permits shall have first been issued for such work.

Any owner or occupant may personally make minor improvements and ordinary repairs on any structure without a permit provided that such improvements and repairs conform to all applicable building laws and codes. The Building Official shall have the right to inspect all such improvements or repairs and determine whether a permit is necessary.

(b) *Moving Permit.* No building or structure or part thereof shall be moved onto or over the City streets unless a permit shall have first been issued for such move.

(c) *Bonds or Deposits Required.* Before any permit pursuant to this ordinance is issued, a contractor shall file with the City a corporate surety bond, approved by the City Attorney, or a cash deposit with the City, which deposit shall be placed in an escrow account in accordance with the following table:

Estimated Cost Of Construction	Surety Bond	Cash Deposit
\$0—500.00	None	None
\$500.01—1,000.00	\$ 250.00	\$ 25.00
\$1,000.01—2,000.00	500.00	50.00
\$2,000.01—5,000.00	1,000.00	100.00
\$5,000.01—10,000.00	2,500.00	250.00
\$10,000.01 – 30,000.00	10,000.00	1,000.00
\$30,000.01 and above	percentage of costs	percentage of costs

When applications are submitted where the costs of the total project are estimated to be more than \$30,000.00, the Building Official may require that a bond or deposit in an amount, based on a percentage of the cost of the project in question, shall be tendered prior to issuance of a permit. The Building Official may require a larger or smaller bond or deposit when, in his or her opinion, the nature of the permit indicates such a need. Such bond shall be conditioned upon the applicant's compliance with this and other ordinances of the City, and shall secure and may be used for the payment of any and all damages to persons or property (including the City) which damages arise from, or are caused by, any act or conduct of, or authorized by applicant.

(d) *Insurance Required.* Before a construction project is started for which a bond or deposit is required under this ordinance, each person applying shall furnish to the City, evidence that he or she has procured public liability and property damage insurance in the following amounts:

- (i.) For damages arising out of bodily injury or death of one person on any one accident - \$100,000.00.
- (ii.) For damages arising out of bodily injury or death of two or more persons in any accident - \$300,000.00.
- (iii.) For injury or destruction of property in any one accident - \$100,000.00.

Such insurance shall be kept in full force and effect during the period of time for which a bond or deposit shall be issued or the premises occupied. The City may waive this insurance requirement for minor construction projects.

(e) *Exemption.* State, County, Federal agencies, and property owners acting as their own contractor are exempt from the bond and deposit requirements.

Section 1.5. Permit Applications. (a) To obtain a permit under this ordinance, the applicant shall first file an application therefore in writing. Each such application shall be accompanied by the required fee and shall:

- (i.) Identify and describe the work to be covered by the permit for which application is made;
- (ii.) Describe the land on which the proposed work is to be done, by lot, block, tract and house or structure and street address, or similar description that will readily identify and definitely locate the proposed work;
- (iii.) Indicate the use and occupancy for which the proposed work is intended;

- (iv.) Be accompanied by plans and specifications as required in Subsections (b) and (c) of this Section;
- (v.) State the valuation of the proposed work;
- (vi.) Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate authority;
- (vii.) Give such other information as reasonably may be required by the Building Official.

(b) *Site Plan.* All applications for building permits shall be accompanied by a Site Plan drawn to scale, together with such additional copies as the Building Official may determine to be necessary for review by other City officials. The Site Plan shall contain the following:

- (i.) A legal description of the land included on the site plan and of the lot; the addresses and telephone numbers of the owner, the builder and the designer or architect;
- (ii.) Lot and block number; and street number as approved by the U. S. Postal Service;
- (iii.) The actual shape, location, and dimensions of the lot, an arrow pointing north and the lot area of the land included in the site plan;
- (iv.) Erosion and sedimentation controls in use during construction;
- (v.) Location and dimensions of easements and setback requirements;
- (vi.) Flood plain elevations, showing the floodway and that portion of the lot which is subject to inundation by the 100 year flood;
- (vii.) Location of existing and proposed walks, driveways, off-street parking design and access roads;
- (viii.) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate;
- (ix.) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two (2) feet;
- (x.) The architectural design, shape, size and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot;
- (xi.) Site clearance and excavation plans;
- (xii.) Exterior lighting plans;

- (xiii.) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being complied with.

(c) *Construction Plans.* Construction plans and specifications for all contemplated construction on the site shall be provided to the Building Official and such plans shall include at least the following information:

- (i.) Scaled floor plan of each floor and of the basement, if any, for each building;
- (ii.) Plan of all attached terraces, porches, or covered walkways, and/or attached or detached garage or carport and accessory buildings, parking lots and driveways, and all other structures as herein defined. All setback dimensions shall be indicated on the plans.
- (iii.) Location and size of all permanently installed construction and equipment, such as closets, storage, plumbing fixtures, appliances, etc.;
- (iv.) Location and symbols of all electrical equipment, including switches, outlets, fixtures, etc.;
- (v.) Exterior elevations:
 - A. All exterior elevations
 - B. Wall and roof finish materials
 - C. Dimensions of overhang
 - D. Height from finished ground grade
 - E. Undisturbed and finished ground grade line.
- (vi.) Structural Section:
 - A. Cross-section of typical wall construction details
 - B. Scale plan of foundation and pertinent section of typical beams, footings, girders, etc.;
- (vii.) Architect/Engineer Seal, when applicable: (Only if required by State law)
 - A. Architects or Engineers shall affix their seal, actual signature, and date of affixation to all original construction drawings, including index sheets identifying all drawings covered; addenda; and change orders which are developed and issued under the direct supervision or authorship of the architect as contract documents.
 - B. Those sheets or pages prepared by consultants (structural, mechanical, electrical, etc.) retained by the architect or engineer shall also bear the seal and registration number of the consultant responsible therefore. The

architect's seal on the work of his/her consultants shall be applied only after the seal of the consultant has been applied and shall attest only to the architect's coordination of the consultant's work with that of the architect's and does not imply the architect's practice of engineering or other consultant's specialty. The engineer's seal on the work of his/her consultants shall be applied only after the seal of the consultant has been applied and shall attest only to the engineer's coordination of the consultant's work with that of the engineer's and does not imply the engineer's practice of architecture or other consultant's specialty.

C. An architect seal is required on plans relating to new commercial permits. An engineer's seal is required when mandated by State law, City ordinance or the technical codes.

(viii.) Erosion and sedimentation control plan to be used during construction.

(ix) Such other information as deemed reasonably necessary by the Building Official. If a geotechnical report or engineered foundation plans are required, the applicant may provide a report covering the soil conditions typical to the area and may provide a typical foundation plan for such conditions. The applicant would not have to submit a separate report or a separate plan for each individual site.

(d) *License Required.* Any work required to be performed by a licensed operator must have such license submitted at the time of application for a permit. The permit may only be issued in the name of the licensed operator. No other person may perform services or work requiring a license unless such person is permitted by the terms of this ordinance, has a valid permit for the work or service and has a current valid license from the State to perform the services or work.

(e) *Architectural Permits.* For all public and private commercial projects in excess of \$50,000.00, the owner shall be required to verify compliance with the Texas Architectural Barriers Act, as amended or claim exemption.

Section 1.6. Permit Issuance and Revocation. (a) *Review of Application.* The application, plans, specifications and other data filed in support of a permit or license shall be reviewed by the Building Official. The City Engineer may be asked by the Building Official to review the permit application and plans to insure compliance with this ordinance, and other applicable City ordinances, codes, standards and specifications, and good engineering practices. If the Building Official determines that the work described in an application and the required plans, specifications, and other data comply with this ordinance and other applicable ordinances, and that all fees have been paid, the Building Official shall issue the permit or license, as applicable, to the applicant.

(b) *Fees.* Applicable fees pursuant to City ordinances and as set forth in the City's fee schedule ordinance shall be paid, including, but not limited to, all professional fees, engineer, and attorney fees incurred by the City for or with respect to the review, processing and approval of the application for the approval of the permit.

(c) *Approval.* When the Building Official issues a permit where plans are required, the approved plans and specifications shall be endorsed or stamped "APPROVED". The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official. All work shall be done in accordance with the approved plans. Approval of an application for permit is not guaranteed and approval does not authorize deviation from any ordinance or statute. The applicant

must tender all relevant information requested by the Building Official in the format required in a timely fashion to the Building Official. All applications denied shall be endorsed or stamped "DENIED". The Building Official shall indicate the reason for denial in writing to the applicant. The applicant may appeal the decision of the Building Official as provided in Section 1.15 herein by filing a "Notice of Appeal" with the City Secretary specifying the grounds for appeal therein. The duration of time required for review of permit applications and plans shall depend on the availability of the Building Official.

(d) *Issuance of Permit.* The Building Official may issue a permit for construction of part of a building, structure, or building service equipment before the entire plans and specifications for the whole building structure, or building service equipment have been submitted or approved, when information and detailed statements have been filed with the City, which the Building Official determines adequately comply with requirements of this ordinance. The holder of a permit issued under this subsection may proceed with construction at his or her own risk, without assurance that the permit for the entire building or structure will be approved. No vested right shall arise under a permit issued under this subsection.

(e) *Validity of Permit.* The issuance of a permit and the approval of plans and specifications is not a permit for, or an approval of, any violation of any provision of this ordinance or any other City ordinance. Issuance of a permit based on plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from preventing building operations being carried on thereunder when in violation of this ordinance or other applicable City ordinances. No permit presuming to give authority to violate or cancel any requirement or provision of this ordinance.

(f) *Expiration and Extension of Permit.*

- (i.) A building permit expires if work authorized by the permit is not commenced within 180 days. An extension may be granted by the Building Official for good cause. This extension must be requested in writing before the permit expires and must be granted in writing to be effective.
- (ii.) A building permit expires if work authorized by the permit, once begun, is suspended or abandoned for more than 180 days. A single extension of up to 180 days may be granted by the Building Official for good cause. The extension must be requested before the permit expires and must be granted in writing to be effective.
- (iii.) After a building permit has expired, no work shall be commenced until a new permit has been applied for, fees paid and the permit has been issued by the Building Official.

(g) *Suspension, Withholding or Revocation of a Permit or License.*

- (i) For good cause, the Building Official may suspend, withhold or revoke a permit or license issued by the City. Good cause may include, but is not limited to, the following:
 - A. Failure or refusal to permit inspection of a site, location or building where work is being performed under a current permit.
 - B. Failure or refusal to stop work and correct deficiencies when duly notified as described in Section 1.8.

- C. Fraud or misrepresentation in obtaining a permit or license.
- D. Violation on more than one occasion, either willfully or maliciously, or by reason of incompetence of any provisions of the technical codes.
- E. Refusal to comply with the lawful requirements of the Building Official, bad faith or unreasonable delay in the performance of any installation, alteration or changes required by the Building Official or the correction of any defect pointed out by the Building Official.
- F. Consumption of alcoholic beverages, intoxication or use of narcotics during construction which may create a dangerous work environment or workers being impaired by the use of narcotics on a permitted work site.
- G. Existing adjudication of insanity of the permittee or licensee.
- H. Conviction of the permittee or licensee, whom are to be contractors on a site, of defrauding any person whom [s]he has rendered or contracted to render services.
- I. Securing a permit or license for work that is not actually performed or supervised, when permitted, by permittee or licensee.
- J. Securing a permit under any pretext for construction or installation concerning which the applicant has no valid contract.

- (ii.) Each permittee shall have a fiduciary duty to supervise any person performing work at a site for which the permittee holds a permit. The permittee shall be responsible for any violations of this ordinance by any person performing work at a site for which the permittee holds a permit.
- (iii.) The Building Official may withhold the issuing or renewal of a license or permit to an applicant for the same reason and by the same process used for revocation or suspension described in this subsection.

(g) *Transferability.*

- (i.) No license or permit issued in accordance with this ordinance shall be assignable or transferable.
- (ii.) No work shall be performed by any person not the holder of a license required by this ordinance.
- (iii.) No person shall employ another person for doing work for which a license is required unless such person proposed to be employed is the holder of the proper license.
- (iv.) No licensee shall assign or in any other manner convey his or her license, the use thereof or any rights thereunder to anyone by power of attorney or any other process. Should any licensee violate this subsection, the license theretofore

issued to him or her under this ordinance shall by that act alone become null and void. However, any such prior assignment or other conveyance made by a licensee shall not be an effective or valid assignment of such license after its expiration date.

Section 1.7. Inspections. (a) *Existing building inspections.* Before issuing a permit, the Building Official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy or use. The Building Official shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. Prior to issuing a Certificate of Occupancy to any premises, the Building Official may conduct a through inspection of the premises for which a Certificate of Occupation is requested. The Building Official shall make a record of every such examination and inspection and of all apparent violations.

(b) *Manufacturers and fabricators.* When deemed necessary by the Building Official, the Building Official shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the building regulations.

(c) *Inspection service.* The Building Official may make, or cause to be made, the inspections required by this ordinance. The Building Official may accept reports of inspectors of recognized inspection services, provided that after investigation the Building Official is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(d) *Inspections prior to issuance of Certificate of Occupancy or Completion.* The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Completion.

(e) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his or her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Building Official.

(f) *Required inspection.* The Building Official upon notification from the permit holder or his or her agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes.

(g) *Building.*

(i.) Foundation Inspection: To be made after trenches are excavated and forms erected.

