



BUILDING PERMIT PROCEDURES

- PROJECT TIMELINE
- CONSTRUCTION REQUIREMENTS
- PROJECT SUBMITTAL CHECKLIST
- APPLICATION FOR PLAN REVIEW AND BUILDING PERMIT
- BUILDING REGULATIONS
- CITY CONTACT INFORMATION

PROJECT TIME-LINE

1. Two complete sets of plans are delivered to Ransom Canyon City Hall no later than the 1st or 3rd Monday of the month.
2. Plan review by City Staff and Building Inspector. If plans are complete and meet IBC 2018 code requirements, they are forwarded to Building Review Committee. Builders are advised to attend all meetings.
3. The Committee examines the plans for compliance with Deed Restrictions and current adopted City Ordinances and takes the following action: A) Takes no exception and authorizes a permit. B) Rejects the plans with request for more information. C) Rejects the plans with explanation.
4. If plans are approved, the builder provides City with a Performance Bond and pays for his permit. A stamped set of plans is returned to him; these plans must remain on site throughout construction.
5. All construction must begin within 180 days and must be “weathered-in” within one year. If project is not weathered-in within a year, a new permit must be obtained and Performance Bond renewed.
6. 12 regular inspections are conducted by the Building Inspector. If a re-inspection is required, the builder will be charged for the re-inspection. No one may occupy the structure until the Operations Manager signs off on the final inspection, and a Certificate of Occupancy is issued.

CONSTRUCTION REQUIREMENTS

- Builders are required to provide their own open-top containers for construction trash at all times. Containers shall be covered or trash weighted down when not in use to prevent littering. Containers shall be on lot, not street. If builder fails to keep a container on the site, the City has the right to impose fines as per the Ordinance.
- Builders shall provide portable restroom facilities on site at all times.
- Erosion prevention measures shall remain in place throughout life of project.
- All subcontractors shall be fully licensed.
- Inspections must be arranged through City Hall (806-829-2470); allow 24 hours for an inspection.

NO CONSTRUCTION CAN BEGIN UNTIL A PERMIT HAS BEEN ISSUED.

PROJECT SUBMITTAL CHECKLIST

DOCUMENTS: _____ Two sets of plan drawings that clearly define the project. Drawings shall be accurate, 1/4" scaled delineations, supplemented with necessary notations and dimensions. Plan drawings shall include the following:

A. Site Drawings

1. _____ Lot perimeter survey with Surveyor's seal.
2. _____ Site plan showing building location on the site with dimensions and setbacks clearly indicated. Position of required yard light shall be shown here.
3. _____ Current topographic survey (with surveyor's seal) and plan showing existing and proposed grades with 1' contours, site drainage away from adjoining properties, and finished floor elevation.
4. _____ Retaining wall details with engineer's seal (required if over 4' in height).

B. Architectural Drawings:

1. _____ Floor plan of each floor level.
2. _____ Exterior building elevations that clearly show the design features of each exterior wall and roof surface. Roof slopes and heights shall be noted. Provide sufficient number of elevations to clearly describe each side of the building; minimum of four elevations are required.
3. _____ Typical wall sections showing the wall construction components and construction materials clearly noted. Stud sized, quality, and height and spacing shall be noted.
4. _____ On two story structures, building sections shall be required showing all structural floor framing for the upper floors and attic and shall list live and dead loads the structure was designed to and shall comply with IBC 2018 Residential Code.

C. Structural Drawings:

1. _____ For new residential structures, a geotechnical soils investigation (minimum of 2 borings) and report prepared by a licensed geotechnical engineer indicating the soil type, bearing capacity, plasticity index, and sieve analysis of the soils encountered in undisturbed earth at least 5' and beneath the proposed bottom of the deepest structural footings.
2. _____ Foundation details that indicate the sizes, depths, and steel reinforcing of concrete footings and grade beams for this proposed structure and complying with the current Ransom Canyon Building Codes and Ordinances.
3. _____ Roof framing plan and materials detail.

D. Electrical Drawings:

1. _____ Lighting, power, communication, carbon monoxide detectors and smoke detector locations. Electric panels shall be clearly marked.
2. _____ Meter location shall be identified on the Site Plan with the proposed service entrance to the main panel located in the residence.
3. _____ Circuiting shall be clearly identified as per IBC 2018 Residential Code.

E. Building Materials—specifications noted on plans shall include but are not limited to:

1. _____ Roofing materials 40 yr. minimum; no 3-tab or strip shingles. Metal roofs shall be architectural grade with covered seam.
2. _____ Other material specifications such as exterior veneer, mechanical equipment, garbage disposal, smoke detectors, kitchen and bathroom vents.

F. RES-check and Erosion Prevention Plan are also required,

This Ends the Checklist

TOWN OF RANSOM CANYON APPLICATION FOR PLAN REVIEW AND BUILDING PERMIT

Date: _____

Name of Applicant: _____ Project: _____

Mailing Address _____

Phone Number _____ Cell Number _____

e-mail _____

Property Owner: _____

Property Legal Description: Block _____ Lot _____

Project Address: _____

Note: Submit 2 sets of plans and attach this application along with the completed Project Submittal Checklist in order to be placed on the Building Review Committee agenda. Application and plans must be received at City Hall no later than 4 p.m. on the first or third Monday of the month. Plans will first be reviewed for content by office staff and building inspectors before being forwarding on to the Building Review Committee. **Plans that do not have all items requested on the Project Submittal Review Checklist will NOT be considered.**

FOR OFFICE USE ONLY:

Date Rec'd _____ Date of Plan Review- _____ Date of BRC Review _____

Current Performance Bond _____ Variance Requested _____

Approved _____ Denied _____

04/05/2012



BUILDING REGULATIONS

TOWN OF RANSOM CANYON

24 LEE KITCHENS DRIVE

RANSOM CANYON, TX 79366

806-829-2470

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BUILDING REGULATIONS

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**ARTICLE 3.01
GENERAL PROVISIONS**

§ 3.01.001. Title.

The regulations contained in articles 3.01 through 3.10 of this chapter shall be collectively known as the building code of the town, hereinafter referred to as "this code."

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.002. Scope.

- (a) The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, as well as the construction, alteration, movement, enlargement, replacement, repair, maintenance, removal and demolition of building systems governed by the specific technical codes referenced in the following divisions of this chapter:

Article 3.05, division 2: The 2018 International Building Code, as amended;

Article 3.05, division 3: The 2018 International Plumbing Code, as amended;

Article 3.05, division 4: The 2018 International Mechanical Code, as amended;

Article 3.05, division 5: The 2017 National Electrical Code (NFPA 70), as amended;

Article 3.05, division 6: The 2018 International Residential Code, as amended;

Article 3.05, division 7: The 2018 International Fuel Gas Code, as amended;

Article 3.05, division 8: The 2018 International Energy Conservation Code, as amended;

- (b) The general administrative provisions of this article are applicable to all work governed by the provisions of article 3.05, divisions 2–8, and article 3.10. Supplemental administrative provisions applicable to the specific technical documents adopted in article 3.05, divisions 2–8, and article 3.10 of this chapter are included within the applicable article, as are the technical provisions pertaining to that class of work. Article 3.05, divisions 2–8, and article 3.10, as they existed on the date of adoption of this section, shall continue in full force and effect until such time as the specific technical codes referenced above are individually adopted.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.003. Intent.

The purpose of this code is to establish the minimum requirements to safeguard public health, safety, and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety of life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.004. Referenced codes.

The technical codes listed in section 3.01.002 above and adopted in article 3.05, divisions 2–8, and article 3.10 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where a conflict is determined to exist between said codes and the provisions of this article and articles 3.02 through 3.09, the provisions of the more restrictive code will generally govern, subject to the approval of the building official.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.005. General applicability.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.006. Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.007. Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.008. Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.009. Partial invalidity.

In the event that any part of provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.010. Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.011. Connection of service utilities prior to approval.

It shall be unlawful for any person or utility company to make any permanent or temporary connection from a utility, source of energy, fuel, or power to any new building or system that is regulated by this code until released by the building official.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.012. Temporary connection of utilities.

- (a) The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for construction and other approved circumstances. It shall be unlawful for any building to be occupied by the permanent residents or tenants while temporarily connected to utilities.
- (b) All construction services shall be in the name of the general contractor and shall be designated as temporary services. Permanent services shall be authorized by the city building official only after an approved final inspection. Temporary services are not authorized for use in an occupied building. Utility companies shall secure clearance from a city building official before changing from temporary service to permanent service and from the contractor's name to the owner's name. The general contractor shall request permanent service, and shall be liable for all water and sewer services until the request has been made after an approved final inspection.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.013. Substandard buildings.

All buildings or structures which are or hereafter become structurally unsafe, unsanitary, or deficient because of inadequate means of egress, inadequate light, and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment, or by reason of illegal or improper occupancy as specified in this code or any other ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures as required herein, or by any other procedures provided by law.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.014. 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:

Abate. To eliminate noncompliance or cure a violation as directed or permitted by the city, including by securement, removal, vacation, or demolition.

Alter or alteration. Any change or modification in construction or occupancy.

Applicable building codes. Any and all building codes that are applicable to the particular condition or component of a structure or building which is being addressed.

Building. Any structure used, or intended for, supporting or sheltering any use or occupancy and shall include:

- (1) Any structure classified as a "building" pursuant to section 202 of the International Building Code, adopted by section 3.05.031 of this code; and

(2) A dwelling.

Building codes. The technical building codes are adopted pursuant to article 3.05 of this code.

Building official. The person charged with the administration and enforcement of this article, and any duly authorized representative.

Condemn. To adjudge as unfit for occupancy.

Dilapidated. The state of a building or structure that has deteriorated or is in disrepair.

Dwelling. A building designed or intended for human habitation shall include those structures that are classified as a "dwelling" under section 202 of the International Building Code and all structures described in, and referred to, in section 310.1 of the International Building Code.

Occupant. Any person living or sleeping in a building or having possession of a space within a building.

Owner. The holder of the title to a property, as it may appear in the real property records of Lubbock County or the records of the Lubbock Central Appraisal District. It shall also mean any person who, alone or jointly or severally with others, shall have charge, care or control of the property, including, without limitation, as executor, administrator, trustee, guardian of the estate of the owner, mortgagee, lienholder, and any other person in control of the property, or any of their duly authorized agents.

Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

Property. Includes buildings, structures, and premises.

Repair. The permitted, lawful replacement of existing work with the same kind of material used in the existing work, or permitted substitute, but no additional work beyond that. The term "repair" or "repairs" shall not apply to any change of construction.

Required. Required by some provision of this article or other applicable law.

Residential building. A building designed, used, or intended to be used for human habitation, and includes dwellings or dwelling units.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, or any part of the aforementioned, and shall include any fence, shed, or awning.

Vacant. A property which is lacking the habitual presence of human beings or at which all business operations or residential occupancy has ceased.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.015. Architecture control committee renamed as building review committee.

Provisions concerning the architecture control committee renamed as building review committee are as provided in chapter 1, article 1.04, division 2, [section] 1.04.031 of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.016. Appeals board.

The city council shall serve as the appeals board for the building review committee.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.017. Temporary outdoor storage containers; outdoor storage at residences.

- (a) Definitions. The following definitions and word usage are hereby adopted for the purposes of this section:

Outdoor storage, temporary residential. Portable, weather-resistant containers designed and used for the temporary storage or shipment of household goods, wares, building materials, merchandise, or yard waste may be permitted.

- (b) Restrictions. "Open storage and use areas" [shall] be defined as follows:

- (1) Residential uses. In all residential districts, no open outside accessory storage or display of materials, commodities, or machinery shall be permitted, other than that which is incidental to the main use of the property as a residence. The following conditions shall apply to incidental storage and temporary residential outdoor storage:

(A) Incidental storage.

- (i) Permitted behind the front of the main structure and must be visually screened.
- (ii) Area devoted to storage is not more than 25 percent of the permitted area.
- (iii) Said area shall be kept neat and clean and free of all tall grass and weeds.
- (iv) Must be screened from all adjacent properties and streets.
- (v) No materials shall be stacked to a height greater than the visual screen.
- (vi) Materials shall not be stored in a manner that would attract or harbor vermin.

(B) Temporary enclosed storage.

- (i) Permit required. The homeowner must contact the building official or his designee to apply for a temporary permit that will be displayed on the container and identify when the container shall be removed. (See subsection (c)(1) for fee schedule.)
- (ii) Effective period of the permit. Temporary permit valid for 30 days. Limited to 2 times per year. Under extreme circumstances, the applicant may appeal to the building official, who may consider granting an extension.

- (iii) Portable on-demand (PODS®) containers can be no larger than 8' x 16' on the ground and 8' tall.
 - (iv) Cannot be located in easement, alleyway, street, or public right-of-way.
 - (v) Placement shall be on a paved surface. Location on an unpaved surface shall be approved by the building official.
 - (vi) Cannot be located any closer than 3 feet from the primary structure.
 - (vii) The container should be secured when unattended for safety reasons. The structure must be kept clean and free of trash and debris at all times.
- (c) Fees. The following fees shall apply:
- (1) Enclosed storage, temporary residential permit: \$25.00.
- (d) Penalty. It shall be unlawful for any person, firm, or corporation to build or construct any building or structure or to place any temporary storage unit on or about any residential home site which is not in compliance with the codes herein adopted. Any person, firm or corporation violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine of an amount not to exceed the maximum as mandated by the state. Said fine shall be cumulative of any other right or remedy available to the city to enjoin the continued violation hereof. Each transaction and violation of any of the provisions hereof shall be a separate offense.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.018. Occupancy of a tent, trailer, or other temporary or portable building.