- (ii.) Frame Inspection: To be made after the roof, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete.
 - (iii.) Final Inspection: To be made after the building is completed and ready for occupancy.
- (h) *Electrical.*
- (i.) Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
 - (ii.) Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
 - (iii.) Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected and the structure is ready for occupancy.
- (i) *Plumbing.*
- (i.) Underground Inspection: To be made after trenches or ditches are excavated, piping installed and before any backfill is put in place.
 - (ii.) Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
 - (iii.) Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
- (j) *Mechanical.*
- (i.) Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
 - (ii.) Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and all ducting and other concealed components are complete, and prior to this installation of wall or ceiling membranes.
 - (iii.) Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
- (k) *Other Inspections.* In addition to the required inspections specified above, the Building Official shall make or require to be made, any other inspections of any construction work to ascertain compliance with the provisions of this ordinance and other laws which are enforced by the City.

Section 1.8. Stop Orders. (a) Whenever any building work is being done contrary to the provisions of this ordinance, another controlling ordinance or statute governing the building, the Building Official

may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the City shall post a STOP WORK ORDER on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the Building Official. The Building Official may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the construction project. The work on other aspects of the construction not in violation of the City's ordinances may proceed, but work shall cease as to that aspect in violation of the City's ordinances.

(b) *Occupancy and Use Violations.* Whenever any structure is being used contrary to the provisions of this ordinance, the City Zoning Ordinance provisions applicable to such structure, lot, parcel or tract of property upon which the structure is located or the City Subdivision Ordinance provisions applicable to such structure, lot, parcel or tract upon which the structure is located, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this ordinance. If the Building Official determines that any building, structure or premises has not been brought into compliance within the requisite time period, the Building Official may by written notice, as provided in Section 1.11, immediately revoke the Certificate of Occupancy.

Section 1.9. Occupancy and/or Use – Certificate of Occupancy. (a) *Use or Occupancy.* No new building or structure shall be occupied, and no change in the existing occupancy or classifications of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefore, as provided herein, and such permit is current and not revoked. Prior to any connection of utilities or transfer of utilities from one name to another or from one location to another the primary occupant must have been issued a Certificate of Occupancy or a Temporary Certificate of Occupancy.

(b) *Change in Use.* Changes in the character or use of a building or structure shall not be made except as specified by this ordinance and the technical codes adopted in this ordinance.

(c) *Certificate Issued.* After final inspection when it is found that the building or structure complies with the provisions of this ordinance, the City Zoning Ordinance provisions applicable to such structure, lot, parcel or tract of property upon which the structure is located and the City Subdivision Ordinance provisions applicable to such structure, lot, parcel or tract upon which the structure is located, the Building Official shall issue a Certificate of Occupancy or Completion which shall contain the following:

- (i.) The use and occupancy for which the certificate is issued;
- (ii.) A certification that the building or structure complies with the provisions of this ordinance;
- (iii.) The permit number of the building or structure;
- (iv.) The address of the building or structure;
- (v.) The name and address of the owner and occupant;

- (vi.) A description of that portion of the building or structure for which the certificate is issued;
- (vii.) A statement that the described portion of the building or structure complies with the requirements of this ordinance for the group and division of occupancy and the use for which the proposed occupancy is classified;
- (viii.) The name of the Building Official.

(d) *Temporary Certificate.* A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The temporary certificate shall state thereon the duration for which the certificate is issued and where no duration is indicated, the certificate shall be for no more than 180 days from the date of issuance.

(e) *Connections of Service Utilities.* No person shall make connections from a utility source which is regulated by the technical codes for which a permit is required to any building or system until released by the Building Official and a certificate of occupancy or completion is issued.

(f) *Temporary Connection.* The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

(g) *Authority to Disconnect Utilities.* The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to the life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect, if possible, prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(h) *Authority to Disconnect Utilities for failure to obtain a Certificate of Occupancy or Temporary Certificate of Occupancy.* The Building Official shall have authority to authorize disconnection of utility services to any building, structure or system regulated by the technical codes for which a Certificate of Occupation has been revoked or is required and has never been issued to the current occupant after written notice and an opportunity to correct as provided in Section 1.11. Before utilities may be disconnected, the Building Official shall send a notice specifying that the owner or occupant must bring the property into compliance or the utilities will be disconnected and indicating that the owner or occupant may appeal to the Board of Adjustments within ten (10) days of the date of the letter.

Section 1.10. Applications for variances. (a) Any person may apply for a variance of any provision of this ordinance by submitting a written application to the Building Official citing the specific provision of this ordinance for which a variance is sought and setting forth with particularity the reasons for such request. The Building Official shall review such an application and forward the application to the Board of Adjustments for consideration and approval or denial. If a person wants to protest the decision of the Board of Adjustments, an appeal must be made to the District Court of competent jurisdiction within ten (10) days of the denial as provided in Section 1.15.

(b) A person may not proceed with any operation for which a permit or variance is required by this ordinance unless and until the appropriate permit or variance has been granted.

Section 1.11. Violations and Notices. The Building Official, his or her representatives, and any officer charged with enforcement of the ordinances of the City, may enforce the provisions of this Ordinance.

(a) *Citations.* If an officer charged with the enforcement of this ordinance shall determine that a situation exists which immediately affects or threatens the health, safety and well-being of the general public, and that immediate action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner, occupant and/or responsible party for the property upon which such condition exists, as may be deemed appropriate and necessary.

(b) *Imminent threat.* If an officer charged with enforcement of this ordinance determines a situation constitutes an immediate threat to the public health, safety and welfare, and the owner, occupant or responsible party for the property is absent or fails to immediately remedy the violation, the City Council may, at a regular session or at an emergency session called for the purpose of considering the issue, upon evidence heard, determine that an emergency exists and order such action as may be required to protect the public health, safety and welfare. In such event, the City may prosecute an action in any court of competent jurisdiction to recover its costs.

(c) *Failure to correct.* If any owner, occupant or responsible party shall fail or refuse to remedy any of the conditions prohibited by this ordinance within ten (10) days after written notice to do so, the City may do such work or cause the same to be done, and pay therefore, and charge the expenses in doing or having such work done or improvements made to the property, and such charge shall be a personal liability of such owner(s), occupant(s) and/or responsible parties to the City.

(d) *Service of notice.* Notices required pursuant to this ordinance shall be in writing. Such notices may be served upon such owner(s), occupant(s) and/or responsible party as follows: in person by an officer or employee of the City; by certified letter addressed to such owner, occupant and/or responsible party at his/her post office address; or, if personal service may not be had, or the owner, occupant, or responsible party's address be not known, then notice may be given by publishing a brief summary of such order at least once in the official newspaper of the City or by posting a notice on or near the front door of each building on the property upon which the violation relates, or, if no building exists, by posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates. The notice shall state "Building and Construction Regulations", "To Whom It May Concern" and a brief statement of the violation(s). Service of the notice by any one of the above methods, or by a combination thereof, shall be deemed sufficient notice. An owner shall have thirty (30) days from the date of the notice to correct the violation or be subject to the penalties prescribed herein.

(e) *Refusal of notice.* If an owner is mailed a notice in accordance with subsection (d) and the United States Postal Service returns the notice as "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered as delivered.

Section 1.12. Right to Abate Dangerous Conditions. Whenever an immediate danger to the health, life or safety of any person exists as a result of any building or premise violations or conditions on any lot, parcel or premise within the City, the City may abate the nuisance without notice to the owner. If the utility connections to the property need to be disconnected to the property to prevent further risk or damage, the Building Official may direct that the necessary utilities be disconnected. In the event the City abates the nuisance under this section, the City shall forward notice to the owner within ten (10) days in the manner set forth herein.

Section 1.13. Abatement. (a) *Notice.* In addition to any other remedy provided in this ordinance and cumulative thereto, the Building Official, after giving to the owner, occupant and/or responsible party of the property ten (10) days notice in writing, as provided herein, may cause any of the work or improvements

mentioned in this ordinance to be done at the expense of the City, and charge the utility bill of the property on which such work or improvements are done as well as cause all of the actual cost to the City to be assessed on the real estate or lot on which such expenses occurred; provided, that the owner, occupant and/or responsible party of any such real estate may appeal to the Board of Adjustments from the order of the Building Official by filing an Appeal, as provided in Section 15, within ten (10) days after receipt of the notice provided for above, stating that such real estate complied with the provision of this ordinance before the expiration of a ten (10) day period and requesting a hearing.

(b) *Appeal.* The Board of Adjustments shall set a date, within thirty (30) days from the date of the appeal, for hearing the appeal to determine whether the real estate complied with the provisions of this ordinance before the expiration of such ten (10) day period.

(c) *Suspension.* The authority of the Building Official to proceed to cause such work to be done shall not be suspended while an appeal from the order is pending.

(d) *Compliance prior to abatement.* If it shall be determined by the Board of Adjustments that the premises complied with the provisions of this ordinance before the expiration of the ten (10) day period, then no personal liability of the owner or occupant shall arise nor shall any lien be created against the premises upon which such work was done.

Section 1.14. Cost of Abatement Constitutes Lien. Cumulative of the City's remedy by fine, as set forth herein, the City may do such work or cause the same to be done to remedy such condition to remove such matter from such owner's premises at the City's expense and charge the same to the utility bill of such property and assess the same against the real estate or lot or lots upon which such expense is incurred.

(a) *Costs.* Expenditures plus ten (10) percent per annum interest on the expenditures from the date of such payment by the City shall be added to the next billing cycle for utility bills for the real estate or lot or lots, if not already paid. Payment shall be due and payable in full by the owner or occupant at the time of payment of such utility bill. If the property is unoccupied, no utilities shall be furnished to the property where the work occurred until such obligation, as herein set out, payable to the City for abatement of any nuisance described herein is paid in full.

(b) *Lien.* Upon filing with the County Clerk, of a statement by the City Secretary or designee of such expenses, the City shall have a privileged lien upon said real estate or lot or lots, second only to tax liens and liens for street improvements, to secure the expenditure so made and ten (10) percent per annum interest on the amount from the date of such payment so made by the City.

(c) *Suit to Recover Costs.* The City may, additionally, institute suit and recover such expenses and foreclose such lien in any court of competent jurisdiction, and the statement so filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements to remedy such condition or remove any such matter.

Section 1.15. Appeals to Board of Adjustments. Unless otherwise provided in this ordinance, any person aggrieved by a decision of an officer or Building Official acting under this ordinance or any officer, department, board or bureau of the City affecting a property under this ordinance, may appeal such decision to the Board of Adjustments. Such appeal shall be made by filing with the office of the Board of Adjustments within ten (10) days of the action or incident being appealed. A notice of appeal specifying each and every ground for appeal shall accompany the appeal and state thereon "Notice of Appeal". The officer, department, board or bureau from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from is taken.

(a) *Notice of Hearing on Appeal.* The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice of the hearing and due notice to the parties in interest.

(b) *Findings of Fact.* The Board of Adjustments shall file findings of fact within a reasonable time after the final decision of the Board of Adjustments is announced. The findings shall be in writing filed in the office of the City Secretary. Filing of the minutes of the meeting of the Board of Adjustments meeting at which the appeal hearing was held shall constitute a filing of the findings of fact absent a more specific filing prior to filing the minutes.

(c) *Appeal.* Any party aggrieved by the decision of the Board of Adjustments shall have ten (10) days from the date of the filing of the findings of fact to file an appeal with the District Court of competent jurisdiction.

Section 1.16. Penalty. (a) Any person who shall violate any of the provisions of this ordinance or the technical codes adopted herein, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(b) Any person who shall remove a notice of violation or a placard posted pursuant to this ordinance from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.

(c) Any person who shall knowingly or intentionally provide false information on any application required pursuant to this ordinance shall be deemed guilty of a misdemeanor offense.

(d) Any person who shall occupy a building, or any part thereof, without having received a Certificate of Occupancy in compliance with herewith, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(e) On motion of the City or the Judge of Municipal Court, any person convicted under this ordinance or placed on deferred adjudication or other form of deferral who is assessed a penalty and who does not pay the penalty in full as ordered by the Court may be assessed the penalty against the defendant's property in the same manner as a judgment in a civil suit by order of the Municipal Judge pursuant to Texas Code of Criminal Procedure § 45.047, as amended from time to time.

Section 1.17. Enforcement of Regulations. (a) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits, after the effective date of this ordinance, except in compliance with all then applicable requirements of this ordinance, the City Zoning Ordinance provisions applicable to the property and the City Subdivision Ordinance provisions applicable to the property.

(b) This ordinance and any code or provision adopted by this ordinance may be further enforced by civil injunction and other civil and criminal judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken. Any person who violates any term or provision of this ordinance, with respect to any land, property, building or development within the City, may also be fined as well as charged all other penalties, civil and criminal as provided herein and by State law.

(c) Upon the request of the City Council, the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this ordinance, or to obtain Declaratory Judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this ordinance.

Section 1.18. Utility Service Providers. No utility service provider using the right-of-ways of the City to access any customer within the City limits shall connect or reconnect utility services to such customer after the effective date of this ordinance unless and until the customer has provided proof that the structure to be serviced has a current and valid Certificate of Occupancy or Temporary Certificate of Occupancy. Each utility service provider utilizing City right-of-ways to provide services to any customer within the City limits shall cooperate with the Building Official to terminate services as provided herein and shall provide information concerning the services provided to any customer within the City limits to the Building Official to carry out the duties of the Building Official under the provisions of this ordinance.

Section 1.19. Prima Facie Evidence. In any prosecution charging a violation of this ordinance, governing the failure to comply with any notice or order or failure to apply for a building permit or other permit or license required herein, proof that the particular property described in the complaint was in violation of any Section of this ordinance, together with proof that the defendant named in the complaint was, at the time of such notice or order or at the time when work was performed without a permit, 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 or failed to apply for a permit for the time during which such violation occurred.

Section 1.20. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this ordinance are declared to be severable.

ARTICLE II. BUILDING OFFICIAL

Section 2.1. Establishment of Office.

(a) *Creation.* The office of Building Official is hereby created, and the executive official in charge shall be known as the Building Official.

(b) *Appointment; removal.* The Building Official shall be the person, his staff or employees, or entity designated by the City or appointed from time to time to perform the duties of the position.

(c) *Acting Building Official.* During temporary absence or disability of the Building Official, the appointing authority shall designate an acting Building Official.

Section 2.2. Qualifications. The Building Official shall be in good health and physically capable of making the necessary examinations and inspections. [S]He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition.

Section 2.3. Duties. (a) *Permits.* The Building Official shall receive applications required by the technical codes, issue permits and furnish the prescribed certificates. [S]He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is conducted safely. [S]He shall enforce all provisions of the building code and, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the codes and render written reports on the same. To enforce compliance with the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(b) *Inspections.* Inspections required under the provisions of the technical codes shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors or recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the technical codes shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

(c) *Records of Work.* The Building Official shall keep permanent comprehensive records of applications, all permits issued, any and all fees collected, certificates issued, inspections made, reports rendered and of notices or orders issued for each property accurately reflecting the names, physical location of the property and dates on each document.

(d) *Records Open to Public Inspection.* All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.

(e) *Fees.* The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this ordinance, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

Section 2.4. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe or constitute a violation of this ordinance, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this ordinance; provided that if such building or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

Section 2.5. Deputies. In accordance with the procedure and with the approval of the City Council, the Building Official may appoint such number of officers, inspectors and assistants, and other employees as shall be authorized from time to time. With the approval of the City Council, he may deputize such employees as may be necessary to carry out the functions of the Building Official.

Section 2.6. Liability. The Building Official, members of the Board of Adjustments, or any employee charged with the enforcement of this ordinance, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render himself liable personally and he is hereby

relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Building Official or such employee, because of any act or omission by him in the discharge of his duties under any provision of this ordinance, shall be defended by the City Attorney or an attorney appointed by the City's insurance carrier until final termination of the proceedings.

Section 2.7. Cooperation of Other Officials. The Building Official may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the City.

ARTICLE III. BUILDING CODE

Section 3.1. Adoption of Building Code and Amendments, Additions and Deletions. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Building Code," 2006 edition, including all Appendix Chapters, published by the International Code Council, is hereby adopted as the building code of the city establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and each and all of the regulations, provisions, conditions and terms of such "International Building Code," 2006 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Building Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Uhland, Texas

(c) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Residential Code for One- and Two-Family Dwellings," 2006 edition, including all Appendix Chapters, published by the International Code Council, is hereby adopted as the residential building code of the city regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the City; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such " International Residential Code for One- and Two-Family Dwellings," 2006 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(d) *Amendments.* The International Residential Code for One- and Two-Family Dwellings is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Uhland, Texas

(e) *Repairs and Remodeling.* A permit is not required for repairs and remodeling unless structural supports or supporting walls are removed or modified, or a plumbing or electrical permit is required. A building permit is not necessary for accessory buildings having 120 square feet or less of floor space.

(f) *Exceptions.* Any codes noted or mentioned in the International Building Code and International Residential Code for One- and Two-Family Dwellings which are not formally adopted by this ordinance shall be a guide only and are not subject to permit and enforcement.

Section 3.2. Interpretation of Article. Wherever, in the building code hereby adopted, it is provided that anything must be done to the approval of or subject to the direction of the enforcing officer, this shall be construed to give such officer only the power to determine whether the rules and regulations established by this article have been complied with, and shall not be construed as giving such officer discretionary powers.

Section 3.3. Minimum Building Standards. In addition to the standards provided in the International Building Code and International Residential Code for One- and Two-Family Dwellings, every building, structure, or part thereof, erected or altered, moved or relocated including all development of property in the City shall conform to the following minimum standards which are deemed to be minimum standards necessary for the health and general welfare of the residents of the City:

(a) *Solid Waste Container Storage.* Each dwelling shall have a solid waste structure which must be inaccessible to dogs and other animals. Nonresidential buildings shall have a solid waste structure which is inaccessible to dogs and other animals and which is of a design and location approved by the Building Official in compliance with the applicable zoning ordinance.

(b) *Sewage Facility.* Each plumbing fixture shall be connected by adequate water and drainage lines to an organized disposal system operated by the City or utility provider or an approved on-site sewage facility.

(c) *Utility Connections.* It shall be unlawful to serve or connect any public utilities to any structure for service until the Building Official has authorized such connection.

(d) *Reflective Roofing Materials.* No roofing material or painted exterior roof shall produce reflective glare where reflective glare interferes with traffic upon City streets or where the reflective glare is evident beyond the property line. All new metallic roof surfaces, which produce reflective glare beyond property lines, shall be painted so as not to affect adjoining property and other property. Samples of roofing material shall be provided to the Building Official and no building permit shall be issued until the Building Official approves the roofing material. Wood shingles and wood shakes are prohibited on all structures. Ordinary roof coverings shall be prohibited additionally on nonresidential buildings. Fire-retarding roof coverings, wood shingles and wood shakes having a Class B rating in accordance with the Building Code Standards are allowed on all structures.

(e) *Water Fixtures.* All new installations or remodeling of water fixtures shall meet the following minimum standards:

- (i.) Water closet tanks shall have a flushing capacity sufficient to properly flush the water closet bowl but shall not exceed one and six-tenths (1.6) gallons per flush.
- (ii.) Showers shall flow at a rate of no greater than two point seventy-five (2.75) gallons per minute.
- (iii.) Faucets shall flow at a rate of not greater than two point two (2.2) gallons per minute.

(f) *Exterior Compressors and other equipment.* All exterior compressors and other mechanical equipment or like devices shall be shielded and insulated so as to insure that sound emanating therefrom does not interfere with the use and enjoyment of surrounding property.

(g) *Grease Traps.* Waste pipes from kitchen sinks and dishwashers in any commercial property serving food, such as a hotel, restaurant, Clubhouse, boardinghouse, public institution, hospital or other similar place, shall be run into an approved type grease trap, adequate in size and constructed in such a manner as to remove all grease before it reaches the sanitary sewer or private sewage facility, and shall be properly vented on the sewer side. Grease traps may be a manufacturer's item especially made for the purpose or may be constructed of concrete. Plans of a typical concrete grease trap may be obtained from the Building Official. No food grinder shall discharge into a grease trap. If the grease trap is set more than thirty inches from the sink that it serves, the sink shall be locally vented and run independently through the roof.

- (i.) The sizing of grease traps shall be based on the flow rate which shall be determined in accordance with the State Health Department manual on "Construction Standards for On-Site Sewage Facilities", plus 25% safety factor.
- (ii.) Manufactured grease traps shall be selected to fit the flow rate requirements of the connected fixtures from the published manufacturer's rating chart.
- (iii.) Where one grease trap serves more than one fixture, the simultaneous usage flow rate (not the sum of the connected fixtures) shall be used to determine the size of the grease trap.

Section 3.4. Fire Warning System. Each dwelling and nonresidential building shall be provided with a smoke detector conforming to the International Building Code specifications. All detectors shall be located within twelve (12") inches of the ceiling and shall be tested for proper operation by the Building Official as a condition for a Certificate of Occupancy. Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector.

(a) *Dwellings.* The detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detectors shall be placed at the center of the ceiling directly above the stairway. Detectors, of a sufficient number and decibel level of sound, shall provide adequate sound to alert all portions of the dwelling and dwelling units.

(b) *Nonresidential Buildings.* The detectors shall be mounted on the ceilings or wall at a point centrally located with respect to electric or gas appliances or cooking equipment. Detectors, of a sufficient number and decibel level of sound, shall be installed to provide adequate sound to alert all portions of the building.

Section 3.5. Swimming Pools. No outdoor swimming pool shall be erected, constructed or structurally altered without an enclosure device of at least four (4) feet in height which completely surrounds such swimming pool. Such enclosure device shall not contain any opening which would permit the passage of a sphere six (6) inches or more in diameter. Each gate or door-opening through such enclosure device shall be equipped with a self-closing latch that keeps the gate or door securely closed at all times when not actually used; provided, however, that the door of any building which forms a part of the enclosure device need not be so equipped.

Section 3.6. Culverts and Driveways. (a) *Culverts and Ditches.* Whenever a street or roadway is not furnished with a curb and gutter connected to a storm sewer or to a ditch or waterway for drainage, draining ditches shall be installed along the roadway at the expense of the owner of the adjoining property. No person shall construct or maintain any driveway over a ditch without furnishing a culvert to provide drainage, in accordance with specifications approved by the City. The owner and occupant of abutting property shall keep such culverts and ditches free of obstruction.

(b) *Driveway and Culvert Maintenance.* Prior to installing or altering a driveway or culvert, a permit application for such work shall be submitted to the Building Official and work shall not commence before a permit is issued for such work or a written statement from the Building Official declaring that a permit is not required. A permit shall not be required for minor repairs and alterations that do not affect the size or location of the impervious cover. The Building Official shall require plans and specifications on the location, drainage and other relevant information. Once a complete application is submitted, the Building Official may forward the plans to the City Engineer for review.

(i.) It shall be the responsibility and duty of the owner and the occupant of property within the City to construct, reconstruct, install, repair and maintain, from time to time as required, any driveway and/or culvert necessary to connect such property with a public street. The driveway and any culvert, whether existing or to be installed, to serve any property shall be constructed, reconstructed, installed, repaired and maintained by the owner and the occupant of such property in a manner to prevent such driveway and/or culvert from interfering with, diverting or obstructing the flow of stormwater and drainage.

(ii.) It shall be the responsibility and duty of the owner and the occupant of any property for which a culvert exists or is maintained for the purpose of connecting, or providing access for, such property with a public street to keep such culvert open and free of obstruction or debris, and to repair, reconstruct, raise or lower the grade, and maintain such culvert from time to time to assure the culvert does not interfere with or obstruct the flow or drainage of stormwater, or divert stormwater from the bar ditch or drainage channel.

(c) *Driveway Inspection; Failure to Comply.* Completed projects will be inspected by the Building Official to insure compliance. Those whose projects are not in compliance will be allowed thirty (30) days in order to comply. If they have not complied in thirty (30) days, then their permit is void. Any existing driveway which in the opinion of the city council constitutes a threat to the safety and welfare of the citizens of the city shall be corrected at the property owner's expense within sixty (60) days after receiving notice.

Section 3.7. Erosion Control. (a) *Site and Construction Plans.* No construction plans or building permits shall be approved unless it shows all improvements reasonably required to prevent erosion during and after completion of development. No Certificate of Occupancy shall be issued unless the improvements shown on the site plan have been installed, constructed or created and erosion is effectively controlled. This section does not apply to projects for which a building permit is not required and does not require a site plan for those projects which are otherwise exempt from the site plan requirement.

(b) *Requirements.* The Building Official may require, where appropriate and reasonable under the circumstances, the construction of silt traps, the mulching and temporary or permanent planting of areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures; shall place limits on the area of land which may be exposed at any one

time and the length of time that any area may be exposed; and shall require all other acts and impose all other limits and restraints which are necessary and reasonable to prevent erosion. The Building Official has the duty to impose any additional limits or restraints to prevent erosion after approval of any permit herein, whenever conditions arise during development or construction which require the taking of any additional measures or precautions. Where during development or construction, it appears that measures or precautions previously required are unnecessary, the Building Official shall waive them in writing. The Building Official shall require certification of plans and specifications and supervision of work by a licensed professional engineer unless he determines it is not necessary under the circumstances.

Section 3.8. Conformity with Zoning District and Subdivision Regulations Required. No building or structure shall be erected or installed and no existing buildings or structure shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than as provided for in the zoning district in which the building, land or premises is located and in compliance with the subdivision regulations; provided, however, that necessary structural repairs may be made where health and safety are endangered. Furthermore, no open space surrounding any building shall be encroached upon by a structure or reduced in any manner, unless the same shall conform to the zoning regulations and subdivision regulations designated for the District or lot within which such building or open space is located. The Building Official may, with notice as provided in this ordinance, revoke the Certificate of Occupancy for properties not in compliance herewith.

ARTICLE IV. PLUMBING CODE

Section 4.1. Adoption of the Plumbing License Law. For the protection and preservation of the health safety, property and the general welfare of the people of the city, the city hereby adopts Vernon's Ann. civ. St. art. 6243-101, as amended from time to time, cited as the "Plumbing License Law" in its entirety as its own. All plumbing work and plumbing inspections done in the city must be done in accordance with the Plumbing License Law.

Section 4.2. Adoption of International Plumbing Code. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Plumbing Code," 2006 edition, published by the International Code Council, is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Plumbing Code," 2006 edition, edition published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this article. The plumbing requirements, as required, shall extend to the extra-territorial jurisdiction.

(b) *Amendments.* The International Plumbing Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Umland, Texas

Section 4.3. Inspection and Supervision. (a) *Position of Plumbing Inspector Created.* There is hereby created the position of plumbing inspector. The plumbing inspector shall be the person, his staff or employees, or entity designated by the City or appointed from time to time to perform the duties of the position.

(b) *Qualifications of Plumbing Inspector.* The plumbing inspector shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.

(c) *Plumbing Inspector to Avoid Conflicts of Interest.* The plumbing inspector shall not be directly connected in any way with any person, directly or indirectly, engaged in the business of plumbing or with plumbing suppliers.