- (a) Prohibited; exception. No tent, lean-to, house trailer, or other temporary portable building or shack of any character shall be constructed or placed on any lot, tract, or parcel of land within the city and used as a principal place of abode for a continuous period of more than three (3) days. Provided, however, that there is excepted from the terms of this section a tract of land to be used for municipal buildings, the tract is described as follows:

Beginning at a found 3" iron rod from which the SE corner of Section 8, Block I bear south 1722.40 feet and east 87.40 feet;

Thence south 89° 57'15" east a distance of 255 feet for the SE corner of this tract;

Thence north a distance of 218.60 feet more or less to the south line of a 5.286-acre tract described in Vol. 1771, page 279 of the deed record of the county;

Thence north 89° 57'15" W. a distance of approximately 255 feet to a found 1/2" iron rod;

Thence south 0°02'45" W. at a distance of 120 feet past a 1/2" iron rod set in the northeast corner of the telephone lease tract continued for a total distance of 218.60 feet to the point of beginning.

- (b) Enforcement. Violation of this section is hereby declared to be a nuisance and shall be abated by any procedure provided by law.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.019. Boat docks and retaining walls at the shoreline.

The following requirements are to be applied to any boat dock construction:

- (1) Retaining walls in existence prior to 12/14/04 are considered legal non-conforming. If the existing wall fails, the new wall shall be placed within a foot of the existing wall and backfilled appropriately.
- (2) New retaining walls shall be constructed at the existing shoreline and abut the retaining wall of adjacent properties if such retaining wall exists. Retaining walls shall be backfilled appropriately.
- (3) Docks shall extend no more than 30 feet from the shoreline and no dock shall have a covered structure. Docks located at Block 30 Lot 33 and all lots west of this point shall not extend more than 12 feet or no more than 25% of the channel width, whichever is less. The dock shall be constructed within the middle 50% of the lot. Docks may have electrical features. No plumbing other than fresh (potable) water shall be allowed at docks. A building permit shall be required for dock construction.
- (4) A survey shall be required for the construction of a new dock.

(Ordinance 041123 adopted 4/11/2023)

§ 3.01.020. Wind generators and windmills.

Only ornamental windmills under twelve (12) feet in height are permitted. Energy-producing wind generators are prohibited.

(Ordinance 041123 adopted 4/11/2023)

**ARTICLE 3.02
ADMINISTRATION AND ENFORCEMENT**

**Division 1
Generally**

§ 3.02.001. Liability.

The building official, member of the building review committee, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from

personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.002. Work done in violation of licensing laws.

It shall be unlawful for a general contractor, subcontractor, owner, or builder to perform or to allow or permit to be performed, any electrical, plumbing or mechanical work, on a project permitted by him or otherwise within his control, by any person not in possession of the required license, or in violation of the provisions of any licensing law of the state or the town, where such laws require licensing and are applicable to the work in question.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.003. Unlawful acts.

It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions herein, or any rules established by the building official for the administration of this code. It shall also be unlawful for any person, firm or corporation to fail to abide by a lawful order or directive given by the building official for purposes of securing the intent of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.004. Notice of violation.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, movement, removal, or demolition of any building or system regulated by this code, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.005. Prosecution of violation.

If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code

or of the order or direction made pursuant thereto. Additionally, the building official may file, or cause to be filed, a criminal complaint in municipal court for any violation of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.006. Penalties for violation.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building, structure or regulated system in violation of the approved construction documents or a directive of the building official, or of a permit or certificate issued under the provisions of this code, shall, upon conviction, be subject to a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00), and each day that such violation is allowed to exist shall constitute a separate offense.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.007. Stop-work orders—Issuance.

Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop-work order.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.008. Same—Form and contents.

The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop-work order, the cited work shall immediately cease. The stop-work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.009. Same—Unlawful continuance of work.

Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.010. through § 3.02.050. (Reserved)

Division 2

Department of Building Inspection and Building Official**§ 3.02.051. Creation of enforcement agency.**

The department of building inspection is hereby created and the official in charge thereof shall be known as the building official.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.052. Building official.

The director of public works for the town shall be the building official for the town.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.053. General duties and powers of building official.

The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The building official shall have authority as necessary in the interest of public health, safety, and general welfare to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering practices involving public safety.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.054. Applications and permits.

The building official shall receive applications, review construction documents, and issue permits for the erection, alteration, demolition, and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.055. Notices and orders.

The building official shall issue all necessary notices or orders to ensure compliance with this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.056. Inspections.

- (a) Inspections shall be required as listed on the city-issued building permit. Calls for inspections shall be to City Hall, 806-829-2470.
- (b) The city inspector shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.057. Identification.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.058. Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.059. Department records.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspection and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.060. Authority to disconnect service utilities.

The building official shall have the authority to authorize immediate disconnection of temporary utility service to a building, structure, or system regulated by this code. The building official shall have the authority to authorize disconnection of permanent utility service in case of an emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. The placement of a door hanger shall be considered sufficient notification to the owner and occupant. 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. It shall be unlawful for any person or utility company to refuse an order of the building official to disconnect a utility, source of energy, fuel or power to any building or system in accordance with this section.

(Ordinance 041123 adopted 4/11/2023)

§ 3.02.061. Modifications.

- (a) Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen the health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building inspection.
- (b) Wherever this chapter, or any other provision of this code, contains construction prohibitions or building requirements or limitations that are predicated upon a minimum or maximum distance from a property line, or that prohibit encroachment of building construction upon a property line, the building official may, at his discretion, and with the approval of other affected departments and/or agencies, as applicable, grant relief from such requirements, limitations or prohibitions, provided that all of the following are met:
 - (1) The land parcels or lots sharing the property line are under common ownership;
 - (2) A covenant agreement approved by the city attorney is executed by the owner of the property wherein the property owner agrees to hold both parcels as one so that they may not thereafter be separately conveyed without release of the covenant by the building official;
 - (3) The covenant agreement shall be filed in the deed records of the county, and shall run with the land until a release is subsequently filed by the building official;
 - (4) The building official shall not release the covenant without having first verified that the buildings on each parcel have been made to wholly conform to the requirements of the building code, or other city ordinance, from which relief had been originally granted, and that any similar condition created subsequent to the

filing of said covenant has also been removed such that there exists no current violation;

- (5) The covenant agreement procedure shall not be used to contravene or circumvent subdivision regulations that are otherwise valid and applicable, as determined by the deputy city secretary.

(Ordinance 041123 adopted 4/11/2023)

ARTICLE 3.03 CONTRACTOR REGISTRATION

§ 3.03.001. Registration of contractors required.

- (a) No permit for work required by this code shall be issued to any contractor or other person unless such contractor or person is registered with the building official of the city in accordance with the following provisions:
- (b) Exceptions:
 - (1) No registration shall be required for a homeowner seeking a permit to perform authorized work on his/her existing primary personal residence (homestead), provided that the homeowner and/or an immediate family member personally perform the work and no such person holds himself out as providing contracting services for the public. Any such homeowner seeking to construct his own home, including the installation and setup of any moved building or manufactured home, shall be required to be registered as a contractor.
 - (2) No registration shall be required for a building owner seeking a permit to perform authorized work on rental residential property owned by him, provided that he personally performs the work and does not hold himself out as performing contracting services for the public.
 - (3) The building official may require any proof deemed necessary to verify ownership and occupancy for the purposes of (1) and (2) above, and may require the applicant's execution of an affidavit attesting to any fact that cannot otherwise be verified, including a sworn statement that the project will not be subcontracted to other parties.
 - (4) The above exceptions shall not be construed as authorizing work for which a license is otherwise required by applicable state law.

(Ordinance 041123 adopted 4/11/2023)

§ 3.03.002. Requirements for registration.

Application for registration as a contractor shall be made upon forms provided by the building official. All data requested shall be provided. In addition to a completed application

form, proof of insurance and/or bonding, as specified below, shall be provided at the time of application.

(Ordinance 041123 adopted 4/11/2023)

§ 3.03.003. Bond requirements.

(a) Bond for general contractors.

- (1) Any person, firm, or corporation desiring to engage in the business of general contracting in the city shall file with the city administrator or deputy city secretary, the same to be immediately effective and the principal deemed to have complied with the bond provisions of this code, a surety bond in the sum of twenty thousand dollars (\$20,000.00) conditioned on a faithful performance of all the provisions of the city ordinances, as well as the repair of any damage to property, such surety to be a company authorized to transact business in the state. Such bonds shall be in effect for one year from the date of approval and must be renewed annually.
- (2) All sureties on any bond required by the city shall be liable for breach thereof to the owner of any property, the city, and any other person actually damaged by such breach not to exceed the face amount of said bond, provided written notice of such damage and the probable amount thereof is given to the surety within thirty (30) days after the discovery of the damage, and in no event later than ninety (90) days after final inspection or abandonment of the work by such contractor, and provided that no permit shall be granted and no work started on the contract until such bond has been filed and approved, such approval has been written on the face of the bond, the same shall be immediately effective and the principal deemed to have complied with the bond provisions of the code, and provided further that liability on said bond for the full amount thereof shall continue until the surety has given the city written notice of cancellation or of amount to claims it has been notified of, in which event the contractor shall not pursue work further until bond for the full amount is filed and approved and must provide the building official with a certificate of insurance as may be otherwise required. Said bond to be substantially as follows:

GENERAL CONTRACTOR'S PERFORMANCE BOND

State of Texas

County of Lubbock

_____, General Contractor

Address _____ Phone No. _____

TO

TOWN OF RANSOM CANYON

KNOW ALL MEN BY THESE PRESENTS, that _____, hereinafter called the Principal(s), as Principal(s), and _____, hereinafter called the Surety(s), as Surety(s), are held and firmly bound unto the Town of Ransom Canyon and to any person with whom Principal has contracted to perform building construction, alteration, repair or other work, and to any person who may be damaged or injured by faulty workmanship or defective materials furnished by the Principal, hereinafter called the Obliges, in the amount of Twenty Thousand and no/100 dollars (\$20,000.00) for the payment whereof the said Principal and Surety bind themselves and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

NOW THEREFORE, The Condition of This Obligation is such, that if the said Principal shall faithfully perform all work contracted for in accordance with the plans, specifications and contract documents; and also in accordance with the requirements of all ordinances and regulations established and to be established by the Town of Ransom Canyon; and further, shall remedy all damages to public or private property occasioned by principal as well as defects due to faulty workmanship or defective materials without cost to such person, firm or corporation for whom the work was contracted to be performed, then this obligation shall be void; otherwise to remain in full force and effect.

Written notice of any breach and the probable amount to correct it shall be given to the Surety within thirty (30) days after the discovery of the breach and in no event later than ninety (90) days after final inspection or abandonment of the work by said Contractor.

Liability for future acts, omissions, or breach of contract may be terminated by the Surety herein by giving thirty (30) days' notice in writing to the building official for the Town of Ransom Canyon, and the liability of Surety shall cease at the expiration of said thirty (30) days, provided however said Surety shall be liable for all acts, omissions or breach of contract by said Principal covered by this bond up to and including the day of expiration of said thirty (30) days' notice.

This bond expires at midnight of _____, 20 _____.

In Witness Whereof, the said Principal(s) and Surety(s) have signed and sealed this instrument this _____ day of _____, 20 _____.

 Surety
 By: _____
 Title

 Principal
 By: _____
 Title

 Surety
 By: _____
 Title

By: _____
 Title
 By: _____
 Title

The undersigned surety company represents that it is duly qualified to do business in Texas, and hereby designates _____ as agent resident in Lubbock County to whom any requisite notices may be delivered and on whom service of process may be had in matters arising out of such suretyship.

_____	_____
Surety	Surety
By: _____	By: _____
Title	Title

If the above bond is signed by an officer of the surety company, there must be furnished for our file a certified extract from the bylaws of said company showing that this person has authority to sign such obligation. If signed by an Attorney-in-Fact, there must be a certified copy of the Power of Attorney for our files.

Approved this _____ day of _____, 20 _____.

_____	Agency _____
Approved	Address _____

_____	Phone No. _____
Building Inspector	

(b) Bond for other contractors.

- (1) All other contractors engaged in the contracting business, when a permit is required to accomplish any construction work, shall furnish a similar bond in the sum of twenty thousand dollars (\$20,000.00), said bond to be subject to the same conditions and liabilities as provided for the general contractor's bond hereinabove with appropriate adjustments for job description. Plumbers, electricians, sign erectors, and house movers shall have said bond in effect at all times when engaging in their trade. Carpenters, plasterers, masons, concrete contractors, and painters when subcontracting for a bonded general contractor need not be bonded to the city, but when acting independently, and when a permit is required for the construction being accomplished, must provide a bond as hereinabove.
- (2) Contractors engaged in paving of parking lots, separate from other construction work, shall be bonded to the city in the same amount as a general contractor and must provide a certificate of insurance as otherwise required.
- (3) Any person, firm or corporation using explosives shall give a bond to be approved by the city attorney or an authorized assistant as to form and condition and, when such approval has been written on the face of the bond, the same shall be immediately effective and the principal deemed to have complied with the bond provisions of this code, conditioned upon payment of all damages caused by said excavation or use of explosives in the amount of twenty thousand dollars (\$20,000.00). In cases where work is extremely hazardous, the amount of the bond shall be increased not to exceed fifty thousand dollars (\$50,000.00) at the discretion of the building official. All such bonds shall be in effect for one year from the date of approval and must be renewed annually.

(Ordinance 041123 adopted 4/11/2023)

§ 3.03.004. Insurance requirements.

Any person, firm or corporation seeking to obtain permits required by this code shall have in force a comprehensive general liability insurance policy in a minimum amount of one hundred thousand dollars (\$100,000.00) per occurrence, and including coverage for bodily injury and property damage with products liability and completed operations coverage. Prior to approval of any permits, the applicant shall furnish the building official with a certificate of insurance evidencing the required insurance coverage. The certificate shall include the company name and DBA, if applicable, and shall clearly indicate the nature of the work for which permits are sought. The insurance coverage shall include a provision that in the event such coverage is cancelled or reduced, the insurance carrier shall notify the building official in writing at least ten (10) days prior to such cancellation or reduction in coverage. Any active permit shall be automatically suspended during any period in which the applicant fails to maintain in effect the required insurance coverage.

(Ordinance 041123 adopted 4/11/2023)

§ 3.03.005. Denial, suspension and revocation.

The building official may deny, suspend, or revoke a contractor registration under the following conditions:

- (1) Failure to accurately complete the application form;
- (2) Failure to obtain and keep in effect required insurance or bonds;
- (3) Failure to pay required fees;
- (4) Receipt of a notice of insufficient funds for checks made payable to the town for registration or permit fees;
- (5) Providing false information on any application;
- (6) Failure to maintain and keep in effect any license, registration, or certification required by the state in order to legally pursue the applicable construction trade, or violation of applicable state licensing laws;
- (7) Refusal to correct violations of this code after notice;
- (8) Continuous or repeated violations of this city code or applicable state or federal laws;
- (9) Gross technical incompetence, as evidenced by work quality not meeting applicable codes or accepted industry standards, that could reasonably be determined to constitute a hazard to the health, safety or welfare of any person;
- (10) Illegal behavior towards a government employee during the discharge of his or her official duties;
- (11) For purposes of (9) above, an acceptable guideline for determining "accepted industry standards" shall include the specifications recommended by the Construction Specifications Institute (CSI), and/or the performance standards promulgated by the Texas Residential Construction Commission;

(12) With regard to (6)–(10) above, the registered contractor shall be responsible for the actions of all subcontractors or tradesmen performing work under the scope of the contractor's permit.

(Ordinance 041123 adopted 4/11/2023)

§ 3.03.006. Appeal of denial, suspension, or revocation.

A situation where a registration has been denied, suspended, or revoked under section 3.03.005(7)–(9) above may be appealed to the city council.

(Ordinance 041123 adopted 4/11/2023)

§ 3.03.007. Expiration.

- (a) Registrations shall expire on December 31st of each year and must be renewed annually in order to obtain permits or to continue work pursuant to active permits.
- (b) Failure to keep proper bonds or insurance in force will result in automatic termination of registration and will invalidate any active permits. In order to reinstate the registration and any active permits, all fees, including registration and permit fees, must again be paid as for an initial application.

(Ordinance 041123 adopted 4/11/2023)

§ 3.03.008. Responsibility for compliance with chapter.

The building owner and any contractor performing work governed by the technical codes are jointly responsible for compliance with the provisions of this chapter. Where a contractor is employed by the owner to perform said work, the contractor must be registered in accordance with section 3.03.001 of this article and must obtain all required permits. Where a contractor is otherwise required to be licensed by the state to practice in his/her respective area, and the statutes governing that licensee prohibit the city from requiring that the licensee obtain a registration, permit, or other approval from the city in connection with their practice, then the property owner is responsible for ensuring compliance of the work with the provisions of this chapter, including any requirement to submit construction documents and obtain permits or inspection approvals. The term "property owner" includes authorized representatives of the owner, such as full-time maintenance personnel, property management agents, and employees working in a supervisory capacity with responsibility for the premises.

(Ordinance 041123 adopted 4/11/2023)

ARTICLE 3.04
PERMITS AND INSPECTIONS

Division 1
Generally

§ 3.04.001. Permit required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.002. Fee schedule; plan review.¹

(a) Permit fees.

(1) One permit shall be assessed to each general contractor on each new single-family home to be constructed within the corporate limits of the city, which fee shall be in the amount of \$0.30 per square foot under roof for each level. This permit fee is composed of the following:

(A) General building permit fee: \$0.12 per square foot.

(B) Plumbing permit fee: \$0.06 per square foot.

(C) Electrical permit fee: \$0.06 per square foot.

(D) Mechanical permit fee: \$0.06 per square foot.

(2) One permit shall be assessed for concrete work that involves cut and fill. This fee is \$75.00.

(b) Reinspection fee. As required, a fee will be charged for reinspection; the cost of same shall not exceed the charge to the city.

(c) Roofing permits. Fees for roofing permits shall be \$200.00 for each roof permit. A final inspection of the roof shall be performed by the city.

(d) Plan review fee. The building permit fee shall cover up to three plan reviews. If more than three reviews are required, a fee of \$100.00 per review, after the third review, may be charged to the builder.

(e) Expiration of plan review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that

1. Editor's note—See also section 3.05.163, supplemental administrative amendments.

circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- (f) Expiration of building permit. Every permit issued shall expire by limitation and become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. In determining the date of cessation of building activity, the building official may use the last inspection date associated with the permit, or any sub permits applicable to the project. The building official may consider proof of activity involving correspondence, invoices, checks, and other dated documents submitted by the contractor that are clearly associated with construction at the subject premises. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing prior to expiration, and justifiable cause demonstrated. A permit that has been allowed to expire may be extended for a 180-day period upon reapplication and payment of one-half of the original permit fees. Incomplete building projects where the permit has expired with no request for extension thereof shall be deemed abandoned and shall constitute a public nuisance actionable under the provisions of section 8.01.001 of this code.
- (g) Investigation when work commenced without permit.
- (1) Investigation required. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation may be made before a permit may be issued for such work.
- (2) Investigation fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to an inspection fee as required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- (h) Water meter fee. A fee of \$800.00 shall be assessed for up to a one-inch water meter. This fee includes the cost of the meter, the water tap, and labor. Larger meters shall be assessed based on the cost of the actual meter plus labor for the water tap of \$150.00.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.003. Issuance of permit; a collection of fees from subcontractors.

Upon payment of the fees set out in section 3.04.002 of this article, all permits set out in section 3.04.002 shall be issued to the general contractor, who may collect such permit fees from the respective subcontractors.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.004. Minimum permit fee/other permit fees.

Fees for building permits that are not addressed in this chapter shall be based on the number of inspections required but shall not be less than \$75.00.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.005. Payment required.

It shall be unlawful for any person, firm or corporation to build or construct any building or structure without first having paid the permit fees herein established and adopted.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.006. Penalty.

Any person, firm or corporation violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the current state maximum for a class C misdemeanor. Said fine shall be cumulative of any other right or remedy available to the city to enjoin the continued violation hereof. Each transaction and violation of any of the provisions hereof shall be a separate offense.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.007. Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Change orders and other amendments to the construction documents require review and approval in the same manner as that of the original permit documents prior to incorporating the changes in the field, unless otherwise approved by the building official.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.008. through § 3.04.050. (Reserved)

Division 2
Inspections

§ 3.04.051. Scope.

The building official, upon notification from the permittee, shall make the inspections set forth in section 3.02.056.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.052. Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms

shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.053. Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.054. Finished floor elevation.

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the building official. Where necessary to determine that the finished floor elevation is in compliance with other provisions of this code, the building official is authorized to require that an elevation certificate be prepared by a registered professional land surveyor or a licensed professional engineer prior to authorizing further vertical construction.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.055. Framing.

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes, and ducts are approved.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.056. Other inspections.

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the city inspector and/or the building official.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.057. Special inspections.

For special inspections, see section 1704 of the International Building Code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.04.058. Final inspection.

The final inspection shall be made after all work required by the building permit is completed.

(Ordinance 041123 adopted 4/11/2023)

**ARTICLE 3.05
TECHNICAL AND CONSTRUCTION CODES**

**Division 1
Generally**

§ 3.05.001. Board of appeals.

The city council shall function as the board of appeals.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.002. through § 3.05.030. (Reserved)

**Division 2
Building Code**

**Part I
Generally**

§ 3.05.031. Adopted.

- (a) The currently adopted edition of the International Building Code published by the International Code Council, Inc., as hereinafter amended, including all appendices and reference standards not specifically excluded below, is hereby adopted as the building code of the city.
- (b) References to the International Building Code in this article shall mean the currently adopted edition. One copy of the currently adopted International Building Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual business hours of the offices where they are maintained.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.032. Intent and purpose.

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and

property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.033. Administrative provisions.

Provisions governing the administration of the currently adopted International Building Code shall be as set forth herein.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.034. General administrative provisions.

Provisions governing the administration of the currently adopted International Building Code shall be as set forth herein.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.035. Supplemental administrative provisions.

The following administrative provisions are in addition to the general administrative provisions of this chapter, and are specific to projects within the scope of this article (the currently adopted International Building Code).

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.036. through § 3.05.060. (Reserved)

Part II

Construction Documents; Specific Submittal Requirements

§ 3.05.061. Construction documents; specific submittal requirements.

Submittal requirements are as specified.

- (1) Two sets of plan drawings that clearly define the project. Drawings shall be accurate, 1/4-inch scaled delineations, supplemented with necessary notations and dimensions.
- (2) Site drawings.
 - (A) Current lot perimeter survey with surveyor's seal.
 - (B) Site plan showing building location on the site with dimensions and setbacks clearly indicated. A site plan shall include the position of the required yard light.
 - (C) Topographic survey performed by licensed state surveyor showing existing grade and proposed grades with 1-foot elevation changes and site drainage, and finished floor elevation. Drainage contours or swale shall be shown.
 - (D) Retaining wall details, and engineered retaining wall plans if over 4 feet in height.

- (3) Architectural drawings.
- (A) Floor plan of each floor level.
 - (B) Exterior building elevations that clearly show the design features of each exterior wall and roof surface.
 - (C) Roof slopes and heights.
 - (D) A minimum of four elevations are required.
 - (E) Typical wall sections showing the wall construction components and construction materials are clearly noted. Stud size and spacing shall be noted.
- (4) Structural drawings.
- (A) A geotechnical soil investigation shall be performed by a licensed geotechnical firm. A minimum of two (2) borings shall be taken. The soil test shall specify the soil type, bearing capacity, plasticity, and sieve index.
 - (B) Foundation details that indicate the sizes, depths, and steel reinforcing of concrete footings and grade beams.
 - (C) Roof framing plan and materials detail.
- (5) Electrical drawings.
- (A) Lighting, power, communication, and smoke detector locations shall be clearly marked.
 - (B) Electric box shall be clearly marked.
- (6) RES-check and stormwater pollution plan. RES-check and stormwater pollution plan are required.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.062. Means of egress.

The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.063. Site plan.

The construction documents submitted with the application for a permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, clearly showing the required setbacks of thirty-five (35) feet from the curb in the front, no less than five (5) feet from the side and the sum of the side setbacks being no less than fifteen (15) feet, a rear setback of no less than five (5) feet, with the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in

accordance with an accurate boundary line survey. The building official is authorized to waive or modify the requirement for a site plan when the application for a permit is for alteration or repair or when otherwise warranted.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.064. Survey and survey certificate.

At the time of application for a building permit for first-time construction of a building upon a lot previously undeveloped with buildings, and at other times as determined necessary by the building official, the applicant shall furnish a current certificate, prepared by a licensed surveyor, attesting to having performed a recent survey of the subject lot, and having placed boundary line corner stakes thereon. The property owner or building contractor shall be responsible for boundary line corner stakes being in place at the time of the first inspection by the building official. Said certificate shall also state whether or not the subject lot lies within a special flood hazard area as determined by the latest FEMA flood insurance rate map (FIRM) for the town, in which case the applicant must also follow procedures under this code (development permit application). In all cases where it may appear to the building official that the proposed improvements will encroach upon any easement or public way, or come within established building lines, or affect setback requirements under any ordinance, the building official is required to refer the application for permit to the city engineer and/or the city planner, as applicable, and secure their approvals before issuing a building permit.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.065. Soils adopted from the 2018 International Residential Code.

- (a) A geotechnical soils investigation is required to be performed for new residential structures and shall be performed by a licensed geotechnical firm as per section R401.4 soil tests of the 2018 International Residential Code as an amendment adopted by the city and shall become part of the foundation plan specifying the soil type, bearing capacity, plasticity, and sieve index of the soils encountered. A minimum of two (2) borings shall be made. This information shall be provided as part of the official construction documents and shall provide the basis for the design of footings and reinforcing required and as shown on the drawings.
- (b) A current topographic survey performed by a licensed state surveyor shall be required for each set of building plans submitted for a building permit.
- (c) Building plans shall include a grading plan indicating site drainage based on the current topographic survey showing the layout of the building with the finish floor elevation for each level of the structure in relationship to the curb heights, existing contour lines, and proposed contour lines of the property.
- (d) Drainage contours showing how water shall drain away from the property without affecting adjacent property owners and away from any proposed structures shall be shown, including any necessary retaining walls or drainage structures.
- (e) Setback lines shall be shown on all sides of any proposed structure.