(d) *Duties of Plumbing Inspector.* The plumbing inspector shall:

- (i.) Enforce all provisions of this article, and such inspector is hereby granted the authority to enter all buildings within or without the corporate limits of the city when such buildings are connected, or are to be connected, to the municipal water and/or sewage system.
- (ii.) Prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- (iii.) Inspect and test all plumbing work for compliance with this article and its adopted plumbing code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

Section 4.4. Plumbing Permit Fees. All applications for permits shall be made on suitable forms provided and in accordance with the fee schedule ordinance of the City.

Section 4.5. Connection to Water and Wastewater System. Water and wastewater services shall only be connected by a company authorized to service the property, and only after the plumbing of the location has been inspected and approved by the Building Official. Upon making an application for water and/or wastewater services, the applicant covenants that the location is in compliance with the policies and requirements of the City, the Plumbing Code, and all applicable government regulations.

(a) The responsible parties for any premises, and the contractor for any work performed thereon, shall be responsible for the compliance of such premises and work with the requirements of this Article. The responsible party and the contractor shall, by making the application for service, agree that if required changes and corrections are not made within thirty (30) days after such inspection and failure to approve, the City may discontinue service to the property until such changes have been made. The responsible party and the contractor shall, by making the application for service, release the City of Uhland from any liability of every kind and nature for damage which may occur from plumbing connections of said premises or from failure to inspect said plumbing; and such permit application shall further be an agreement to hold the City of Uhland harmless from any and all liability.

(b) No Certificate of Occupancy shall be issued or stay in effect for any premises not in compliance with this Article. The Building Official may revoke any Certificate of Occupancy as provided in Article I.

ARTICLE V. GENERAL CODES

Section 5.1. Adoption Mechanical Code. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Mechanical Code," 2006 edition, published by the International Code Council, is hereby adopted as the mechanical code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the city; providing

for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Mechanical Code," 2006 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

- (b) *Amendments.* The International Mechanical Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Umland, Texas

Section 5.2. Adoption Fire Code. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Fire Code," 2006 edition, published by the International Code Council, is hereby adopted as the fire code of the city for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses and operations; and each and all of the regulations, provisions, conditions and terms of such "International Fire Code," 2006 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

- (b) *Amendments.* The International Fire Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Umland, Texas

(c) *Limits.* The limits referred to in certain sections of the Fire Code are hereby established as follows:

Section 5.3. Adoption Fuel Gas Code. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Fuel Gas Code," 2006 edition, published by the International Code Council, is hereby adopted as the fuel gas code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such "International Fuel Gas Code," 2006 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

- (b) *Amendments.* The International Fuel Gas Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Umland, Texas

Section 5.4. Adoption Energy Conservation Code. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Energy Conservation Code," 2006 edition, published by the International Code Council, is hereby adopted as the energy code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical lighting and power systems of the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Energy Conservation Code," 2006 edition, published by the International Code

Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Energy Conservation Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Umland, Texas

Section 5.5. Adoption Property Maintenance Code. (a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Property Maintenance Code," 2006 edition, published by the International Code Council, is hereby adopted as the property maintenance code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such "International Property Maintenance Code," 2006 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Property Maintenance Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Umland, Texas

ARTICLE VI. ELECTRICAL CODE

DIVISION 1. GENERALLY

Section 6.1.1. Scope of Article. (a) The object of this article is to reduce the personal hazard and the fire hazard from electrical causes. To accomplish this, the requirements set forth in this article are intended to provide a minimum standard for electrical work and maintenance in the City.

(b) The provisions of this Article shall not be construed to apply to the installation, operation, alteration, or repairs of electrical installations or equipment owned and used by an electric light and power company, telephone and/or telegraph company, or railroad company for generation, transmission, distribution, or metering of electricity, or for the operation of signals or the transmission of intelligence.

Section 6.1.2. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Apprentice Electrician" means, except as otherwise provided, a person undertaking the learning of the electrical trade and doing electrical work under the direct, constant personal supervision and control of either a licensed master electrician or a journeyman electrician and who has been properly registered with the Building Official, as provided in this article.

"Circuit" means a final two or more wire branch circuit rated at 15 amperes, 120 volt or as required for load.

"Electrical inspector" means the chief electrical inspector and his duly authorized assistants.

"Electrical work" means all materials, devices, appliances, machinery, and equipment used in connection with the production, transmission or consumption of electrical energy, together with installing, maintaining or repairing of same.

"Electrical Wiring and Apparatus" means electrical wiring and apparatus means all materials, devices, machinery, appliances, appurtenances or conductors used in connection with the production of electrical lights, heat or power or the transmission of electrical signals.

"Journeyman electrician" means, except as otherwise provided , a person undertaking electrical work under the supervision, direction and control of a licensed master electrician and who has been properly registered. The term "journeyman electrician," however, shall not include an apprentice electrician, and nothing in this article shall be construed as prohibiting an apprentice electrician from doing electrical work under the direct, constant, personal supervision and control of either a licensed master or journeyman electrician.

"Maintenance" means the keeping in safe repair and operation of any and all existing installations, apparatus and equipment.

"Master electrician" means a person skilled in the planning, supervision, installation, alteration or changing of electric wiring and apparatus and familiar with the rules, laws and regulations governing such and who has been licensed in the manner provided by this article.

"Meter loop" means the service entrance conductors, meter base, service breakers or fuses, service disconnect, and the system and equipment grounding.

"Outlet" means a point on the wiring system at which current is or may be taken, consumed; lights, receptacle, etc.

"Permit electrician" means any person who has met all requirements for approval and has been granted a license or registration, which includes the privilege of taking out permits to install one or more types of electrical work, as covered by this article.

"Spot" means the location at which the power company will install the conductors supplying a customer.

Section 6.1.3. Adoption of National Electrical Code. (a) There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 1999 edition of the National Electrical Code and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the City Secretary. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions of such code shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the City.

(b) *Amendments.* The National Electrical Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Umland, Texas

Section 6.1.4. Electrical Inspectors. (a) *Chief electrical inspector to keep records.* The electrical inspector shall be the person, his staff or employees, or entity designated by the City or appointed from time to time to perform the duties of the position. The Chief Electrical Inspector, and his assistants, shall keep a complete record of the activities of electrical inspections.

(b) *Qualifications of Chief Electrical Inspector.* The Chief Electrical Inspector, and his assistants, shall be well versed in electrical safety requirements generally, and especially those set out in this Article, the National Electrical Code, and the safety regulations of the state applying to electrical work.

(c) *Inspectors to Enforce Article.* The Chief Electrical Inspector, and his assistants, are hereby authorized, empowered and directed to enforce all of the provisions of this Article, and the Electrical Inspector, and his assistants, are hereby vested with full authority to enter any building or premises and any manhole, subway or plant at any time during business hours and at any and all times in case of emergency in the discharge of their duties. They are authorized to pass upon and decide any questions under the provisions of this Article.

(d) *Answering Questions.* The Electrical Inspector shall answer any relevant questions concerning, or give any desired information in respect to the meaning, intent or application of the regulations and rules of this Article.

(e) *Requiring of Plans and Specifications.* The Electrical Inspector shall, when he deems it necessary to accomplish the objectives of this article, require plans and specifications as prepared by the architect. When such plans and specifications are demanded, it shall be a violation of this article for any person to install any part of the electrical work concerned until the electrical inspector approves the installation.

(f) *Inspection of all Electrical Work.* The City may, but shall not be required to, inspect all electrical work. The City may rely on a representation by an owner or electrician that electrical work has been completed in compliance with this Article; provided that the Electrical Inspector shall make a thorough inspection of all electrical work within the city from time to time, and where the electrical work is in a dangerous or unsafe condition, or is deemed to be an interference with the work of the Hays Caldwell ESD, the inspector shall notify the person owning, using or operating such electrical work to place same in a safe, secure and noninterfering condition. Any person failing, neglecting or refusing within a reasonable time to make the necessary repair or changes, and have the necessary work completed within a reasonable time after the receipt of such notice, shall be deemed guilty of violation of this Article. Every day which shall elapse after the expiration of such reasonable time until the wires and apparatus are repaired, removed or changed, as required by the electrical inspector, shall be considered a separate offense within the intent and meaning of this Article.

Section 6.1.5. Master and Journeyman Electrician License. (a) *License required.* No person shall engage in the business of contracting or, installing, altering or repairing any electrical work within the City which is regulated by this Article, unless such person has been issued a master electrician's license, as specified in this section, except as otherwise set out.

(b) *Journeyman Electrician.* A journeyman electrician is a person holding a journeyman's license. No journeyman electrician shall perform any work except under the direct order and supervision of duly licensed master electrician by whom he is employed.

(c) *Reciprocal Licensing.* Electricians holding a currently valid license or certificate of registration issued by or from another city located within the state shall be deemed to hold such license with the City of Uhland.

(d) *Application for a Master Electrician's License.*

(i) Application for a license as a master electrician shall be made in writing to the

Building Official, stating the name and address of the applicant, a statement as to the active and practical experience of the applicant and such other relevant information as may be required by the Building Official.

- (ii) The applicant for a license as master electrician shall, in his application for a license or the renewal of a license, state the firm name under which he will do business, the business address and the names of the partners or officers of the corporation.

(e) *Qualifications.* To qualify for a master electrician license, the applicant must prove to the satisfaction of the Building Official any of the following:

- (i) Current registration as a professional electrical engineer in the state.
- (or)**
- (ii) Four years' experience as a journeyman electrician or the equivalent thereof as specifically approved by the Building Official. The completion of each equivalent year of study of an engineering curriculum at an accredited college of engineering shall count as a year of the required experience, but not more than three years shall be credited for this course.
- (and)**
- (iii) Southern building Code Congress International (SBCCI) Master's Electrician's Certification.
- (or)**
- (iv) Proof of a master electrician's license honoring SBCCI testing.

(f) *Identification.* Each master electrician shall be assigned a number which will be his permanent identification; this assigned number will appear on the master electrician's license each year when renewed and shall be displayed in his current place of business. A master electrician who is employed as a master electrician for a person, firm or corporation shall take out electrical permits only for the person, firm or corporation. A master electrician who is engaged in the electrical business for himself shall take out electrical permits for his business only.

(g) *Journeyman Electrician Registration.*

- (i.) No person shall undertake any work as a journeyman electrician unless such person shall have first registered with the Building Official and received his license from the Building Official as a journeyman electrician.
- (ii.) An application for a license as journeyman shall be made in writing to the Building Official, stating the name and address of the applicant, a statement as to the active and practical experience of the applicant and such other relevant information as may be required by the Building Official.
- (iii.) The license issued to a journeyman electrician shall specify the name and address of the person to whom the license is issued and the date of the issuance thereof, the expiration date and such other information as may be deemed relevant by the Building Official.

(h) *Journeyman Electrician Qualifications.* To qualify for a journeyman electrician's license, the applicant must prove to the satisfaction of the Building Official either of the following:

- (i.) Four years of active and practical experience, during which four year period he shall have devoted not less than two-thirds of his time, exclusive of normal periods of rest and recreation, to electrical work in general. For the purpose of this subsection, a degree or diploma from an accredited school of electrical engineering shall be considered as the equivalent of two years' active and practical experience.
- (and)**
- (ii.) Southern Building Code Congress International (SBCCI) Journeyman Electrician's Certification.
- (or)**
- (iii.) Proof of a journeyman electrician's license SBCCI testing.

(i) *Presentation of License.* Every holder of a Master or Journeyman Electrician's license shall carry his certificate while performing acts which such certificate entitles him to perform.

(j) *Expiration.* All licenses are to expire one year from date of issuance unless the license has been revoked by the Building Official.

Section 6.1.6. Electrical Signs. (a) *Applicability of Section.* The provisions of this section shall apply to all electrical signs, outline wiring and to all classes of lighting used for advertising purposes or to attract attention.

(b) *Conditions for Erection.* No electrical sign shall be erected, installed or connected to a source of energy within the City unless such sign bears an approval label of the Underwriters' Laboratories, Inc., or unless it has met the requirements set forth in this section for signs and has an approval card attached by the electrical inspector. All signs erected before an inspection is called for must be open, and means of access shall be supplied by the person erecting the sign.

(c) *Permit Required.* No signs or neon tubing shall be installed until a permit has been applied for and issued by the electrical inspector. No sign or neon tubing shall be connected to a source of energy until an approval tag is attached to the same by the electrical inspector.

(d) *Compliance with National Electrical Code.* No neon or similar tubing and no electrical work regulated by this article shall be fastened to any sign structure which does not comply with section no. 600-21 of the National Electrical Code.

(e) *Fees.* Fees shall be paid for each sign constructed and for each installation of neon or similar tubing which is installed within the city. Fees are to be paid in full prior to operation.

(f) *Permits; Inspection Fees.* The fee schedule ordinance for the City shall govern all permits and inspection fees.

(g) *Installation of High Tension Conductors.* All high tension conductors installed within a building shall be enclosed in approved raceways and shall be equipped with insulation approved for the voltage of the circuit, except:

- (i.) Short connections between the tube terminals, which are enclosed in glass in an approved manner, may be bared conductors; and

- (ii.) As set forth in section no. 600-31(f) of the National Electrical Code. Outside the main building walls, the conductor for high tension current shall be equipped with insulation approved for the voltage of the circuit and shall be enclosed in rigid conduit, except that when conductors are not readily accessible from a standing surface, they may be installed exposed, if supported or approved insulators at intervals not exceeding two feet and so arranged that all required clearance will be maintained permanently. Straight connections between tube terminals may be enclosed in glass and supported in an approved manner.