- (f) Any steps or changes in elevation within the structure or from structure-to-structure if multiple structures are proposed, shall be required to be shown with proposed elevations.
- (g) All building pads shall be compacted to no less than that recommended by the geotechnical firm or structural engineer. The density shall be at optimum moisture (standard proctor) and verified by a testing agency licensed to provide material tests in the state. The test results shall be presented to the city prior to requesting a foundation inspection.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.066. Concrete foundation.

(a) Table R403.1 2018 International Residential Code Addition.

- (1) The table located in section R403.1 of the 2018 International Residential Code shows the minimum width and thickness for concrete footings and is based on the load-bearing value of the soil. The width and thickness for all concrete footings shall be based on the soil type and bearing capacity of the soils, as indicated in the geotechnical report. The minimum reinforcing shall be two No. 5 rebar installed at a maximum of eight inches (8") on center, each way. No. 3 hook bars (standard hook each end per section R403.1.3.3) shall be placed at 48" on center and tied to a single No. 5 rebar in the footing as well as the turned down slab as per R403.1.3.3.
- (2) Grade beams shall be required to be no less than twelve inches (12") into undisturbed soil on any site that will have three feet (3') or less maximum fill at any point.
- (3) On sites where there is more than three feet (3') of fill within any portion of any of the proposed structures, or with structures that have a stepped foundation, an engineered foundation plan from a state licensed engineer shall be provided.
- (4) All exterior grade beams shall be completed in one continuous pour, unless an engineer indicates partial pours. During a partial pour, the breaks shall be detailed on the plans showing how each break will be formed and any additional reinforcing or dowels required. The breaks shall be shown on the plans at the time of approval.
- (5) On sites where stepped foundations are proposed, each step shall be clearly detailed with section drawings showing all reinforcing and doweling required. Each foundation step shall follow the requirements of section R403.1.3.5 reinforcement.

- (b) R403.1.3.4 2018 International Residential Code Addition. Interior bearing walls shall have a minimum of twelve inches (12") deep footings (from top of slab) with two No. 5 rebar placed as per design.

(c) Section R506 2018 International Residential Code Concrete Floors (on Ground).

R506.1 General Code Addition. All slabs on grade shall be reinforced with a minimum of No. 3 bars on eighteen-inch (18") centers each way, or six-inch (6") by six-inch (6") by ten (10) gauge wire mesh. If using rebar, they must be placed on chairs. Fiber mesh concrete is not an acceptable substitute for the reinforcing above.

(d) R403.1.4.2018 International Residential Code Minimum Depth. Exterior footings shall be placed not less than twelve inches (12") below the undisturbed ground surface. Where applicable, the depth of footings shall also conform to sections R403.1.4.1 through R403.1.4.2.(e) R403.1.5 2018 International Residential Code Slope. The top surface shall be level. The bottom surface of footings shall not have a slope exceeding one (1) unit vertical in ten (10) units horizontal (10 percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed one (1) unit vertical in ten (10) units horizontal (10 percent slope).(f) R403.1.6 2018 International Residential Code Foundation Anchorage. Foundation Anchors - anchor bolts for exterior walls shall not be less than 1/2" in diameter, and not less than seven inches (7") into the concrete. They must be not more than every six foot [feet] (6") on center. The sole plate shall be required to have at least two (2) anchor bolts for each plate.(g) R403.1.7 2018 International Residential Code Footings on or Adjacent to Slopes. The placement of buildings and structures on or adjacent to slopes steeper than one (1) unit vertical in three (3) units horizontal (33.3 percent slope) shall conform to Sections R403.1.7.1 through R403.1.7.4.(h) R403.1.7.3 2018 International Residential Code Foundation Elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at the point of discharge of the inlet of an approved drainage device not less than twelve inches (12") plus two (2) percent. Deviations are allowed by the building official as long as proper drainage is achieved.(i) R403.1.8 2018 International Residential Code Foundations in Expansive Soils. Foundation and floor slabs for buildings located on expansive soils shall be designed in accordance with section 1808.6 of the International Building Code.(j) Section R404 2018 International Residential Code Foundation and Retaining Walls.

R404.1 2018 International Residential Code Concrete and Masonry Foundation Walls. Concrete foundation walls shall be selected and constructed in accordance with the provisions of section R404.1.3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of section R404.1.2.

R404.1.3.3.4 2018 International Residential Code Proportioning and Slump of Concrete. The slump of the concrete shall not exceed six inches (6") when placed in removable forms for concrete walls and shall be vibrated per ACI.

R404.1.3.3.7.8 2018 International Residential Code Construction Joint Reinforcement. Construction joints in reinforced concrete walls shall be located in the middle third of

the span between lateral supports, or located and constructed as required for joints in plain concrete walls.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.067. through § 3.05.090. (Reserved)

**Part III
Specific Amendments**

§ 3.05.091. Adopted.

Specific amendments to the International Building Code adopted in section 3.09.00 are as follows: [sic]

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.092. through § 3.05.120. (Reserved)

**Division 3
Plumbing Code**

**Part I
Generally**

§ 3.05.121. Adopted.

The currently adopted edition of the International Plumbing Code, as published by the International Code Council, Inc., is hereby adopted as the plumbing code of the town. References to the plumbing code in this chapter shall mean the currently adopted edition of the International Plumbing Code. One copy of the currently adopted International Plumbing Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.122. Plumbing contractor registration.

- (a) Plumbing contractors shall register with the city each year, but are not required to pay a fee under state law.
- (b) Plumbing contractors shall provide a copy of their current state license.
- (c) Plumbing contractors shall have on file current liability insurance policy on file with the city and the State Board of Plumbing Examiners. (1) provides for commercial general liability insurance for the above-named responsible master plumber for claims for property damage or bodily injury, regardless of whether the claim arises from a negligence claim or on a contract claim; and (2) is in a coverage amount of not less than \$300,000.00 for all claims arising in any one-year period [sic].

(d) Plumbing contractors shall have fingerprints on file with the State Board of Plumbing Examiners.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.123. Supplemental administrative amendments.

(a) Fee schedule. Section 106.6.2 is hereby amended by inserting the following fee schedule:

PLUMBING FEES*	
New construction:	\$0.06 per sq. ft. of gross floor area under the roof, \$75.00 minimum. (Where more than one inspection is required, an additional fee of \$75.00 shall be assessed for each additional inspection)
Additions to floor area	As for new construction
Alterations & remodeling (no change in building area):	\$75.00 minimum (Where more than one inspection is required, an additional fee of \$75.00 shall be assessed for each additional inspection)
Total re-plumb:	As for new construction.
Miscellaneous permits for new installations, replacement and repair of: Water heaters, water lines, sewer lines, gas lines, water softeners, irrigation systems, fixed appliances, fixtures, etc. requiring inspection approval:	\$75.00 (Where more than one inspection is required, an additional fee of \$75.00 shall be assessed for each additional inspection) Service line tap fees, or adjustments in grade, where needed, may involve extra fees. Contact the appropriate utility department.
Permit fees, work commencing prior to permit approval:	As for building permit fees (see article 3.04), except that permit fee calculations shall be based on this section.
Renewal of expired or involuntarily terminated permits:	
Permit transfer fee:	
Re-inspection fees:	

*The fees in this schedule are all-inclusive for the collective plumbing work (water, DWV, & fuel gas) performed in a building; they are not intended to be charged in addition to the fees specified in this chapter.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.124. through § 3.05.140. Technical amendments (Reserved)

Part II
Protection of Water Supply

§ 3.05.141. Definitions.

For the purposes of this code of the town, and section 312.9 and section 608 of the 2018 International Plumbing Code, sections P2503.7 and P2902 of the currently adopted International Residential Code, and the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, the following definitions shall apply. In the event of a conflict between the definitions set forth below and the definitions provided in the currently adopted International Plumbing, currently adopted International Residential Codes, the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, for the purposes of this code of the city, the definitions set forth below shall control.

Air gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 inch. An air gap may also be a horizontal space between two pipes at no less than 6.0 inches.

Approved. Accepted by the authority responsible as meeting an applicable specification stated or cited in this part as suitable for the proposed use.

Auxiliary water supply. Any water supply on or available to the premises other than the purveyor's approved public water supply that presents a potential contamination hazard of the public water system. These auxiliary waters may include water from another purveyor's public water supply or any natural source(s) such as a well, spring, river or stream or used waters, or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow. The undesirable reversal of flow in a public water distribution system as a result of a cross connection.

Backflow prevention assembly. An approved assembly to counteract backpressure or prevent backsiphonage.

Backflow prevention assembly test and maintenance report. The report required for each backflow prevention assembly upon initial installation and periodically thereafter as required, giving evidence that the backflow prevention assembly has been properly selected based on the degree of hazard, and has been properly installed and tested in accordance with applicable standards, and showing the results of this test. The completed form will be forwarded to the water purveyor for documentation and annual record keeping.

Backflow prevention assembly tester, backflow tester, or general tester. A backflow assembly device tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service (excepting firelines). This person must be licensed by TCEQ and registered with the city.

Backpressure. Pressure created by any means in the water distribution system, which by being in excess of the pressure in the water supply mains causes a potential backflow condition.

Backsiphonage. The backflow of potentially contaminated water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

Building official. The officer charged with the enforcement of the building, plumbing, mechanical, electrical, fuel gas, and energy conservation codes of the city, or his duly authorized representative. For purposes of sections 3.05.141, 3.05.143 through 3.05.144, all state-licensed plumbing inspectors under the supervision of the building official are his duly authorized representatives.

Bypass arrangements. Any jumper connections, removable section, unions, swivels or change-over devices and other temporary or permanent devices through which or because of which backflow can occur.

Contamination. An impairment of the quality of the potable water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste.

Cross connection. A physical connection or bypass arrangement between a public water system and either another supply of unknown or questionable quality, or another source that may contain contaminating or polluting substances, any source of water treated to a lesser degree in the treatment process, or any steam, gas or chemical system.

Cross-connection control by containment. The installation of an approved backflow prevention assembly at the water service connection to any customer's premises, where it is physically or economically unfeasible to find and permanently eliminate or control all cross connections or potential contamination hazards, within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are cross connections or potential contamination hazards, that cannot be effectively eliminated or controlled at the point of the cross connection.

Cross-connection control device. Any nationally approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent nonpotable, used, unclean, polluted and contaminated water, or other substance, from entering into any part of such potable water system under any condition or set of conditions.

Cross connections - controlled. A connection between a public water system and a nonpublic water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Customer/property owner. The owner, as determined by the real property records of Lubbock County, Texas, or the agent of the owner in responsible charge of the subject premises. For purposes of sections 3.05.141, 3.05.143 through 3.05.144, a licensed plumber and/or irrigator shall be deemed to be an agent of the owner when performing work under the scope of sections 3.05.141, 3.05.143 through 3.05.144 pursuant to a plumbing and/or irrigation permit.

Customer service inspection. An inspection designed to detect any actual or potential point of contamination of the potable water system and/or cross-connection hazards.

Degree of hazard. The non-health hazard or health hazard classification that shall be attached to all actual or potential cross connections.

- (1) Health hazard. The classification assigned to a cross connection or potential contamination hazard or other situation involving any substance that can cause illness, death, spread of disease or has a high probability of causing such effects if introduced into the potable drinking water supply.
- (2) Non-health hazard. A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into a public water supply.

Double check valve backflow assembly (DCVA), double check assembly, and double check (DC). An assembly consisting of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard.

Fireline tester. A tester who is qualified to test backflow prevention assemblies on firelines. This person must be licensed by TCEQ and registered with the city.

Licensed professional. Any individual, or their representative, that must maintain a license obtained through a professional licensing board in order to conduct their business under state law.

Non-potable water. Water not safe for drinking, personal or culinary utilization.

Point of use isolation. The appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.

Pollution. An impairment of the quality of the potable water to a degree that does not create a hazard to the public health but that does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

Potable water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the bacteriological and chemical quality requirements of the public health service drinking water standards or the regulations of any public health authority having jurisdiction over such matters.

Potential contamination hazard. A condition which, by its location, piping or configuration, has a reasonable probability of being used incorrectly, through carelessness, ignorance, or negligence, to create or cause to be created a backflow condition by which contamination can be introduced into the public water supply. Examples of potential contamination hazards are:

- (1) Bypass arrangements;
- (2) Jumper connections;
- (3) Removable sections or spools; and
- (4) Swivel or changeover assemblies.

Public health service drinking water standards. The standards set forth in 30 TAC 290 subchapter F, as may be amended from time-to-time.

Reduced pressure principle backflow prevention assembly (RPBA), reduced pressure principle assembly, RPZ or RP assembly. A backflow prevention device consisting of two independently acting check valves, internally force-loaded to a normally closed position and separated by an intermediate chamber (or zone) in which there is an automatic relief means of venting to the atmosphere, internally loaded to a normally open position between two tightly closing shutoff valves and with a means for testing for tightness of the checks and opening of the relief means.

Repair of an irrigation system. The reconstruction or renewal of any part of an existing irrigation system, including without limitation, installation of a backflow prevention device, adding additional irrigation zones, reparation of a main irrigation line and valve replacement. For the purpose hereof, the replacement of a control box or sprinkler head(s) shall not be deemed to be a repair.

Service connection. The point of delivery where the water purveyor loses control over the water.

Used water. Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery or service connection and is no longer under the sanitary control of the water purveyor.

Water purveyor. The director in charge of the water department of the city, who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of sections 3.05.141, 3.05.143 through 3.05.144.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.142. Intent; conflicts.