Section 6.1.7. Special Licenses. (a) *Required in Certain Cases.* No person shall assemble or manufacture any appliances, equipment or apparatus to be used in the City, and which is partly or wholly operated by electricity at a potential of 50 volts or more, unless the same bears an approval label of the Underwriters' Laboratories, Inc., until such person has been granted a license by the board.

(b) *Conditions.* Such license shall be limited to the electrical work within or attached to appliances, equipment and apparatus specified on the license and permits. Inspection and inspection fees, as called for in this Article, shall be required. A special license shall not include any privilege to do any other electrical work, or to connect to or to disconnect from a source of energy.

Section 6.1.8. Electrical Permits and Inspections. (a) *Required under Certain Conditions.* It shall be unlawful for any person to install, alter, change or repair any electrical work in the City, as covered by this Article, without first having applied for and obtained a permit to make such installation, alteration, change or repair. No alteration or change shall be made in the electric wiring or apparatus located within a building nor shall any such electric wiring or apparatus be installed in any building without first securing a permit therefore, except as provided in this section, nor shall any change be made in any wiring or apparatus after inspection without notifying the electrical inspector and securing a new permit therefore.

- (i) If the duly licensed master electrician on the job is not the owner or a co-owner of the firm, corporation or association engaged in the installation or alteration of electrical wiring or apparatus within the city, the licensed master electrician must be a duly appointed officer of the firm or corporation.
- (ii) No firm, corporation or association shall enter into any contract to do electrical wiring or apparatus installation or permit any employee to make such installations unless the owner, co-owner or duly appointed officer holds a valid master electrician's license issued by the Building Official.
- (iii) No person shall be granted a permit until he has fully complied with all requirements of this Article as a permit electrician.
- (iv) Applications for permits shall be on forms furnished by the Electrical Inspector. All applications for permits and requests for inspection shall be made to the office of the electrical inspector.

(b) *Not Required under Certain Conditions.* No wiring, poles, duct lines, guy anchors, apparatus, devices, appliances, fixtures or equipment, without first securing a permit therefore from the Building Official, except as follows:

- (i.) No permit shall be required for replacing fuses or lamps or the connection of portable equipment to suitable receptacles which have been permanently installed or for repairs to portable appliances.

- (ii.) No permit shall be required 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 or repairs to apparatus which is part of the company's distribution system, including metering equipment, meter cabinets, and meter related connections 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 provided in this subsection by virtue of this exception.
- (iii.) No permit shall be required for the installation of temporary wiring apparatus, devices, appliances or equipment used by a recognized electrical training school or college.
- (iv.) No permit shall be required for the installation and maintenance of railway crossing signal devices, when such is performed by due authority of the railroad and in accordance with the standards of the American Railroad Association and in collaboration with and approval of the city street department.
- (v.) No permit shall be required for installation of electrical bells or other low energy wiring, provided such installation is made by a licensed electrician. Intercom and public address systems shall also be considered low energy wiring.
- (vi.) No permit shall be required where specially exempt in this Article. No permit shall be required for repairing portable appliances.
- (vii.) No permit or license shall be required for minor repairs performed by a homeowner on his or her "homestead", including such repairs as replacement of sockets, fuses, drop cords, snap switches, and the like.
- (viii.) No permit shall be required for replacing flush or snap switches, receptacles, lamp sockets, the installation of lamps or minor repairs on permanently connected electrical appliances and lighting fixtures.

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 and equipment shall be installed or repaired in conformity with this article.

(c) *Building Permit Number Required.* In all cases requiring building permits, the Electrical Inspector shall not issue an electrical permit until he has been furnished the building permit number issued by the Building Official to the owner or his authorized agent.

Section 6.1.9. Inspections. (a) *Electrical Work not to be Concealed Until Inspected and Approved.* No electrical work for which a permit is required under this Article shall be concealed in any manner from access or sight until such work has been inspected or approved by the electrical inspector. No electrical work shall be connected to a source of energy until the electrical work is completed or has the approval of the Electrical Inspector.

(b) *Twenty-four-hour Notice Required.* Any person having charge of the construction, alterations or repair of any buildings, or any other person who covers or conceals, or causes to be covered or concealed, or any such person who connects, or causes to be connected, any electrical work, for which a permit has been issued or is required, before such electrical work has been inspected and approved, without having notified the Electrical Inspector at least 24 hours previously, shall be subject to the penalty provided for in this Article.

(c) *Final Inspection.* When any electrical work for which a permit is required has been installed, the permit electrician in charge shall deliver to the office of the Electrical Inspector a request for the final inspection. The electrical inspector may inspect the electrical work.

(d) *Electrical Requirements Met.* If the electrical work meets all requirements of this Article, the Electrical Inspector shall immediately make the necessary service records, and allow the City or other utilities, to connect the work to a source of supply. Should the electrical work fail to meet the requirements of this Article, the Electrical Inspector shall notify the permit electrician in writing of all the defects. The permit electrician shall, within a reasonable time, correct such defects and notify the electrical inspector. If inspection and reinspection is made, the person taking out the permit shall pay a reinspection fee, as provided in the fee schedule ordinance of the City. When any permit electrician fails or refuses to provide a statement of compliance or request a final inspection, the owner of the premises on which the electrical work has been performed may request an inspection, and, upon payment of a reinspection fee by such owner or person, the electrical inspector shall inspect the electrical work as soon thereafter as practicable.

(e) *Completion of Partial Work.* When a master electrician does not have the contract for the finishing of the electrical work covered by his permit, he shall make his inspection request to the electrical inspector when his part of the work is completed.

(f) *Certificates of Approval.* A written certificate of approval shall be used, upon request, to a permit electrician to cover any electrical work approved by the Electrical Inspector.

(g) *Defects to be Promptly Corrected.* When a permit electrician is given notice that defects exist in his electrical work, he shall make corrections promptly. If these corrections are not made within thirty (30) days, he shall not be issued any other permits until the defects are corrected and approved by the Electrical Inspector; provided, however, that a time extension may be granted in writing by the Electrical Inspector.

(h) *Compliance with Article Provisions.* No permit or certificate on inspection shall be conclusive as against the City that the electrical work therein referred to has been installed in conformity with the requirements of the law, but the owner of the premises, the permit electrician, and all other persons concerned shall be obligated to see that all matters, things and acts to which this article and such permit or certificate relate shall conform to the regulations of the City.

Section 6.1.10. Fees and Reinspection. (a) *Required under Certain Conditions.* The fees listed in the fee schedule ordinance of the City shall be paid to the City for any electrical work done in the city for which a permit is issued, or is required by this Article.

(b) *Provision of Utility Services; Requirements.* The Building Official will not make the final inspection until all required fees have been paid. No utility services, other than temporary services for construction, or Certificate of Occupancy will be provided by the City until the statement of compliance has been given, or the final inspection has been made and the work approved by the Electrical Inspector.

(c) *Reinspections.* When any electrical work, as covered by this Article, is reported to the Electrical Inspector as ready for inspection and, upon such inspection, the electrical work does not meet the requirements of this Article, the permit electrician shall be notified of the defects. After correcting the defects, he shall call for a reinspection and be charged a reinspection fee of up to the initial inspection fee.

(d) *Payment of Fees.* Unless otherwise stated in this Article, all fees shall be delivered to the City and all fees shall be payable during regular business hours at the office of the Building Official at the City municipal building. All accounting and records concerning finances covered by this Article shall be under the supervision and control of the Finance Officer.

DIVISION 2. ELECTRICAL STANDARDS

Section 6.2.1. Safety and Inspection Standards. (a) *Electrical Work to Conform with Standards.* No electrical work in the City shall be approved unless the electrical work has been represented as in conformity with this Article and the laws of the state, and unless such electrical work has been represented as in conformity with the approved methods of construction for the safety of life and property. When not specifically covered by this Article, the regulations as prescribed by the National Electrical Code shall be prima facie evidence of such approved methods, provided that the provisions of this Article shall prevail over the National Electrical Code in case of conflicting provisions.

(b) *Electrical Installations.* All electrical work as covered by this Article shall be installed in a safe and secure manner with materials of such kind, quality and capacity as will maintain satisfactory and economical service to both the service and consuming parties. No electrical materials, devices or appliances shall be used or installed in the City unless such materials, devices and appliances are in conformity with the provisions of this Article and the laws of the state, and unless same are in conformity with the approved methods of construction for safety to life and property. Unless otherwise covered by this article, conformity of electrical materials, devices and appliances with the Standards of Underwriters' Laboratories, Inc., as approved by the American Standards Association, and other standards approved by the American Standards Association shall be prima facie evidence that such electrical materials, devices and appliances comply with the requirements of this Article.

Section 6.2.2. Wiring and Other Specifications. (a) *Wiring in Residential Districts.* All structures located within residential districts may be wired in any wiring method approved by the National Electrical Code.

(b) *Wiring in any Other Districts.* All structures located in any other use or districts, including business, commercial and industrial, shall be wired in one or more of the following approved methods:

- (i.) Standard rigid conduit;
- (ii.) Thin wall conduit; and
- (iii.) Surface metal raceways.

(c) *Flexible Metallic Conduits.* Flexible metallic conduits may be used to connect up vibrating equipment, provided it does not exceed six feet in length without prior approval of the electrical inspector, as provided for under subsection (d) of this section. Flexible metallic conduits shall not be enclosed in plaster. Flexible metallic conduits, as the expression is used in this section means Greenfield, not BX cable. BX cable shall not be used without prior approval in writing from the Electrical Inspector.

(d) *Exceptions.* The following exceptions to the wiring methods outlined in subsection (c) of this section shall be recognized:

- (i.) Equipment wired with other methods and which bears the Underwriters' Laboratories, Inc., label of approval.
- (ii.) Wiring methods especially approved in this Article.
- (iii.) The electrical inspector may approve other methods of wiring, such as special raceway, or busways, or methods to meet conditions where the methods named in subsections (b) and (c) of this section are not suitable for the use intended, or where the National Electrical Code requires a certain method.

(e) *Other Conduits.* Only rigid metal (not thin wall) and nonmetallic conduit shall be used underground within concrete construction, where exposed to excessive moisture, and where required under the National Electrical Code, except that thin wall conduits may be run through a concrete beam or wall without coupling or connection. Thin wall conduit will be considered as not exposed to weather if run on the ceiling 24 inches or more from the outside edge of an awning or on side walls more than 45 degrees inside from a vertical line at the outside edge of a roof.

(f) *Requirements for Metal Enclosed System.* No metal enclosed system shall be installed which does not allow the easy pulling and replacing of the conductors which it encloses.

(g) *Moved-in Buildings.* Moved-in houses and other types of buildings shall be treated as new construction under this Article. Old buildings moved within the City limits shall meet the requirements of this Article for repair work. New buildings moved within the City limits shall be treated as new construction under this Article.

(h) *Rewirings or Additions.* Any rewiring or additions to existing wiring representing over 60 percent of the original outlets' installations value shall require the total installation to meet the requirements of this Article.

(i) *Prohibited Metal.* All internal electrical wiring will be copper. Aluminum wiring is prohibited.

Section 6.2.3. Connection of Electricity. Electric service shall only be connected by the electrical company authorized to service the property, and only after the wiring of the location has been inspected and approved by the Building Official. Upon making an application for services, the applicant covenants that the location will be wired in accordance with the policies and requirements of the City, the National Electric Code, the National Electrical Safety Code, and all applicable government regulations.

(a) The responsible party for any premises, and the contractor for any work performed, shall be responsible for the compliance of such premises and work with the requirements of this Article. The responsible party and the contractor shall, by making the application for service, agree that if required changes and corrections are not made within thirty (30) days after such inspection and failure to approve, the City may discontinue service to the property until such changes have been made. The responsible party and the contractor shall, by making the application for service, release the City of Umland from any liability of every kind and nature for damage which may occur from defective wiring of said premises or from failure to inspect said wiring; and such permit application shall further be an agreement to hold the City of Umland harmless from any and all liability.

(b) No Certificate of Occupancy shall be issued or stay in effect for any premises not in compliance with this Article. The Building Official may revoke any Certificate of Occupancy as provided in Article I of this ordinance.

Section 6.2.4. Remedying Dangerous or Unsafe Conditions. Where wires or apparatus are found in dangerous or unsafe condition or are deemed to be an interference with the work of the Hays Caldwell ESD, the Electrical Inspector or Building Official shall notify the person owning, using or operating such to place them in safe, secure and non-interfering condition. Any person failing, neglecting or refusing within a reasonable time after the receipt of the notice, as provided in Section 1.11, shall be deemed guilty of violation of this ordinance, and every day which shall elapse after ten (10) days until the wires and apparatus are repaired, removed or changed as required by the Electrical Inspector, Building Official or Fire Marshal shall be considered a separate offense within the intent and meaning of this ordinance.

Section 6.2.5. Turning Off Current by Fire Marshall, Electrical Inspector or Building Official. The chief of the Hays Caldwell ESD, an electrical inspector, the Building Official or a competent person delegated by them or either of them shall have the power to at once cause the removal of all wires or the turning off of all electric current where the circuits interfere with the work of the Hays Caldwell ESD during the progress of a fire. The electrical inspector is hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus, which are deemed by him to be in an unsafe condition or which have not been installed in conformity with this Article.

ARTICLE VII. MANUFACTURED HOUSING.

DIVISION 1. GENERALLY

Section 7.1.1. Definitions. For the purpose of this Article, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto.

"Agent" means any person authorized by the licensee or owner of a mobile home or manufactured housing (mobile home) park to operate or maintain such park under the provisions of this Article.

"Blocking" means the foundation for leveling and supporting the mobile home or manufactured home, as required by V.A.C.S. Article 5221f, as may be amended.

"Certificate of occupancy" means a certificate issued by the City for the use of a building, structure, and/or land which complies with all applicable city codes and regulations.

"Common Access Route" or "Internal Street" means a private way which affords the principal means of access to individual mobile homes or manufactured home lots or auxiliary buildings.

"Driveway" means a minor entranceway off the common access route within the park, into an off-street parking area serving one or more mobile homes.

"HUD-code manufactured home" means a structure, constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and

electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g).

“Internal street” means the same as common access route.

"License" means a written license issued by the City Council or its authorized representative, permitting a person to operate and maintain a mobile home or manufactured home park under the provisions of this Article and regulations issued hereunder.

"Licensee" means the owner or any person licensed to operate and maintain a mobile home or manufactured home park under the provisions of this Article.

"Manufactured housing or Manufactured Home" means a HUD-code manufactured home or a mobile home and collectively mean and refer to both.

"Mobile Home" means a structure that was constructed before June 15, 1976 transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems.

“Mobile home or manufactured home park” means a development of three or more mobile homes or manufactured home spaces arranged on a tract of land in which the tenants of the mobile homes or manufactured homes are not the owners of the land. If the tenants of the mobile home or manufactured home are the owners of the mobile home or manufactured home itself and the owner of the land on which this respective mobile home or manufactured home is located, it will be exempt from being classified as a mobile home or manufactured home park.

"Mobile Home or Manufactured Home Park Subdivision" means a unified development of mobile home lots arranged on a tract of land for permanent or semi-permanent location of mobile homes which has been subdivided and is under ownership of two or more persons meeting all requirements of City subdivision regulations.

“Parking space, off-street” means a minimum space, 8 ½ feet in width by 20 feet in length, located within the boundary of a mobile home or manufactured home space or in a common parking and storage area having unobstructed access to an internal street.

"Replacement" means the act of moving one mobile home or manufactured home from an existing stand and replacing it with another mobile home or manufactured home.

"Service Building" means a structure housing a toilet, lavatory and any such other facilities as may be required by this Article for the general use of tenants of the mobile home or manufactured home park.

"Sewer Connection" means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of a mobile home or manufactured home to the inlet of the corresponding sewer service riser pipe of the sewer system serving the mobile home or manufactured home.

"Sewer Service Riser Pipe" means that portion of a sewer service, which extends vertically to the ground elevation and terminates at a space.

"Space" means a plot of ground within a mobile home or manufactured housing park designed for the accommodation of one mobile home or manufactured home, together with the open space as required by this article. This term also includes the terms "lot", "stand" and "site".

"Stand" means the area of a mobile home or manufactured home lot which has been reserved for placement of a mobile home or manufactured home.

"Tiedown" means any device designed for the purpose of anchoring a mobile home or manufactured home to ground anchors, as required by Vernon's Ann. Civ. St. Article 5221f, as may be amended.

"Trailer" or "Motor Home" or "Unit" or "Recreational Vehicle", includes trailer homes and travel trailers, and means a vehicle which stands on wheels and is built to be towed by a motor driven vehicle. A motor home (recreational vehicle) is a self-propelled vehicle that stands on wheels. Both are built to Federal and State specifications to be licensed for operation on public roads and highways, and are not considered mobile homes.

"Water Connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a mobile home or manufactured home.

"Water Riser Pipe" means that portion of the private water service system serving a park, which extends vertically to the ground elevation and terminates at a designated point at a trailer or motor home space.

Section 7.1.2. Conflict with Other Articles or Ordinances.

Whenever the standards and specifications in this Article conflict with those contained in another article of this Ordinance or other Ordinance, the most stringent or restrictive shall govern.

Section 7.1.3. Applicability.

This Article is applicable to the city limits and in the extraterritorial jurisdiction of the City.

DIVISION 2. ADMINISTRATION

Section 7.2.1. Approval.

(a) *Required.* Any person who intends to construct, alter, or extend any mobile home or manufacture housing park shall obtain approval issued by the City in the name of the person for the specific construction, alteration or extension purposed in conformation with requirements and procedures of the City.

(b) *Application Requirements.* All applications for approval shall contain the following:

- (i.) Name and address of the applicant.
- (ii.) Location and legal description of the mobile home or manufactured housing park.

(ii) To this application shall be attached five copies of a site plan, at a minimum scale of one inch to 100 feet for sites of 30 acres or more and at a minimum scale of one inch to 50 feet for sites under 30 acres. The site plan shall include all data required under this ordinance.

(c.) *Fee.* All applications to the City shall be accompanied by a fee established by the City Council.

(d.) *Issuance.* When, upon review of the application, the proposed plan meets with the requirements of this Article, approval shall be issued by the City to construct a mobile home or manufactured housing park.

(e.) *Denial.* Any person whose application for approval under this Article has been denied may request a hearing on the matter under the procedure provided by this ordinance.

Section 7.2.2. Inspection.

(a) *Required.* The City, City Engineer, and City Sanitarian are authorized and directed to make inspections as are necessary to determine compliance with this Article.

(b) *Entry on premises.* The City, City Engineer, and City Sanitarian shall have the power to enter at reasonable times, upon any private or public property, for the purpose of inspecting and investigating conditions relating to the enforcement of this Article.

(c) *Certificate; inspection standards.*

(i.) *Mobile home or manufactured homeowner inspection fee.* The mobile home or manufactured home owner's inspection certificate will be issued for a fee established by the City Council for the initial hookup. A certificate of inspection will be issued provided the mobile home or manufactured home meets the standards and specification of this Article.

(ii.) *Standards for inspection.* The inspection shall consist of the following:

A. *Gas System.* Pressure test all exterior and interior piping with 5# air. Check water heater and central heating vents, check sources of combustion air for heating system. Gas lines shall be buried a minimum of eighteen (18) inches underground from the park supply to the mobile home or manufactured home piping.

B. *Electrical System.* Check grounding, entrance cord, breaker box. All wiring shall meet the requirements of National Electric Code and city electrical code adopted in this Ordinance.

C. *Water System.* Hookup shall be made with Schedule #40 PVC or equivalent piping.

D. *Sewer System.* Check mobile home or manufactured home vents. Only rigid pipes shall be used to connect the mobile home or manufactured home to the park sewer. Piping shall be protected against damage. All joints and connections in sewer lines shall be gas and liquid tight.

E. *Mobile home or manufactured home stand.* The area beneath the mobile home or manufactured home shall be graded so that water will not stand under the mobile home or manufactured home. The stand shall provide a stable area for placing of tiedown anchors and blocking.

F. *Storage.* The area beneath the mobile home or manufactured home shall not be used to store lumber, gasoline, or any flammable materials.

G. *Grass.* The mobile home or manufactured home owner shall not allow grass or weeds to become a fire or health hazard.

H. *Tiedowns.* The mobile home or manufactured home shall be tied down as required by state, federal, and local standards.

I. *Blocking.* The mobile home or manufactured home shall be blocked as required by state, federal, and local standards.

J. *Inspection responsibility.* The mobile home or manufactured home owner shall arrange for an inspection date with the City and may accompany him on his inspection if he so desires. No mobile home or manufactured shall be connected to the park gas line until an inspection has been made by a City Inspector. A fee established by the City Council will be charged for each reinspection.

Section 7.2.3. Mobile home or manufactured housing park inspection fee.

(a) The mobile home or manufactured housing park will be issued approval for a base fee established by the City Council. An additional fee established by the City Council per mobile home or manufactured home shall be computed and added to the base fee. The mobile home or manufactured housing park approval will certify park compliance with this Article. The mobile home or manufactured housing park inspection shall consist of the following:

- (i.) Placement of the mobile home or manufactured home on a space.
- (ii.) Parking facilities per mobile home or manufactured home space.
- (iii.) Condition of internal streets, accessways.
- (iv.) Condition of road signs.
- (v.) Condition of service buildings.
- (vi.) Condition and proper functioning of drainage system.
- (vii.) Condition of ground and soil cover.
- (viii.) Condition of premises of unoccupied spaces.
- (ix.) Condition of park sewer system.

(b) The mobile home or manufactured housing park owner shall arrange for an inspection date with the inspector for the inspection of the park. The mobile home or manufactured housing park owner shall accompany the inspector if he so desires. All mobile home or manufactured housing parks shall be inspected annually or more often upon tenant complaint. If violations are found, there shall be a reinspection fee for each inspection.

(c) *Inspection of register.* The City shall have the power and authority to discharge their official duties to inspect the register containing a record of all residents of the mobile home or manufactured housing park.

(d) *Duty of occupants.* Every occupant of a mobile home or manufactured housing park shall give the park owner, his agent or his authorized employee access to any part of the park at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with this Article.

(e) *Recreational vehicles.* Recreation vehicles, as defined in this Article, are prohibited in mobile home parks and manufactured housing parks.

Section 7.2.4. Notices, Hearing and Orders.

(a) Whenever it is determined that there are grounds to believe that there has been a violation of this Article, the City shall give notice of the alleged violation to the park owner or agent, as provided in this section. The notice shall:

(i.) Be in writing;

(ii.) Include a statement of reasons for its issuance;

(iii.) Allow a reasonable time for the performance of the act it requires;

(iv.) Be served upon the park owner or the owner's agent, provided that the notice or order shall be deemed to have been properly served upon the park owner or agent when a copy thereof has been sent by mail to the owner's or agent's last known address or when the owner or agent has been served with the notice by any method authorized or required by the state; and

(v.) Contains an outline of remedial action which, if taken, will effect compliance with this Article.

(b) *Appeal from notice issued by City.* Any person affected by any notice issued in connection with this enforcement of any section of this Article applicable to a park by the City may request and shall be granted a hearing on the matter before the municipal court judge, provided that the person shall file within ten (10) days after the day the notice was served, in the offices of the municipal court, a written petition requesting the hearing and setting forth a brief statement of the grounds therefore. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except for an order issued under the Fire and Safety Standards provided in this Article. Upon receipt of the petition, the municipal court judge will set a time and place for the hearing and give the petitioner written notice thereof. At the hearing, the petitioner will be given an opportunity to be heard and to show why the notice should be modified or withdrawn.

(c) *Hearing; order.* After the hearing, the judge shall issue an order in writing sustaining, modifying, or withdrawing the notice, which will be served as provided in subsection (a) of this Section. Upon failure to comply with an order of the judge sustaining or modifying a decision thereof, the City will take whatever action necessary to enforce this Article.

(d) *Order without notice.* Whenever the municipal court judge finds that an emergency exists which requires immediate action to protect the public health or safety, the judge may, without notice or hearing issue an order reciting the existence of the emergency. Notwithstanding any other Section of this Article, this order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but upon written petition to the City shall be afforded a hearing as soon as possible. Subsections (b) and (c) of this Section shall be applicable to the hearing and the order issued thereafter.

Section 7.2.5. Variances.

(a) The City may authorize a variance from the standards for mobile home parks in this Article. In granting a variance, the city may prescribe conditions that it deems necessary or desirable to the public interest. In making the findings required in this subsection, the City will take into account the nature of the land involved, existing users of land in the vicinity, alternatives to the standards that will achieve the purpose and intent of this Article, the size and density of the proposed park, and the probable effect of the variance upon adjacent property, traffic patterns, and the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the City makes findings based upon evidence presented that:

(i.) There are unique conditions affecting the proposed mobile home park that are not present or applicable to other property generally, and these conditions cause extraordinary hardship in achieving strict compliance with the standards in this Article;

(ii.) The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area;

(iii.) Pecuniary hardship is not the sole or primary basis for the variance request; and

(iv.) The variance is in harmony with the purpose and intent of this Article and will not have the effect of nullifying the purpose and intent of this Article.

(v.) If the City grants a variance, these findings and any conditions prescribed by the City will be incorporated into the official minutes of the City meeting.

DIVISION 3. REGULATIONS AND REQUIREMENTS

Section 7.3.1. Site Plan.

(a.) The site plan for a mobile home or manufactured housing park shall be filed as required in this Article and shall show the following:

(i.) The area and dimensions of the tract of land, with identification of locations and boundaries.

(ii.) The number, location, size and address of all mobile home or manufactured home spaces.

(iii.) The location, width, grade and specifications of driveways, roadways, and walkways.

(iv.) The location, grade, and specifications of water and sewer lines and riser pipes.

(v.) The location and details of lighting, electrical, and gas systems.

(vi.) The location and specifications of all buildings constructed or to be constructed within the park.

(vii.) Existing and proposed topography of the mobile home or manufactured housing park.

(viii.) The location of fire mains, including the size, the hydrants and any other fire-related equipment which may be provided.

(ix.) Other information as City reviewing officials may reasonably require.

(x.) Approval letter of the site plan by the City based on the specifications and standards in this Article.

(xi.) Approval or disapproval shall be based on the specifications and standards of this Article, and shall be given by the City within sixty (60) days after the submission of the site plan to the City. If approval or disapproval is not granted within sixty (60) days, the site plan shall be automatically approved.

Section 7.3.2. Site Requirements.

(a) Any mobile home or manufactured housing park constructed after the effective date of this Ordinance from which this Section derives and for any extension or addition to any existing mobile home or manufactured housing park shall be done in compliance with the following site requirements:

(i.) *Location.* A mobile home or manufactured housing park within the city limits not included in the City's extraterritorial jurisdiction shall be located only on sites having the applicable zoning classification.