Section 3.05.142, section 3.05.143, and section 3.05.144 of the code of the city are intended to supplement the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, section 312.9, "inspection and testing of backflow prevention assemblies," and section 608, "protection of potable water supply" of the 2018 International Plumbing Code, as well as sections P2503.7 and P2902 of the 2018 International Residential Code, both codes having been previously adopted as a part of this code of the city. In the event of any conflict between the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, sections 312.9 or 608 of the 2018 International Plumbing Code or sections P2503.7 or P2902 of the 2015 International Residential Code and section 3.05.142, section 3.05.143, and section 3.05.144 of this code of the city, the provisions of section 3.05.142, section 3.05.143, and section 3.05.144 of this code of the city shall control. Section 3.05.142, section 3.05.143, and section 3.05.144 of this code of the city shall be liberally construed to protect the public health and safety of the citizens of the city.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.143. Responsibilities of water purveyor, user, customer/property owner and backflow prevention assembly tester.

(a) Responsibilities of water purveyor.

(1) Generally:

- (A) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state law, including without limitation, 30 TAC 290.44(h), 30 TAC 290.46(j), 30 TAC 290.47(i), 30 TAC 344.73 and 30 TAC 344.75, as same may be amended from time-to-time. Service of water, subject to the provisions of sections 3.05.142, 3.05.143, or 3.05.144 of this code of the town, or sections 312.9 or 608 of the 2018 International Plumbing Code, or sections P2503.7 or P2902 of the 2018 International Residential Code, as applicable, to any premises shall be discontinued by the water purveyor if a back flow prevention assembly required by sections 3.05.141, 3.05.143 through 3.05.144 is not installed properly, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (B) For new facilities, permanent water service shall not be provided until all testable backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the city shall not approve any certificate of occupancy until all backflow prevention assemblies have been tested and are operational.

(2) Customer service inspection:

- (A) A customer service inspection for cross-connection control shall be completed by the city water purveyor prior to providing continuous water service in each of the following circumstances:
 - (i) Water service to a newly constructed facility, in which case the customer service inspection shall be performed in conjunction with or near the same time as the plumbing final inspection conducted by the building official.
 - (ii) Any correction, addition or improvement to the water service or water distribution plumbing of any facility or premises, except for minor repair and maintenance work exempted from permitting by section 106.2 of the 2018 International Plumbing Code, or in cases where an approved RPBA backflow prevention device has been installed at the point of water service connection such that premises' isolation is achieved, and said device has been verified as having been properly tested and maintained as provided herein. Where nonexempt plumbing work has been performed upon the water service or water distribution plumbing of any facility or premises, and approved premises isolation has been provided as described herein, the building official shall be solely responsible for ensuring compliance of any such work on the customer side of the backflow device.

- (B) A permanent water service shall not be established with regard to a newly constructed facility until after the customer service inspection is completed.
 - (C) Temporary water service, for construction or other purposes, that is found to pose a potential cross-connection threat to the potable water due to the unknown use of the water therefor, or other reasons or causes, shall be protected by an approved backflow prevention assembly.
- (3) If, in the judgment of the water purveyor or building official an approved backflow prevention assembly is required at the customer's/property owner's water service connection; or, within the customer's/property owner's private water system for the safety of the public water system, the water purveyor or the designated agent shall:
- (A) Give notice in writing to the customer/property owner to install an approved backflow prevention assembly(s) at specific location(s) at his/her expense, and depending on the severity of the threat to the public water supply, within the time frame required by the city and in all instances within thirty (30) days.
 - (B) In the case of any premises where, in the opinion of the water purveyor and/or building official, an imminent health threat is posed due to cross connection or a potential contamination hazard, water service to the facility may immediately be discontinued without prior written notice to customer/property owner. Although the city will attempt to provide notice as is reasonably practical, no notice shall be required prior to discontinuance.
- (4) Failure, refusal or inability on the part of the customer/property owner to install, have tested and maintain the backflow prevention assembly(s) shall be grounds for discontinuing water service to the premises until such requirements have been met as required by sections 3.05.141, 3.05.143 through 3.05.144.
- (5) Any reduction in water pressure caused by the installation of backflow prevention assembly devices shall not be the responsibility of the city.
- (b) Responsibilities of the customer/property owner. The customer's/property owner's system shall include those parts of the potable water conveyance facilities beyond the termination of the utility distribution system that are conveying potable water to the points of use of customer/property owner.
- (1) Backflow prevention assemblies shall be installed within the customer's/property owner's system at the customer's/property owner's expense at any time required by sections 3.05.142, 3.05.143, or 3.05.144 of this code of the city and/or sections 312.9 or 608 of the 2018 International Plumbing Code, or sections P2503.7 or P2902 of the 2018 International Residential Code, or the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, as applicable. All backflow prevention devices must be installed and tested as required by:
 - (A) Section 3.05.142, section 3.05.143, and section 3.05.144 of this code of the city;

- (B) Section 312.9 and section 608 of the 2018 International Plumbing Code; and
 - (C) 30 TAC 290.44(h), 30 TAC 290.46(j) and 30 TAC 290.47(i).
- (2) It shall be the responsibility of the customer/property owner to verify that all applicable city plumbing and/or irrigation permits are obtained and that the customer/property owner, or licensed plumber or irrigator, as applicable, is in compliance with all of the provisions of those permits. In addition to the remedies provided herein, in the event the backflow prevention assembly is installed by a licensed professional, failure by such licensed professional to follow the provisions of such permit will result in written notice to the applicable state licensing agency, in addition to being a violation of sections 3.05.141, 3.05.143 through 3.05.144.
- (3) It shall be the responsibility of the customer/property owner and backflow prevention assembly tester performing the subject test(s) to send to the city the backflow prevention assembly test and maintenance records. These materials shall be delivered to the water purveyor office of the city within ten (10) days of installation of the backflow prevention assembly.
- (4) The customer's/property owner's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or potential contamination hazards, including violations of sections 3.05.142, 3.05.143, or 3.05.144 of this code of the city and/or sections 312.9 or 608 of the 2018 International Plumbing Code, or sections P2503.7 or P2902 of the 2018 International Residential Code, as applicable, exist.
- (5) If the customer or premises wherein potable water from the city is supplied or provided has access to an auxiliary water supply that is treated to a lesser degree than the public water supply or if the water quality is unknown, and which is either cross connected or poses a potential contamination hazard to the public water system, the public water system shall be protected against backflow or backsiphonage by an approved backflow prevention device or a horizontal air gap (physical separation) as defined in section 3.05.141(1). The described threat shall be deemed a health hazard when determining the type of approved backflow required. If the auxiliary water supply is used for irrigation purposes, the backflow assembly shall be subject to the requirements of state laws, as same may be amended from time-to-time.
- (A) In order for a customer to install an auxiliary water supply on property located within town's incorporated limits, the auxiliary water supply must be registered with the city. The registration shall be approved if the auxiliary water supply meets all federal, state, and local requirements.
 - (B) If the customer does not install a backflow prevention device, the following requirements must be met:
 - (i) The customer shall permit the city to perform a customer service inspection to determine whether a horizontal air gap exists between the two systems and no other potential contamination hazards exist.

- (ii) If a potential contamination hazard exists, the customer shall install an approved backflow prevention device to protect the public water system.
 - (iii) If a potential contamination hazard is not documented during the customer service inspection, no backflow prevention device shall be required. However, the city shall require the customer, at the customer's expense, to obtain a customer service inspection at a minimum of at least every three years to confirm that the two separate systems have not been cross-connected and other potential contamination hazards have not been created.
- (C) Any customer who creates a cross-connection and does not comply with the backflow protection ordinances in subsection (5) shall be subject to receiving a citation and their city water service being discontinued until a backflow protection device has been installed at the premises.
- (6) In the event industrial fluids, any material dangerous to health or any other objectionable substances are handled in such a fashion as to create potential contamination hazard to the public water system, such condition shall be deemed a health hazard. The public water system shall be protected against backflow from the premises by installing an air gap, a reduced pressure principle backflow assembly, or such other backflow assembly device as may be required by 30 TAC 290.47(i), as same may be amended from time-to-time.
 - (7) All new installations of or substantial alterations to fire suppression systems that utilize the city's public water supply shall have installed a U.L. approved backflow prevention device according to the degree of hazard that exists. For purposes of this section, a "substantial alteration" is deemed to be any alteration or expansion of the system that would trigger a requirement for review and approval by the authority having jurisdiction, normally being the city fire marshal. All fireline backflow prevention assemblies must be installed inside the building as determined by section 3.05.143 of this code of the city. Upon the approved installation of the backflow prevention assembly, a cross-connection test report completed by a licensed fireline tester must be provided to the city as required by subsection (b)(3), above.
 - (8) Subject to the conditions of this subsection (b)(8), a reduced pressure assembly shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during construction or other uses which may pose a potential contamination hazard to the public water supply. Only city fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the city limits. Failure to comply with this subsection (b)(8) will result in the fire hydrant meter being removed from the premises by the water purveyor.
 - (9) It shall be the duty of the customer/property owner at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once every three years in nonhealth hazard conditions. In those instances where the water purveyor and/or building official of the city deems the potential backflow to be a health hazard or

a potential health hazard, certified inspections shall be required annually or at more frequent intervals as deemed necessary by the water purveyor. All inspections and tests of backflow prevention assemblies shall be at the expense of the customer/property owner and shall be performed by a backflow tester who is licensed with the Texas Commission on Environmental Quality and registered with the water purveyor and meeting all conditions and criteria of section 3.05.142, section 3.05.143, and section 3.05.144 of this code of the city.

- (10) It shall be the responsibility of the customer/property owner that all irrigation systems installed after the effective date hereof and for an existing system in the event of a repair, shall have installed an approved backflow prevention assembly other than an atmospheric vacuum breaker (AVB), in the event an existing irrigation system is repaired.
 - (11) It shall be the responsibility of the customer/property owner to have the backflow prevention assembly device tested as described in sections 3.05.141, 3.05.143 through 3.05.144. The backflow prevention assembly shall be repaired, overhauled, or replaced at the expense of the customer/property owner whenever said assemblies are found to be defective. Water service shall not be restored until repairs are complete.
- (c) Responsibilities of the backflow prevention assembly tester. In addition to requirements of the backflow prevention assembly tester set forth in other parts of this division, the backflow prevention assembly tester shall also comply with the following:
- (1) The backflow prevention assembly tester shall perform competent tests, issuing complete, accurate and legible reports of backflow prevention assemblies tested, and filing backflow prevention assembly test and maintenance reports as prescribed by division. Test reports shall be submitted to the water purveyor office of the city, within ten (10) days of the testing by the backflow prevention assembly tester of the installation, replacement, or repair of the backflow assembly.
 - (2) Prior to performing any testing of backflow prevention assemblies within the city, a licensed backflow prevention assembly tester must be registered annually with the city in accordance with this section.
 - (A) Eligibility for registration shall be conditioned upon applicant providing proof to the city that they are currently licensed as a backflow prevention assembly tester by the Texas Commission on Environmental Quality.
 - (B) Each applicant for registration shall furnish evidence to the city to show that he/she has available the necessary tools and equipment to properly test and certify such assemblies. Serial numbers of all test gauges shall be registered with the city annually and shall be listed on tests and maintenance reports prior to being submitted to the city. Each recorded test kit shall be tested annually for accuracy and calibrated to maintain a two-percent accuracy factor.
 - (3) In the event the city has reason to believe that testing or reporting deficiencies exist in a backflow prevention assembly tester's methods or report, the city shall

notify the tester and customer/property owner, and shall take one or more of the following actions:

- (A) Require the subject customer/property owner to have retested any backflow prevention assembly previously reported as operational;
- (B) In the event the backflow prevention assembly tester has committed three (3) or more inadvertent testing or reporting inaccuracies within a twelve-month period commencing with the first inaccuracy, the backflow prevention assembly tester's registration with the city may be suspended for a period of six (6) months;
- (C) In the event the backflow prevention assembly tester shall file with the city an intentional or knowing falsified test report, the backflow prevention assembly tester's registration with the city shall be revoked by the city.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.144. Approved backflow prevention device assembly and installation.

- (a) Any backflow prevention assembly required by sections 3.05.142, 3.05.143, or 3.05.144 of this code of the city, or section 312.9 or 608 of the 2018 International Plumbing Code, or sections P2503.7 or P2902 of the 2018 International Residential Code, or the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, as applicable, shall be of a model and size approved by the water purveyor/building official or as approved by 30 TAC 290.47(i), as same may be amended from time-to-time. Backflow prevention devices must be approved by the city prior to installation. A plumbing permit is required in accordance with section 3.05.001 [sic] of this chapter. The city shall determine the type and location of the backflow prevention assembly to be installed within the area served by the public water system.
- (b) The term "approved backflow prevention assembly" shall mean a backflow prevention assembly that has been manufactured and installed in full conformance with the standards specified within the 2018 International Plumbing Code and those established by the American Water Works Association (AWWA) and the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, titled:

AWWA C510 Standard for Double Check Valve Backflow-Prevention Assembly, and AWWA C511 Standard for Reduced-Pressure Backflow-Prevention Assembly, and have met completely the laboratory field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCHR) and the University of Southern California (USC), "Specification of Backflow-Prevention Assemblies" - Sec. 10 of the most current issue of the Manual of Cross-Connection Control.
- (c) Backflow prevention assemblies shall be installed in a manner designed to facilitate ease of testing and inspection by the city or any certified general tester. All backflow prevention assemblies shall be tested upon installation, relocation, or repair of same.
- (d) Backflow prevention assemblies, in addition to other requirements set forth in sections 3.05.142, 3.05.143, or 3.05.144 of this code of the city, or section 312.9 or 608 of the 2018 International Plumbing Code, sections P2503.7 or P2902 of the 2018 International

Residential Code, or the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, shall be installed in accordance with subsections (1) through (9) below. The clearance standards set forth in subsections (1) through (9), below, shall apply to all assemblies installed in enclosures and meter boxes.