(ii.) *Minimum Requirements.*

A. *Space Requirement.* Each mobile home and manufactured home space shall provide a minimum area of 3,200 square feet; however, no mobile home or manufactured home shall have dimensions less than 40 feet on the narrow dimension or 80 feet on the long dimension.

B. *Open space requirements.*

1. The minimum front yard set-back shall be ten feet from the nearest corner of the mobile home or manufactured home to the front line of the mobile home or manufactured home.

2. No mobile home or manufactured home shall be closer than five (5) feet to any end lot line nor closer than 25 feet to the lot line adjoining a public street.

3. For other structures on each space, the minimum front yard setback shall be at least ten (10) feet.

4. A minimum distance between mobile homes shall be ten (10) feet end-to-end and 20 feet side-to-side.

C. *Height regulations.*

1. The height limit for any structure intended for occupancy in the mobile home or manufactured housing park shall be 25 feet.

2. The average height of the mobile home or manufactured home frame above ground elevation will conform to Section 5.a of the state mobile home or manufactured home tiedown standards.

D. *Soil and groundcover.* Exposed ground surfaces in all parts of every mobile home or manufactured housing shall be paved, covered with stone screening or other solid material, or proected with a vegetative growth that is capable of preventing soil erosion and the elimination of dust.

E. *Drainage.* The ground surface in all parts of a park shall be a grade and equipped to drain all surface water.

F. *Accessory buildings.* An accessory building is a subordinate building, detached from the main building, without separate utilities and not used for commercial purposes or rented. In a residential district, it may be used as a washroom, a storage room for domestic storage belonging to the owner or tenant only or a space for one or more automobiles owned by the owner, tenant, or guests. In districts other than residential, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

Section 7.3.3. General Design and Construction Requirements. Mobile home design and construction shall conform to generally accepted standards of the mobile home industry and the Texas Manufactured Housing Standards Code.

(a) *Placement and Underpinning Requirements.*

- (i.) Placements of mobile home on mobile home stand by jacks or supports shall be such as to insure the retention of the mobile home in a fixed position.
- (ii.) All mobile homes must be leveled and its foundation must be single blocked up to thirty inches (30") in height from the ground level and double blocked or between thirty inches (30") to forty-eight inches (48"), and forty eight inches (48") is maximum, except for any gap, opening or space between the frame and ground level which exceeds forty-eight inches (48") must have a foundation designed by a certified engineer. The design must be signed and sealed by the engineer and be approved by the Building Official.
- (iii.) Skirting shall be required for each mobile home or manufactured home in a mobile home or manufactured housing park. A fire resistive skirting, or underpinning, shall be installed around the bottom of the perimeter of any mobile home to the ground within thirty (30) days from the installation. Skirting and other additions, when installed, shall be maintained in good repair.
- (iv.) The placement of the mobile home and which shall be finished with not less than two (2) coats of paint or be constructed of such materials not requiring painting (galvanized metal not included).

(b) *Space Requirements and Maximum Occupancy.* The minimum square footage of heated area for any mobile home shall be 600 square feet. The maximum number of occupants of a mobile home shall be limited to the number determined on the basis of the square feet of floor area of habitable space, exclusive of habitable space used for cooking purposes, in accordance with the following:

150 square feet for one (1) or two (2) occupants;

250 square feet for three (3) occupants; and

80 square feet additional for each occupant thereafter.

(c) *Ceiling Height Requirements.* Habitable space shall have a minimum ceiling height of seven feet (7') over fifty percent (50%) of the floor area; and the floor area where the ceiling heights is less than five feet (5') shall not be considered in computing gross floor area.

(d) *Bathrooms and Toilets.* Bathrooms and toilets shall have provisions for privacy and shall be provided with floors of moisture resistant material.

(e) *Bathrooms and Kitchens Prohibited for Sleeping Purposes.* Bathrooms, toilet rooms, kitchens and kitchenettes shall not be used for sleeping purposes.

(f) *Exits.* A mobile home shall have a safe and unobstructed primary exit and an emergency exit located remote from the primary exit.

(g) *Light and Ventilation.*

(i.) *Habitable Space* A mobile home shall be provided with natural light and ventilation adequate for the intended use of each habitable space in accordance with the following:

A. Window area shall equal at least ten percent (10%) of the floor area of each habitable space; and

B. Openable area of windows and other openings used for natural ventilation of each habitable space shall equal at least forty-five percent (45%) of the required window area, or mechanical ventilation shall be provided as set forth in this section.

(ii.) *Non-habitable Space.* A mobile home shall be provided with light and ventilation adequate for the intended use of non-habitable space in accordance with the following:

A. Kitchenettes, bathrooms, and toilet rooms shall be provided with light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions and the safe use of the space and the appliances, equipment and fixtures; and

B. Kitchenettes, bathrooms and toilet rooms shall be provided with natural ventilation consisting of openable areas of not less than one and one-half (1 1/2) square feet for bathrooms and toilet rooms, and not less than three (3) square feet for kitchenettes; or mechanical ventilation shall be provided as set forth in this section.

(h) *Plumbing Standards.* The following shall apply to plumbing in a mobile home:

- (i.) A mobile home shall contain:
 - Kitchen sink,
 - Flush type water closet,
 - Bathtub or shower, and
 - Lavatory.
- (ii.) Hot and cold water supply shall be provided at kitchen sink, bathtub or shower, and lavatory. Cold water shall be supplied to water closets and urinals.
- (iii.) Plumbing system shall be designed and arranged so as to facilitate connecting to approved exterior water supply and sewerage disposal systems, provide adequate water supply to all plumbing fixtures and dispose of all liquid wastes therefrom.

(i) *Heating Standards.* The following shall apply to heating units in a mobile home.

- (i.) A mobile home shall contain:
 - Space heating equipment, and
 - Water heating equipment.
- (ii.) Areas allowed for installation of space heating and water heating equipment shall provide adequate clearance so that the surface of adjacent combustible materials will not exceed a safe temperature. Curtains and draperies shall not be used in such areas.
- (iii.) Space and water heating units shall be of an approved type for installation in a mobile home. Fuel burning water heaters and furnaces other than those having a sealed combustion space, shall not be located in sleeping rooms, bathrooms and toilet rooms.
- (iv.) Space heating units shall have sufficient capacity to maintain a minimum inside temperature of 70 F, based on the average of the recorded annual minimum outside temperatures for the locality and shall be provided with a manual or automatic temperature control devices.
- (v.) Water heater units shall have sufficient capacity to deliver at each hot water outlet an amply supply of water at a minimum temperature range of 130 to 140 F, and such units shall be provided with safety devices arranged to relieve hazardous pressures and excessive temperatures.
- (vi.) Electrical space and water heating equipment shall be an approved type and shall have adequate circuit protection devices.
- (vii.) Gas and liquid fuel-burning equipment shall be specifically designed for the type of fuel used. Flues and vents shall be suitable for the type of fuel used and shall be installed so that the surface of adjacent combustible material will not exceed a safe temperature.

- (viii.) Automatically operated heat-producing equipment using utility gas shall have a valve that will automatically shut off the flow of gas to the main burner when the pilot flame is extinguished.
- (ix.) Automatically operated heat-producing equipment using liquefied petroleum gas shall have a valve that will automatically shut off the flow of gas to the pilot light and main burner when the flame is extinguished.

(j) *Heating Ventilation Standards.* The following shall apply to heating ventilation of mobile homes:

- (i.) Fuel-burning space and water heating units shall be vented. Other fuel-burning equipment shall be vented where the discharge of products of combustion into the space where the equipment is installed would be unsafe.
- (ii.) Liquid fuel-burning equipment shall be vented and shall be provided with means to prevent spilling of fuel.
- (iii.) Fuel storage containers and gas cylinders shall be mounted outside the mobile homes, or in a space that is vented to the outside and is vapor-tight to the inside.
- (iv.) Warm air supply ducts and fittings shall be of non-combustible material.
- (v.) Return air ducts shall be of non-combustible material where exposed to temperatures which are unsafe for combustible materials.
- (vi.) Return air grills indoors and partitions shall be of a permanent nonclosable type. Openings for return air shall not be located in bathrooms, toilet rooms or kitchenettes.
- (vii.) Mechanical ventilation, when required, shall exhaust air at rates not less than the following:

For habitable space - 2 air changes per hour;
For bathroom and toilet rooms - 25 cfm; and
For kitchenettes - 100 cfm.

(k) *Air Conditioning.* Air conditioning for habitable space provided in lieu of mechanical ventilation shall supply an amount of air not less than that set forth in this Article with at least twenty-five percent (25%) of the required quantity taken from the outside.

(l) *Electrical Standards.* The following standards shall apply to the electrical system in mobile homes:

- (i.) A mobile home shall contain an electrical wiring system and service equipment.
- (ii.) Electrical wiring shall have adequate capacity for designed lighting and appliance equipment. Individual circuits shall contain overload protection devices.

- (iii.) At least one receptacle outlet shall be provided for each multiple of twelve (12) linear feet of wall space or major fraction thereof in each habitable space and kitchenette. Bathrooms and toilet rooms shall have permanently installed lighting fixtures and switches located so as not to be an electrical hazard.
- (iv.) Exterior equipment shall be weatherproofed to insure protection of equipment from the elements. Service equipment shall have means of quick disconnection from the source of supply.
- (v.) Provision shall be made for grounding noncurrent carrying metallic parts of the electrical system. Such grounding shall be common to one external supply point. Provision shall be made for exterior source grounding of electrical system.

(m) *Cooking and Refrigeration Standards.* The following standards shall apply to cooking and refrigeration units in a mobile home:

- (i.) A mobile home shall contain cooking equipment and refrigeration equipment.
- (ii.) Electrical cooking and refrigeration equipment shall be of an approved type for installation in a mobile home and shall have adequate circuit protection devices.
- (iii.) Gas burning cooking and refrigeration equipment shall be of an approved type for mobile home installation and connections to rigid pipe shall be made with approved flexible metal gas appliance connectors.
- (iv.) Fuel storage shall conform to the requirements of fuel storage for heating.

(n) *Interior Maintenance Required.* Floors, walls, ceilings, furnishings and fixtures shall be maintained in a clean and sanitary condition. Exits shall be maintained free of obstructions.

(o) *Garbage and Refuse Containers Required.* Suitable containers shall be provided for the temporary storage of garbage and refuse within the mobile home.

(p) *Screening Requirements.* From May 1st to October 1st, entrances to the mobile home shall be provided with self-closing type devices or screens, and windows and other openings used for ventilation shall be appropriately screened.

(q) *Mobile Homes to be Pest Free-Extermination.* Mobile homes shall be maintained free of insects, vermin and rodents. Extermination shall be effected in conformance with generally accepted practice.

(r) *Storage of Flammable Materials.* Flammable cleaning liquids and other flammable materials shall be stored in a safe, approved manner.

Section 7.3.4. Access and Traffic Circulation and Parking.

(a) Internal streets, no-parking area signs, and street name signs in a mobile home or manufactured home park shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of park residents. Internal streets

shall be kept open and free of obstructions in order that police and fire vehicles may have access to any areas of the mobile home or manufactured housing park.

(b) On all sections of internal streets on which parking is prohibited under this Article, the owner or agent shall erect metal signs; type, size, height and location shall be approved by the City prior to installation.

(c) All internal streets shall be constructed and maintained by the owner or agent. All internal streets shall be free of cracks, holes and other hazards. Internal streets shall be constructed on hard-surfaced, all weather material and shall be approved by the City.

(d) An internal street or common access route shall be provided to each mobile home or manufactured home space. This street shall have a minimum width of thirty (30) feet if off-street parking is provided in the ratio of two parking spaces for each mobile home or manufactured home space. The internal street shall be continuous and connect with other internal streets or with a public street or shall be provided with a cul-de-sac having a minimum diameter of 95 feet.

(e) Two spaces per mobile home or manufactured home space shall be provided for parking, and each parking space shall be hard-surfaced with all-weather material, located to eliminate interference with access to parking areas provided for other mobile homes or manufactured homes and for public parking in the park.

(f) Internal streets shall permit unobstructed access to within at least 200 feet of any portion of each mobile home or manufactured home. Speed bumps constructed to maintain safe speed of vehicles moving within the park shall not be considered obstructions. Speed bumps are to be constructed at 4 to 1 inclination, not to exceed 4 inches in height. Speed bumps shall be painted with fluorescent paint.

(g) Interior streets shall intersect adjoining public streets at approximately 90° with a curbline radius of 20 feet at a location which will eliminate or minimize interference with traffic on those public streets.

(h) A minimum parking area of 150 square feet per mobile home or manufactured home space shall be provided in a common area for storage of boats or vehicles in excess of two per mobile home or manufactured home space and for visitors' vehicles to minimize on-street parking and to facilitate movement of emergency vehicles into and through the park.

Section 7.3.5. Street Lighting.

Street lighting within the mobile home or manufactured housing park shall be provided by the developer along internal streets. Light standards shall have a height and spacing to ensure that an average illumination level of not less than two-tenths footcandles shall be maintained.

Section 7.3.6. Fire Safety Standards.

(a) *Storage and handling of liquefied petroleum.* In mobile home or manufactured housing parks in which liquefied petroleum gases are stored and dispensed, their handling and storage shall comply with requirements of the federal, state, and local plumbing codes and fire codes as applicable.

(b) *Storage and handling of flammable liquids.* In parks in which gasoline, fuel, oil, or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with the federal, state, and local fire codes.

(c) *Access for fire fighting.* Approaches to all mobile homes shall be kept clear for fire fighting.

(d) *Fire fighting instruction.* The mobile home or manufactured housing park owner or agent shall be responsible for instructing his staff in the use of the park fire protection equipment and in their specific duties if a fire occurs.

(e) *Water supply facilities for fire department operation.* The park owner shall provide standard city fire hydrants located within 500 feet of all mobile home or manufactured home spaces, measured along the driveways or streets.

(f) *Rubbish disposal.* The mobile home or manufactured housing park owner or agent shall provide an adequate system of collection and disposal of rubbish, approved by the City.

(g) *Removal of dry brush, leaves and weeds.* The mobile home or manufactured housing park owner or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

Section 7.3.7. Recreational Area.

All mobile home or manufactured housing parks shall have a recreational area amounting to five percent (5%) total area of the park.

Section 7.3.8. Water Supply.

(a) *Required.* An accessible, adequate, safe and potable supply of water shall be provided in each mobile home or manufactured housing park. Connection shall be made to the public supply of water. The public supply shall be adequate both for domestic requirements and for fire fighting requirements established by the City.

(b) *Water distribution system.*

(i.) The water supply system of the mobile home or manufactured housing park shall be connected by pipes to all mobile homes, buildings and other facilities requiring water.

(ii.) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with federal, state, and local regulations and requirements.

(c) *Individual connections.* Individual connections shall be in accordance with requirements of the plumbing code, as applicable.

Section 7.3.9. Sewage Disposal.

(a) For sewage disposal in a mobile home or manufactured housing park, the following shall apply:

(i.) *Approval Required.* All proposed sewage disposal facilities shall be approved by the City.

(ii.) *Sewer Lines.* All sewer lines shall be in accordance with the plumbing code, as applicable.

(iii.) *Individual sewer and water connections.*

A. All materials used for sewer connections shall be in accordance with plumbing code, as applicable.

B. Provision shall be made for plugging the sewer riser when no mobile home or manufactured home occupies the space. Surface drainage shall be diverted away from the riser.

Section 7.3.10. Electrical and Telephone Distribution System.

All electrical wiring in the mobile home or manufactured housing park shall be in accordance with the electrical code and the requirements of the electric utility provider. All telephone lines in the park shall be installed underground.

Section 7.3.11. Service Buildings and Other Community Service Facilities.

(a) *Applicability.* This Article shall apply to service buildings, recreational buildings, and other community service facilities in a mobile home or manufactured housing park, such as:

(i.) Management offices, repair shops, and storage areas;

(ii.) Sanitary facilities;

(iii.) Laundry facilities;

(iv.) Indoor recreation areas; and

(v.) Commercial uses supplying essential goods or services for the benefit and convenience of park occupancy.

(b) *Barbecue pits, fireplaces, stoves and incinerators.* Cooking shelters, barbecue pits, fire places, wood-burning stoves and incinerators shall be located, constructed, maintained, and used so as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Section 7.3.12. Fuel Supply and Storage.

Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the mobile home or manufactured housing park. The liquefied petroleum gas system shall be maintained in accordance with applicable codes and regulations of the state railroad commission pertaining thereto.

Section 7.3.13. Register of Occupancy.

(a) The owner or agent of a mobile home or manufactured housing park shall maintain a register of park occupancy which shall contain the following information:

- (i.) Name and park address of park residents.
- (ii.) Dates of arrival and departure.

Section 7.3.14. Unfit Dwellings.

(a) Any mobile home shall be subject to condemnation procedures when found to have any of the following defects:

- (i.) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (ii.) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(b) No mobile home that was manufactured more than five years prior to proposed date of installation shall be installed, located or occupied within the City after the date of this Article. Save and except for a new manufactured home delivered and installed by the dealer, no mobile home or manufactured home may be located, installed or occupied within the City without a permit being issued by the City. The fee for such permit and required inspection shall be \$50.00 and no such mobile home or manufactured home shall be located, installed or occupied within the City that is not inspected and found to be in compliance with all the applicable codes and ordinances of the City.

Section 7.3.15. Service of Notice for Unfit Dwellings. Whenever the Building Official has determined that a mobile home displays defects as described in this Article, he shall give written notice to the responsible parties and shall placard the mobile home as unfit for human habitation in accordance with the following:

(a) Such written notice shall include a description of the real estate sufficient for identification of the mobile home location.

(b) The placard shall be placed on the main entrance of the mobile home and read:

"THIS MOBILE HOME IS UNFIT FOR HUMAN HABITATION; THE USE OF THIS MOBILE HOME FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL".

Section 7.3.16. Compliance with Written Notice. The responsible parties of the mobile home shall have ten (10) days from the date of service of the notice to bring the unfit dwelling into compliance with the provisions of this ordinance.

Section 7.3.17. Procedure on Noncompliance. (a) *Condemnation.* After the expiration of ten (10) days from the date of service of notice of unfit dwelling, the Board of Appeals shall hold a public hearing on all condemnation proceedings resulting from non-compliance following the procedures and the provisions of this Article.

(b) *Appeal.* The decision of the Board of Appeals may be appealed as provided in Section 84.

(c) *Notice of Condemnation.* Following the public hearing determining the mobile home to be unfit for human habitation, the Board of Appeals or the City Council, if appealed, shall immediately adopt a resolution condemning the mobile home and requiring the occupants to vacate the premises.

(d) *Vacating Mobile Home.* One of the following procedures are to be used when required to vacate the mobile home:

- (i.) Any occupant of a mobile home condemned as unfit for human habitation under the provisions of this section shall vacate said mobile home within thirty (30) days after adoption of said resolution by City Council.
- (ii.) The owner or occupant of a mobile home which has been condemned under the provisions of this Article may move said mobile home outside the city limits. Such action shall be deemed in compliance with this Article.

(e) *Further Occupancy Restricted.* Once the occupant or occupants of a mobile home which has been condemned and placarded as unfit for human habitation vacate said premises, no person shall again use said premises for human habitation until approval is secured from and such placard is removed by the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

Section 7.3.18. Exceptions. Any new manufactured home delivered and installed by a licensed installer shall be exempt from the requirements of this Article as to quality of construction and construction standards, including but not limited to wiring and plumbing, so long as such home is maintained in substantially the same condition as when purchased and installed; provided that this exemption shall expire upon sale or conveyance of the manufactured home by the purchaser at retail to any third party.

Section 7.3.19. Additional Exceptions and Severability. If any provision of this Article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable. Further, no provision or term of this Article shall be interpreted as adding any additional requirement to any federal or state standard for the quality, construction and/or requirements for any manufactured home, but shall, with respect to manufactured homes, be applied to those homes that do not at anytime meet any such applicable standards, or that because of damage, deterioration or a failure to clean and maintain do not comply with such laws and this Article.

ARTICLE VIII. RECREATIONAL VEHICLE PARKS

Section 8.1. Definitions. For the purpose of this Article, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto.

“Recreational vehicle park” means any lot, tract, or parcel of land upon which accommodation is provided to two or more recreational vehicles used as living or sleeping quarters by the day, week, or month where a charge is or is not made.

“Space” means any plot or parcel of ground upon which is erected any accommodation for any recreational vehicle or structure of a temporary nature for living and sleeping purposes.

Section 8.2. Size and Marking of Units or Sites.

Each unit or site reserved for the accommodation of any recreational vehicle shall have an area of not less than 576 square feet, exclusive of driveway, and shall be at least two (2) feet wide. It shall be defined clearly by proper markers at each corner, shall be level, free from rocks, weeds and well drained.

Section 8.3. Location.

No recreational vehicle shall be placed or erected closer than five (5) feet from the property line separating the recreational vehicle park from adjoining property, measuring from the nearest point of the recreational vehicle.

Section 8.4. Drainage.

All land used as a recreational vehicle park shall be located on well-drained sites of ample size, free from heavy or dense growth or brush or weeds. The land shall be free from marsh and shall be graded or storm sewered to ensure rapid drainage during and following rain.

Section 8.5. Water Supply.

Each site used as a recreational vehicle park shall be provided with a connection and an adequate supply of water of safe, sanitary quality, approved by the City. Where water from other sources of the municipal supply is proposed to be used, the source of supply shall first be approved by the City.

Section 8.6. Collection and Removal of Waste and Garbage; Sewer System.

Each recreational vehicle park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage and shall provide a proper and acceptable sewer system, either by connection to the public sewer system where it is available, or to a septic tank, all of which shall comply with all laws and regulations prescribed by the City.

Section 8.7. Sanitary Facilities.

(a) Each recreational vehicle park upon which two or more recreational vehicles are erected or placed and where private conveniences for each site are not provided shall provide, at locations described in this Section, toilets, urinals, washbasins, slop basins, showers or baths, water faucets or spigots in accordance with the following:

(i.) One toilet or stool for the female sex for every ten (10) units or fraction thereof.

(ii.) One toilet or stool and one urinal stall for the male sex for every twenty (20) units or fractions thereof.

(iii.) Each toilet room having three (3) toilets or fraction thereof shall be provided with one lavatory or washbasin.

(iv.) One (1) shower or bathtub shall be provided for each sex for each ten (10) units or fractions thereof.

(v.) All toilets, basins and showers shall be placed in properly constructed buildings located not more than 300 feet from any recreational vehicle unit service.

(vi.) Buildings shall be well lighted at all time, day or night, well ventilated with screened openings, and constructed of moisture-proof materials to permit rapid and satisfactory cleaning, scouring, and washing.

(vii.) The floors shall be of concrete or other impervious material, elevated not less than four (4) inches above grade, and each room shall be provided with floor drains.

(viii.) Slop sinks or basins with water supply shall be provided to serve each four (4) units and shall be constructed in accordance with design, size and material approved by the health officers.

(b) Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain onto the shower floor.

(c) Toilet floors and walls shall be of an impervious material, painted white or a light color and kept clean at all times. Shower stalls shall be of tile, plaster, cement, or other impervious material and shall be kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be painted white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be papered with canvas, and wallpaper and kept clean at all times.

Section 8.8. Registration of Guests.

(a) Each person engaging accommodations for any recreational vehicle shall register and give the following information to the manager, operator, or person in charge thereof:

(i.) Name.

(ii.) Residence.

(iii.) Automobile and recreational vehicle license plate number and the state in which each vehicle is registered.

ARTICLE IX. MOVING PERMITS

Section 9.1. Procedure, Route Permit, Time, Etc. The Building Official shall immediately notify the Sheriff stating the proposed route, when moving will begin and end, and the number of days the move is expected to take.

(a) The Sheriff shall have authority to establish and direct, as a condition to the issuance of the permit, the time when the house moving shall start and the time when it shall be completed, the routes over which buildings of specified dimensions may be moved, and such other regulations and conditions which he may deem necessary. Deviation therefrom shall constitute an offense.

(b) The maximum time during which a house may remain in a street, under a permit, shall be forty-eight (48) hours.

(c) During the entire time that the building is occupying the street, or any portion thereof, the mover shall keep it continuously in motion toward its destination and shall not allow the work or moving to stop during such time.

Section 9.2. Moving Permit Applications. To obtain a moving permit to move a building into, out of or through the city, the applicant must first file an application therefore in writing. Each such application shall be accompanied by the required fee and shall contain:

- (a) The name of the person, firm, partnership or corporation who will move the building;
- (b) The name of the owner of the building;
- (c) The present location of the building;
- (d) The proposed new location of the building;
- (e) The route of moving, as approved by the Sheriff;
- (f) The exact date and time during which the building will occupy the street;
- (g) The time that the building is allowed to remain in the street;
- (h) The size and type of construction of the building;
- (i) Evidence that arrangements have been made with utility companies and/or the City, where necessary to prevent damage thereto;
- (j) The receipt of the permit fee;
- (k) The business address and home address of the applicant;
- (l) Proof of corporate surety bond and of liability insurance with an insurance company authorized to do an insurance business in the State of Texas, as provided herein to protect the public and the City from any damage caused by the applicant in moving the building for which the permit is requested;
- (m) Such other information as may be required by the Building Official.

Section 9.3. Prohibitions. (a) It shall be unlawful for the holder of the permit to disconnect any electrical light and power connection, gas connection, water connection or telephone connection from any building within the City which he or she proposed to move without the consent of the public utility owning such connection.

(b) It shall be unlawful for the holder of the permit to remove, tear down or destroy any pole or wire or other property belonging to the city or to any utility company furnishing gas, electrical light and power or belonging to any telephone or telegraph company without the consent of such utility or other person owning the same.

(c) It shall be unlawful for the holder of the permit to remove any vegetation on private or public property without the consent of the person owning same.

Section 9.4. Inspections Upon Completion. (a) *Notification of Building Official.* Whenever the holder of a permit has completed the work of moving a building under a permit, [s]he shall promptly notify the Building Official of such fact. The Building Official shall cause an inspection to be made of the route of moving and the installation of the building.

(b) *Damage.* If the holder of the permit has caused damage to the streets, curbs, gutters, sidewalks or other public or private property, the holder of the permit shall be notified of such fact, specifying the damage by mailing to him a written notification by certified mail at either the business or home address listed in the application for the permit. The holder of the permit shall proceed within two (2) days from the date of such notification to begin the work of repairing the damage and completing the same to the satisfaction of the City.

(c) *Written assurance.* When the building moving operation is completed and the Building Official has written assurance that no damage to life or property has occurred or that the damage has been repaired and that all claims arising out of any damage are settled, any required deposit or bond shall be reimbursed, released or returned to the applicant.

Section 9.5. Bond and Indemnification. Before a permit is issued, the applicant shall agree to indemnify the City for any damage that may thereafter occur to public or private property within the City of reason of the applicant's intended move, and shall file with the City a bond and Certificate of Insurance as may be required by the Building Official.