- (1) Backflow prevention assemblies that are larger than four inches and installed more than five feet above floor level must have a suitable platform for use by testing or maintenance personnel.
- (2) All backflow prevention assemblies installed eight feet or higher above floor level must have installed a suitable permanent ladder for use by testing or maintenance personnel.
- (3) All backflow prevention assembly enclosures shall be designed for ready access and sized to allow for the minimum clearance as established in this article. Removable protective enclosures may be installed on smaller assemblies.
- (4) Reduced pressure zone assemblies two inches and smaller shall have at least a six-inch clearance on both ends and on top of the assembly. Additionally, there shall be twelve inches of clearance below the relief valve and twelve inches of clearance on the test cock side of the assembly. All assemblies larger than two inches shall have a minimum of twelve inches of clearance on the back side, twenty-four inches of clearance on the test cock side, and the relief valve opening shall be at least twelve inches plus nominal size of assembly above the floor or highest possible water level.
- (5) Double check valve assemblies larger than two inches may be installed above finished grade in a freeze-proof enclosure or below grade in a vault. If assembly is installed below grade, the test cocks must be plugged with corrosion resistant watertight plugs, and shall be no less than twelve inches below grade with a minimum of twelve inches clearance below the backflow assembly device. There shall be at least a six-inch clearance on both ends of the assembly with a minimum clearance of twelve inches on the back side and twenty-four inches on the test cock side. The top of the vault shall be two inches above ground level. Double check valve assemblies shall be installed so that the checks are horizontal.
- (6) Double check valve assemblies two inches and smaller may be installed above finished grade in a freeze-proof enclosure or below grade in a box. If assembly is installed below grade, the test cocks must be plugged with corrosion resistant watertight plugs, and shall be no less than twelve inches below grade with a minimum of twelve inches clearance below the backflow assembly device. There shall be at least a six-inch clearance on both ends of the assembly with a minimum clearance of twelve inches on the back side and twelve inches on the test cock side. The top of the box shall be two inches above ground level. Double check valve assemblies shall be installed so that the checks are horizontal.
- (7) Bypass arrangements are prohibited. Pipe fittings which could reasonably be calculated to constitute a means by which a backflow assembly could be bypassed and defeated shall not be installed.
- (8) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provision for the parallel installation of

assemblies of the same type so that testing, repair and maintenance can be performed.

- (9) All health hazard facilities shall have containment from the city's potable water system. For the purposes of this subsection, "containment" shall mean protection of the public water supply at the service connection.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.145. Appeals.

The mechanism for appeal from the provisions of this division, or from a decision of an administrative official enforcing the same, shall be through the city in the same manner as set forth in section 3.01.016 of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.146. Violations.

Violation of any provision of this division shall be deemed a misdemeanor punishable as provided in this code of the city. Notwithstanding the above, in the event a violation results in an imminent risk to human health, safety or welfare, the city may immediately discontinue water service to the subject facility without notice. Notwithstanding the right to immediately discontinue water service without notice, as described herein, the city will attempt to provide notice as is reasonably practical under the circumstances presented. The city will provide customer with necessary information to properly reinstate service.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.147. through § 3.05.160. (Reserved)

Division 4
Mechanical Code

§ 3.05.161. Adopted.

The currently adopted edition of the International Mechanical Code, as published by the International Code Council, Inc., as hereinafter amended, including appendix A, is hereby adopted as the mechanical code of the town. References to the mechanical code in this chapter or to "this code" within this article shall mean and refer to the currently adopted edition of the International Mechanical Code as amended herein. One copy of the currently adopted International Mechanical Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.162. Coordination of administrative provisions (Reserved)

§ 3.05.163. Supplemental administrative amendments.

- (a) Fee schedule. Section 3.04.002 is hereby amended by inserting the following fee schedule:

MECHANICAL FEE SCHEDULE	
New Construction:	\$0.06 per sq. ft. of gross floor area under roof, \$75.00 minimum.
Additions to floor area, or remodeling involving complete HVAC system replacement:	As for new construction
Alterations & remodeling not involving total HVAC system replacement (no change in building area), including new installations, replacement and repair of: Air handlers, furnaces, air conditioning and ventilation equipment and duct systems, grease hoods, exhaust systems, boilers, chillers, etc. requiring inspection approval:	As for new construction, \$75.00 minimum (Where more than one inspection is required, an additional fee of \$75.00 shall be assessed for each additional inspection)
Miscellaneous "generic" permits for new installations, replacement and repair of: Air handlers, furnaces, air conditioning and ventilation equipment and duct systems, grease hoods, exhaust systems, boilers, chillers, etc. requiring inspection approval:	\$75.00 (Where more than one inspection is required, an additional fee of \$75.00 shall be assessed for each additional inspection)
Permit fees, work commencing prior to permit approval:	
Renewal of expired permit:	As for building permit fees, except that permit fee calculations shall be based on this section.
Renewal of involuntarily terminated permit:	
Permit transfer fee:	
Re-inspection fees:	

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.164. Technical amendments (Reserved)

§ 3.05.165. through § 3.05.180. (Reserved)

Division 5
Electrical Code

Part I
Generally

§ 3.05.181. In generally.

This article shall be known and may be cited as "The Electrical Code of the Town of Ransom Canyon."

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.182. Definitions.

As used in this article and in article 3.05, division 5, the following terms shall have the meanings ascribed to them as hereinafter set forth:

Board. Any reference to "The Town of Ransom Canyon Board of Electrical Examiners" or the "board" shall mean and refer to the town building board of appeals as established in article 2.03, division 14 [sic] of this code.

Building official. The duly appointed person who holds the position of building official of the town.

Code. The electrical code of the town.

Direct supervision. The review and inspection of all electrical work by a supervisor, who shall be either a licensed journeyman electrician, journeyman sign electrician, in-house journeyman electrician, master electrician, master sign electrician or in-house master electrician who shall be actually present at the job site at all times while electrical work is in progress.

Electrical maintenance work. The keeping in safe repair and operating condition of any and all electrical installations, apparatus and equipment within or without any building or structure or located in or upon any lot or premises within the town.

Electrical work.

- (1) All wiring, circuits, fixtures, appurtenances and appliances for the supply of electrical power, for all personal, domestic and commercial purposes in and about buildings or other structures where persons live, work or assemble; all wiring, circuits, fixtures, appurtenances and appliances outside such buildings or structures connecting the building with the source of electricity;
- (2) The installation, repair and maintenance of all wiring, circuits, fixtures, appurtenances and appliances in and about buildings or structures where persons live, work or assemble, for a supply of electricity; and
- (3) All other activities, including demolition of structures where energized circuits exist, installations or measures incidental to the distribution or electrical energy which are covered, regulated or in any fashion controlled by the specific sections of this code.

Engineer. A person who is registered to practice engineering in the state and is actively engaged in electrical design or consulting services within the state.

Graduate engineer. A person who holds a degree in electrical engineering from any accredited college or university.

In-house journeyman electrician. A person with at least four (4) years' experience in the electrical trade, who is a full-time employee of a company or business within the town which employs over one hundred (100) persons and who is licensed by the board as hereinafter required.

In-house master electrician. A person with at least four (4) years' experience as an in-house journeyman electrician, or a person who is an engineer or graduate engineer as herein defined who is a full-time employee of a company or business within the town which employs over one hundred (100) persons and who is licensed by the board as hereinafter required.

Inspector. The building official or his designated representative, qualified in electrical code inspections who shall have the duty of inspecting any and all electrical work for code compliance.

Job site. The specific premises or installation described in the electrical permit under which electrical work is being performed.

Journeyman electrician. Any person licensed by the board as a journeyman electrician or any person who has been licensed by any other city operating under the "National Electrical Code," currently adopted edition, or later edition of said code and presents to the building official a certified copy of his license together with a letter from the building official of the city in which the electrician has obtained his license stating that said city has adopted and is operating under the aforementioned National Electrical Code and meets the requirements of this code.

Journeyman sign electrician. Any person licensed by the board as a journeyman sign electrician or any other person who has been licensed by any other city operating under the "National Electrical Code," currently adopted edition, or later edition of said code and presents to the building official a certified copy of his license together with a letter from the building official of the city in which the electrician has obtained his license stating that said city has adopted and is operating under the aforementioned National Electrical Code and meets the requirements of this code.

Maintenance electrician. A person with at least four (4) years' experience in the electrical trade who is a full-time employee of a company or business and whose duty it is to maintain the existing electrical system, including all fixtures and appurtenances contained in a building, structure, lot or premises owned or operated by his employer.

Master electrician. Any person licensed by the board as a master electrician or any other person who has been so licensed by any other city operating under the "National Electrical Code," currently adopted edition, or later edition of said code and presents to the building official a certified copy of his license together with a letter from the building official of the city in which the electrician has obtained his license stating that said city has adopted and is operating under the aforementioned National Electrical Code and meets the requirements of this code.

Master sign electrician. Any person licensed by the board as a master sign electrician or any other person who has been so licensed by any other city operating under the "National Electrical Code," currently adopted edition, or later edition of said code and presents to the building official a certified copy of his license together with a letter from the building official of the city in which the electrician has obtained his license stating that said city has adopted and is operating under the aforementioned National Electrical Code and meets the requirements of this code.

N.B.F.U. The National Board of Fire Underwriters.

N.E.C. The National Electrical Code as adopted by the town, compiled by the National Fire Protection Association.

Residential wireman electrician. Any person licensed by the board as a residential wireman electrician or any person who has been licensed by any other city operating under the "National Electrical Code," currently adopted edition, or later edition of said code and presents to the building official a certified copy of his license together with a letter from the building official of the city in which the electrician has obtained his license stating that said city has adopted and is operating under the aforementioned National Electrical Code and meets the requirements of this code.

Signs. Any physical device, panel or installation attached to or located on a building, premises or structure, used to display any message or communicate any thought or idea and which uses electrical current for its intended operation.

Window sign. Any tubing containing neon gas located or installed on the inside of any window used to display any message or communicate any thought or idea and which uses electrical current for its intended operation.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.183. Construction against implicit repeal.

This article being a general ordinance intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent ordinances if such construction can reasonably be avoided.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.184. Conflict of interest.

No person discharging the duties of an inspector under this code shall be an employer or employee of or have any pecuniary interest, direct or indirect, in any business, firm, company or association engaged in any phase of electrical work within the town.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.185. Scope.

All electrical work installed within the city shall be installed in conformity with the provisions of this code and it is hereby declared to be unlawful for any person, firm or

corporation to install any electrical work in violation of the provisions of this code and the National Electrical Code as adopted.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.186. National Electrical Code—Adopted by reference.

The publication entitled "National Electrical Code", currently adopted edition (NFPA 70), published by the National Fire Protection Association, a copy of which, authenticated by the signature of the building official, shall be filed with the city secretary as a public record, is hereby adopted as a part of this code as if fully copied herein in detail, except as modified by the provisions of this article. In the event of a conflict with any provision of the "National Electrical Code" and this code, this code shall govern. References in this code to the "National Electrical Code" or the "N.E.C." shall mean and refer to the currently adopted edition.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.187. through § 3.05.189. Amendments (Reserved)

§ 3.05.190. Interference with entry of inspector; concealment of wiring, etc.

- (a) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official or inspector has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official or inspector by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request 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 request entry. If such entry is refused, the building official or inspector shall have recourse to every remedy provided by law to secure entry.
- (b) Compliance. When the building official or inspector shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official or inspector for the purpose of inspection and examination pursuant to this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.191. Violation; notification.

When the building official or inspector observes or if it comes to his attention that any electrical work is installed contrary to or in violation of the provisions of this code, it shall be his duty to immediately notify the responsible master electrician, master sign electrician,

other permitted electricians, or the owner or occupant of the premises to immediately correct such installation or cease work on the entire installation until the violation is corrected.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.192. Premises involved in fire; reinstatement of service.

- (a) In every case where the chief of the fire department of the town or the state fire marshal determines that a fire originated due to any of the following causes:
- (1) Faulty electrical wiring;
 - (2) Overloading of electrical equipment;
 - (3) Unauthorized electrical installation; or
 - (4) If a fire originating from any cause results in damage to an electrical system;
- (b) In every case where the building inspector finds that a fire has caused damage to an electrical system or finds that a fire has originated for any of the reasons set forth in this section, no electrical service shall be reinstalled or reconnected to the property by any electrician or by the owner of such property or any other person until such time as such system has been repaired in compliance with this code. All inadequate, substandard or hazardous electrical conditions shall be repaired to meet present code requirements and be approved by the building official.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, the building inspector may approve temporary electrical service necessary to complete repairs or reconstruction of the property in question.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.193. Improperly installed or defective equipment.

- (a) In the event any part of any electrical equipment or wiring in or about any building, facility, installation, premises or lot within the town is found to have been installed or connected in violation of the provisions of this code, it shall be the duty of the building official or inspector to notify in writing the owner of the premises, or the tenant of the premises, or the person in possession of the premises to immediately cease using electrical current in any such violation identified by the building official or inspector.
- (b) In the event any part of any electrical equipment or wiring in or about any building, facility, installation, premises or lot within the city is found to have fallen into a state of disrepair which would render the use of such electrical equipment dangerous to life or property, it shall be the duty of the building official or inspector to notify in writing the owner of the premises, or the tenant of the premises, or the person in possession of the premises to immediately cease using electrical current in any such violation or condition identified by the building official or inspector.
- (c) The written notice required in this section shall state the following:

- (1) The date that the inspection was made by the building inspector where violations of this code or conditions dangerous to life or property were found.
 - (2) The section or sections of the code which the inspection reveals have been violated.
 - (3) In the case of conditions dangerous to life or property, a brief description of said conditions.
 - (4) A specified time, not to exceed ten (10) days from the date of the written notice, to correct all code violations identified or to correct all conditions identified as dangerous to life or property.
 - (5) A statement advising the owner, tenant or person in control and possession of the building, facility, installation, premises or lot that, if there are any persons using the area in question who require electrical service for life support, that it is the duty of the person receiving this notice to immediately and without failure notify the building official of such fact.
- (d) In the event that the owner, tenant or person in possession of the premises identified in the above written notice fails to take action necessary to correct any and all code violations or conditions dangerous to life or property within the time specified in the written notice, the building official or inspector shall take the following action:
- (1) The building official or inspector shall serve upon the owner, tenant or person in possession of the property an order to cease use of the property, facility, installation, premises or lot until such time as proof is presented to the building official that all defects have been corrected and such work is verified by inspection;
 - (2) In every case where the violation of this code found to exist is of such a nature as to cause immediate danger to life or property, the building official shall issue an order to the public utility supplying such power to immediately terminate such electrical service until such time as all code violations are corrected;
 - (3) In the event that the owner, tenant or person in possession of the building, facility, installation, premises or lot fails to comply with an order of the building official issued under subsection (1) above set forth within three days of receipt of said order, then in such event the building official shall issue his order as provided in subsection (2) above set forth to the public utility providing the electrical services; or
 - (4) Notwithstanding any provision set forth in subsections (1) through (3) above, when the building official has been notified by the owner, tenant or person in possession of the building, facility, installation, premises or lot that there is a person residing within any of the foregoing structures or areas who requires electrical service for life support, the building official is authorized to take one or all of the following courses of action:
 - (A) Notify the owner, tenant or person in possession of the structure or area described above to immediately make arrangement to provide an alternative location for the person involved.

- (B) Withhold taking action to terminate electrical service for a reasonable period of time not to exceed ten (10) days.
- (C) To terminate all electrical service not necessary for the life support of the person or persons involved.
- (D) To request the city attorney to seek a proper court order requiring the relocation of the person or persons involved.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.194. Liability for defective work.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring connections, fixtures, appliances, apparatus, machinery, equipment or work, inside or outside, overhead or underground in the city, for damages to any person injured by defects therein, nor shall the city be held as assuming any liability by reason of the inspection authorized by this code or certificate or permit issued as provided for and regulated.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.195. through § 3.05.210. (Reserved)

**Part II
License**

§ 3.05.211. Required.

- (a) It shall be unlawful for any person to engage in or carry on directly or indirectly, or to advertise or to hold himself out as engaging in, or carrying on, electrical work or to perform any act as a master electrician, master sign electrician, or in-house master electrician or a journeyman electrician, journeyman sign electrician, or in-house journeyman electrician, or maintenance electrician, as defined within this code, without first obtaining a license as a master electrician, master sign electrician, or in-house master electrician, or journeyman electrician, journeyman sign electrician, or in-house journeyman electrician, or maintenance electrician as the case may be and as provided for in this code.
- (b) An electrical contractor shall not engage in any electrical contracting business within the city unless the business is under the supervision of a master electrician or master sign electrician who:
 - (1) Is an owner or full-time employee of the business;
 - (2) Actively supervises the daily operation of the business;
 - (3) Is not employed by any other business at the same time that the electrical contracting business for which he is "actively and daily supervising" is performing electrical work within the city; and

- (4) Is authorized to order employees of the business to correct defects, errors and deficiencies in electrical work installed or performed by the business.
- (c) A master electrician or master sign electrician shall not use his license to obtain electrical permits issued under this code for any other class of electrician who is not a full-time employee of the master electrician or master sign electrician and under his direct supervision and control. Note: Business records of the electrical contractor may be required by the board to substantiate the master's involvement with the business.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.212. Exceptions.

- (a) The provisions of this code shall not apply to any of the following:
 - (1) Any electrical work performed by any electrical public utility holding a certificate of service from the public utility commission of the state and operating within the town.
 - (2) Any electrical work performed by a telephone, telegraph or district messenger company operating under a franchise issued by the town.
 - (3) Any electrical work performed by any broadcast transmission business or entity.
- (b) The above exceptions from this code do not, however, authorize any of the classes of business above named to perform electrical work for the general public or to do any other type of electrical work except that which is necessary and customary to the class of business involved.
- (c) Notwithstanding the exception set forth in subsection (a) of this section, the provisions of this code shall apply to the wiring and installation for light, heat and power for all buildings containing equipment or housing employees of any class of business excepted by subsection (a) of this section.
- (d) Nothing in this code shall be construed to require a property owner to obtain a license or furnish a certificate of insurance before doing electrical work in or on a building occupied by himself as a single-family residence provided the following conditions exist:
 - (1) He has applied for and obtained a permit from the building official to do the electrical work.
 - (2) He has presented a set of plans showing the electrical work to be undertaken and said plans are found to conform to this code.
 - (3) He agrees to call for all inspections required by this code.
 - (4) He is able to demonstrate to the building official that he has a working knowledge of this code and the ability to do electrical work in conformance with the provisions of this code.

- (5) He agrees to correct any violations of this code found or discovered upon any inspection performed by the building inspector.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.213. Unlawful to do electrical work unless licensed.

It shall be unlawful for any person to do, or undertake to do, any electrical work within the town unless licensed to perform such work in accordance with the provisions of this code, except where a person is performing electrical work for a class of business that is exempt from the provisions of this code as set forth in section 3.05.212 of this division or is a homeowner performing electrical work or wiring on his own residence and is exempt from the provisions of this code as set forth in the aforementioned section of this division.²

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.214. Removal of work performed by unlicensed persons; exceptions.

- (a) Any electrical work installed by unlicensed persons shall be completely removed from any structure prior to a permit being issued to an electrician licensed to do work in the town.

- (1) A demolition electrical permit shall be issued to a licensed electrician to remove all work performed by any unlicensed person on any structure.

- (2) The fee for a demolition permit on unlicensed work shall be the same as for the electrical permit required for the work and the electrical permit required for the work, whether complete or incomplete, shall be double the normal fee because the work was started by an unlicensed person prior to acquiring a permit.

- (b) Exceptions:

- (1) Existing electrical work installed by unlicensed persons may be used provided it is approved by the building official; and

- (2) A licensed master electrician will certify the work in writing and accept full responsibility for the work.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.215. Present licenses and bond to continue in effect.

All licenses, bonds and permits lawfully held, filed or issued at the time that this code becomes effective shall continue in effect until the date of their expiration and they shall be deemed to have been issued, secured or filed in accordance with the provisions of this code

2. Case law annotation - The failure of a subcontractor to secure a bond or license does not void his contract with a contractor, though no permit was issued for the installation. *Plains Steel Buildings v. Mathis*, 44 S.W. 2d (Ct. Civ. App. 1969).

and all electrical work prosecuted under such licenses, bond and permits shall meet the provisions of this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.216. Reciprocity.

- (a) A master electrician, master sign electrician, journeyman electrician, or journeyman sign electrician licensed to perform electrical work in other cities for at least three (3) years preceding application to the town may apply for and receive a license similar or equivalent to his current license without taking the required examination under the following conditions:
- (1) He shall submit evidence satisfactory to a majority of the board that his current license was issued by a city operating under the "National Electrical Code," currently adopted edition (see section 3.05.186), or later edition of said code.
 - (2) He shall submit evidence satisfactory to a majority of the board that his current license was issued under conditions not less restrictive than required by this code for issuance of such a license.
 - (3) He shall submit evidence satisfactory to a majority of the board that an electrician licensed by the board would be permitted to apply for and receive a similar or equivalent license under reciprocal conditions from the city issuing applicant's current licenses.
 - (4) He shall furnish all necessary certificates of insurance, pay all license fees and comply with all other requirements of this code.
 - (5) A license issued under this section may be revoked or suspended for any of the reasons set forth in 2-456 [sic] of this code of the town.
- (b) The three-year requirement stated above may be waived by the board providing the reciprocating city has no three-year requirement for reciprocity.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.217. Unlawful work; false claims.

- (a) It shall be unlawful for any licensed electrician to perform or hold himself out as being able to perform any type or class of electrical work not expressly included under coverage of his license.
- (b) It shall be unlawful for any person to advertise or to hold out or to state to the public or to any customer, either directly or indirectly, that any electrical work or installation complies with the city electrical code unless such work has in fact been inspected and approved by the building official or his designated representative.
- (c) It shall be unlawful for any person, or the owner, agent or occupant of premises to aid or abet an electrical contractor in the violation of this code or connive in its violation.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.218. Uniformity of requirements.

All requirements in this code, relating to violations, suspension, revocation, penalties and similar sections that apply to a master or journeyman electrician shall apply to an industrial master electrician and industrial journeyman electrician.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.219. Unlicensed electricians.

It shall be unlawful for any licensed electrician to allow any unlicensed electrician or unregistered apprentice to work at any job site or electrical installation project under his control or supervision.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.220. Classification of licenses.

There is hereby created the following classifications of electrical licenses within the town:

- (1) Master electrician's license qualifying the holder of such license to advertise, bid on electrical work, solicit electrical work, install, maintain and repair all types of electrical equipment and to undertake any and all types of electrical work and to make contracts to perform such work. A person holding this license shall directly supervise all jobs under his permit including personal supervision of journeymen and apprentice electricians working under his permit. A person holding this license shall not be qualified to undertake the work of a master sign electrician, except that a person holding this license may undertake repairs and power connections on a sign.
- (2) Master sign electrician's license qualifying the holder thereof to manufacture, erect, maintain and repair gaseous discharged lighting signs, outline lighting and other types of signs using electrical lighting or current. A person holding this license is further authorized to undertake any electrical work required to manufacture, erect, maintain and repair signs using electrical lighting or current and to contract to perform such work.
- (3) Journeyman electrician's license qualifying the holding to undertake electrical work as defined in section 3.05.182 of this code as an employee of and directly under the supervision of a licensed master electrician doing electrical work for the general public who will supervise his work on a daily basis. A journeyman electrician working under the supervision of a licensed master electrician may supervise other journeymen electricians or apprentice workers.
- (4) Journeyman sign electrician's license qualifying the holder thereof to manufacture, erect, maintain and repair gaseous discharged lighting signs, outline lighting and all other types of signs using electrical lighting or current. A person holding this license is further authorized to undertake any and all electrical work required to manufacture, erect, maintain and repair any sign using electrical lighting or current. A person holding this license shall, however, be an employee of and under the supervision of a licensed master sign electrician while performing any of the work authorized herein.

- (5) Maintenance electrician's license qualifying the holder to undertake all work necessary to keep existing electrical installations, fixtures and equipment in a proper and safe state of repair and in compliance with this code. A person holding this license shall be an employee of the owner or operator of a building or group of buildings used by the owner or operator to conduct his business and shall undertake electrician maintenance work only on the building or group of buildings owned or operated by his employer; however, such license shall not entitle the holder thereof to do any work requiring an electrical permit.
- (6) Residential wireman electrician qualifying the holder to undertake electrical work on new construction of one- and two-family residences only, as an employee of and directly under the supervision of a licensed master electrician doing electrical work for the general public who will supervise his work on a daily basis. A residential wireman electrician working under the supervision of a licensed master electrician may supervise other residential wireman electricians or apprentice workers.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.221. Possession of identification.

The holder of any electrical license authorized to be issued under the provisions of this code shall, when on the job site of any electrical installation, have in his immediate possession the wallet size license identification as furnished by the building official at the time of the issuance of his license, and such license holder shall upon request present same for identification to the building official or any of his deputies. In addition to the identification requirement in this section, each master electrician and master sign electrician shall cause to be posted in a prominent place at their respective place of business the certificate of qualification which is issued by the building official at the time his license is issued.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.222. Business address.

- (a) Every master electrician and master sign electrician licensed under this code shall file with the city a written statement setting forth the current business address and phone number of said electrician. It shall be the responsibility of the electrician to advise the city of any changes to the information herein required.
- (b) The city shall not issue any permit required by this code to any master electrician or master sign electrician who has not complied with the requirements of this section.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.223. Transfer.

Any electrical license issued in accordance with this code shall be nontransferable.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.224. Employment of journeyman or apprentice.

- (a) Every master electrician or master sign electrician shall be responsible for and exercise supervision and control over every journeyman electrician or apprentice electrician performing work upon any job site for which the master electrician or master sign electrician has secured a permit in accordance with the provisions of this code. Consistent with the responsibility of the master electrician or master sign electrician to exercise supervision and control over journeyman electricians and apprentices, no master electrician or master sign electrician shall use the services of a journeyman electrician or apprentice on any job who is not a full-time employee of the master electrician or master sign electrician.
- (b) As used in this section journeyman electrician and apprentice electrician shall include journeyman sign electrician and apprentice sign electrician.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.225. Employment of journeyman electrician or journeyman sign electrician.

It shall be a violation of this code and an additional reason for revocation or suspension of a journeyman's license if a journeyman electrician or journeyman sign electrician is found to be undertaking or engaged in performing electrical work in all cases where a permit for such work has not been issued to the master electrician or master sign electrician who employs, on a full-time basis, the journeyman electrician or journeyman sign electrician.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.226. Notification of employment.

- (a) The holder of a journeyman electrician license or a journeyman sign electrician license shall notify the city in writing in the event the holder of such a license changes places of employment. The notice shall contain the name, address and phone number of the new employer together with the date of new employment.
- (b) The holder of a maintenance electrician license shall follow the same procedure as set forth in subsection (a) of this section in the event he changes places of employment.
- (c) The holder of an in-house master electrician or in-house journeyman electrician license shall follow the same procedure as set forth in subsection (a) of this section in the event he changes places of employment.
- (d) The notification required by this section shall be made to the city no later than ten (10) days after the commencement of new employment.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.227. Same—Registration; work permit.

- (a) Every person desiring to do work as an apprentice electrician within the city shall register with the city. The person desiring to so register shall furnish to the city the following information:

- (1) Name and address;
- (2) Current phone number;
- (3) Employer's name, address and phone number; and
- (4) Date of employment.

Upon receipt of the foregoing information the city shall register the person applying in a book kept in his office for such purposes and issue an apprentice work permit to the person so registered.

- (b) In the event that an apprentice electrician changes places of employment, said apprentice shall notify the city and provide the information required in subsection (a) of this section.
- (c) An apprentice work permit shall expire on the thirty-first day of December of each calendar year and may be renewed thereafter in accordance with the procedure set forth in this section.
- (d) A fee shall be charged for each apprentice work permit issued in accordance with the schedule of fees hereinafter set forth in this code.
- (e) Every person holding an apprentice electrician's work permit shall keep same in his possession and on his person at all times when engaged in any electrical work.
- (f) An apprentice electrician's work permit shall qualify the holder thereof to undertake electrical work when such work is done or performed under the direct supervision of one of the following:
 - (1) Master electrician;
 - (2) Master sign electrician;
 - (3) Journeyman electrician;
 - (4) Journeyman sign electrician;
 - (5) In-house master electrician;
 - (6) In-house journeyman electrician; or
 - (7) Residential wireman electrician.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.228. Limit on number of apprentice electricians under supervision.

No class of electrician licensed under this code shall have more than three (3) apprentice electricians working under his direct supervision and control.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.229. Vehicle and other identification.

- (a) Each vehicle used for work as provided under this code shall have signs placed upon each side clearly identifying the master number, person, corporation or "company" using said vehicle. Lettering of said signs shall have a minimum height of two (2) inches and be of a contrasting color to the sign's background.
- (b) Each master electrician or master sign electrician shall include his license number upon every bill, statement, or business letter issued or sent by him.
- (c) Every master electrician or master sign electrician shall include his license number on all printed or written advertising used by said electrician.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.230. through § 3.05.250. (Reserved)

Part III
Permit

§ 3.05.251. Required.

- (a) It shall be unlawful for any person to undertake any electrical work within the city without having obtained a permit authorizing the person to undertake said work.
- (b) There shall only be one electrical permit issued or outstanding at the same time for any electrical work undertaken at any job site within the town.
- (c) In all cases where a master electrician or master sign electrician has obtained a permit to undertake electrical work and the electrician is seeking to undertake less than the total electrical work at a job site, the following requirements apply:
 - (1) The master electrician or master sign electrician shall, prior to the issuance of such permit, supply to the city drawings, diagrams or plans which show the exact scope of the work to be undertaken.
 - (2) The master electrician or master sign electrician shall be solely responsible for all electrical work to be undertaken by said electrician at the job site.
 - (3) The master electrician or master sign electrician who has obtained a permit to do electrical work at a job site when such work is a phase or part of the total work but less than the total work required at the job site shall do only such work at the job site authorized by his permit.
 - (4) In every case where there is more than one electrical permit issued for a job site within the city, where two (2) or more master electricians or master sign electricians are working on different parts or phases of the electrical work at such site, it shall be the joint responsibility of all such electricians so permitted to see that the individual work undertaken is compatible with all other electrical work undertaken at the job site and in conformity with the approved plans for the job and this code.

- (5) In every case where two (2) or more master electricians or master sign electricians have performed phases of work at a job site the building inspector shall make one final electrical inspection at the job site which shall cover all electrical work undertaken or done at the job site and shall not pass the work unless all electrical work undertaken at the job site is found to comply with the provisions of this code.
- (d) The city shall issue only one electrical permit per job site for the same or identical work with the following exceptions:
- (1) Where the master electrician or master sign electrician has failed to complete the work and such fact is communicated by the general contractor;
 - (2) Where the city is notified in writing by the master electrician or master sign electrician that his contract for the electrical work is no longer in effect; or
 - (3) Where the building official has been notified in writing by the general contractor permitted at the job site that the master electrician or master sign electrician originally permitted to do the work at the job site has been replaced with a new electrician.
- (e) In every case where the city determines that a new permit will be issued the person requiring such permit shall pay the full fee therefor and no refund shall ever be made on the original permit issued.
- (f) The city is authorized to require any other type of evidence from the general contractor or the master sign electrician or master electrician which he deems necessary prior to the issuance of a new electrical permit.
- (g) The issuance of a new permit under this section shall release the first permitted electrician of any responsibility for compliance with this code for work completed by said electrician and the new permitted electrician shall assume and become responsible for compliance with this code for the entire job site.
- (h) The building official shall require the owner, general contractor or subcontractor or other interested person to execute an indemnity agreement agreeing to save harmless and defend the city and building official from any and all liability which may be alleged as a result of the issuance of a new electrical permit under this section and to require said agreement to be secured by bonds and insurance deemed appropriate unless a release is signed by all parties.
- (i) The following types of permits for electrical work may be issued by the building official:
- (1) General electrical permit. A general electrical permit shall only be issued to a master electrician and shall authorize said electrician to perform any type of electrical work at a specific job site for which his license qualifies.
 - (2) General electrical sign permit. A general electrical sign permit shall only be issued to a master sign electrician to perform any type of electrical work at a specific job site for which his license qualifies.

- (3) Homeowner's permit. A homeowner's electrical permit shall only be issued to a person who owns and resides in a single-family home and may be used by said homeowner to do electrical work on the premises used by the homeowner as his homestead residence. The permit issued under this subsection, homeowner's permit, shall be obtained no more than one (1) time every five (5) years.
- (4) In-house electrical permit. An in-house electrical permit shall only be issued to a person licensed by the board as an in-house master electrician and shall authorize said electrician to perform any type of electrical work for his employer for which his license qualifies. No permit issued to an in-house master electrician shall ever authorize said electrician to perform any work for any person other than the employer of said electrician, which work shall be limited to the buildings, grounds and equipment owned or leased by his employer.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.252. When permit not required.

- (a) No permit shall be required for a licensed electrician or homeowner to undertake minor electrical work, which, by way of illustration and not limitation, is as follows:
 - (1) Repair flush and snap switches.
 - (2) Replacing fuses.
 - (3) Changing lamp sockets and receptacles.
 - (4) Replacing neon tubing in or on an existing sign erected in compliance with this code.
 - (5) Changing lamp or ballast.
- (b) No permit or license shall be required to attach or repair electrical wiring or install service to electrical apparatus or equipment which is a part of a refrigeration, heating or air-conditioning system or unit or any motor unit driving other equipment. Nothing in this subsection shall be construed as allowing any person to install new electrical wiring to or in a building or premises in order to install any of the equipment listed herein and this section shall be construed to allow a person to connect to existing wiring only.
- (c) No permit shall be required, after original installation and inspection, to change an electrical fixture, repair or replace same unless the work will require a change in the size of the wiring supplying current to such fixture.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.253. Application.

Application forms for any type of electrical permit authorized by section 3.05.251(i) shall be obtained from the building official and shall be fully completed by the individual seeking the

permit and returned to the building official. The building official shall not issue the permit request if he finds any of the following:

- (1) That the proposed electrical work does not comply with the provisions of this code.
- (2) Plans and specifications for the work to be done under the requested permit are insufficient to allow the building official to determine if the work proposed to be done under the requested permit complies with this code.
- (3) The individual is seeking a permit to perform electrical work which he is not qualified to perform under the license issued to such person by the board.
- (4) In the case of a homeowner's permit, the individual applying therefor is not the owner and resident of the premises for which the permit is sought.
- (5) In the case of a homeowner's permit, the individual seeking the permit has failed to demonstrate a working knowledge of this code.
- (6) The individual seeking the permit has failed to furnish the certificate of insurance required by this code, or if such insurance has been cancelled or reduced in coverage.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.254. Plans and specifications required.

- (a) Two (2) sets of electrical plans and specifications shall be submitted to the building official prior to the issuance of a permit for electrical work in the following cases:
 - (1) All new construction for which a building permit is required in accordance with this chapter.
 - (2) All alterations to existing buildings or structures for which a building permit is required in accordance with this chapter.
- (b) In addition to the foregoing the building official may require two (2) sets of electrical plans and specifications in all cases where, in the opinion of the building official, such plans and specifications are necessary for the building official to determine if the proposed electrical work to be undertaken, if a permit is issued, will comply with the provisions of this code.
- (c) In every case where plans and specifications are required by this section, they shall contain the following information:
 - (1) The size of the feeders and subfeeders and their length when there are more than four (4) branch circuits.
 - (2) All current connected device locations.
 - (3) All circuitry to panels.
 - (4) All panels and the service entrance must be sized on the plans.
- (d) In addition to the requirements set forth in subsection (c) of this section, the building official may require the calculations for the plans prior to the issuance of a permit.

- (e) The plans required by this section shall be sealed or certified as follows:
- (1) Reserved.
 - (2) All other plans shall be approved and bear the seal or certification of any one of the following persons:
 - (A) An engineer licensed by the state;
 - (B) A master electrician licensed by the board;
 - (C) A master electrician authorized to secure permits for electrical work;
 - (D) A master sign electrician licensed by the board;
 - (E) A master sign electrician authorized to secure permits for electrical work;
 - (F) A homeowner who is performing electrical work on his own residence.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.255. Issuance.

- (a) When the permit fee, as hereinafter established in this code, is paid and all other applicable provisions of this code are complied with, the building official shall issue the permit requested.
- (b) The permit shall specify the following:
 - (1) The type of permit issued;
 - (2) The proposed work to be done;
 - (3) The location of the job site;
 - (4) The name and address of the licensed electrician receiving the permit or, in the case of a homeowner, his name and address;
 - (5) The name and address of any company, firm, business, partnership or corporation with whom the licensed electrician is an officer, employee or partner;
 - (6) The date of issuance and the signature of the building official;
 - (7) The signature of the electrician or homeowner receiving the permit and responsible for code compliance.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.256. through § 3.05.270. (Reserved)

Part IV
Inspections

§ 3.05.271. Required.

All electrical work for which a permit has been issued in accordance with the terms of this code shall be inspected by the building official for compliance with this code. The building official in discharging this duty shall make the following inspections:

- (1) Rough-in inspection. The licensed electrician or homeowner who has secured the permit for electrical work shall be responsible for notification to the building official that the electrical work is ready for a rough-in inspection at such time that all raceways, panelboard cabinets, service equipment, outlet boxes, junction boxes, conduit, conductors and conductor splices are installed and ready for visible inspection. The building inspector shall refuse to make any rough-in inspections in every case where the electrical work has been covered from view.
- (2) Final inspection. The licensed electrician or homeowner who has secured the permit for electrical work shall be responsible for notification to the building official that the electrical work is ready for a final inspection. Electrical work shall be considered ready for final inspection when such work has passed all prior inspections made by the building inspector or when such work has been corrected to comply with this code where a violation has been found to exist upon prior inspection and where the electrical work has been completed in accordance to plans and specifications by the licensed electrician or homeowner who has secured the permit. The building inspector or his designated representative shall have the option of requiring the presence of the permitted electrician or journeyman in charge of the work at any final inspection.
- (3) Additional inspection. In addition to the inspections required to be made by the building inspector under subsections (1) and (2) of this section, said building inspector is further required to make any and all additional inspections he shall deem necessary to ensure that all electrical work undertaken or existing in the town is in compliance with this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.272. Requests.

- (a) Every licensed electrician or homeowner securing a permit under this code to undertake electrical work shall be responsible to notify the building official of any requested inspection. The building inspector shall complete such inspection within twenty-four (24) working hours after receipt of notice requesting such inspection.
- (b) Request for inspection may be made in writing or by telephone and shall contain or specify the following information:
 - (1) The address where the work is located;
 - (2) The permit number if requested by the building official;
 - (3) The electrical contractor's name and address or name of homeowner;

- (4) The type of inspection requested.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.273. Clearance to electric utility company.

No electric utility company furnishing electric service within the town shall furnish electric service in any of the following cases until written authorization has been secured from the building official:

- (1) No new service shall be furnished to any new building, structure, tent, installation until authorization has been secured from the city.
- (2) Where electrical service has been terminated due to the alteration or repair of any building, structure, installation, sign, premises or outdoor lighting until authorization has been secured from the city.
- (3) Where electrical service has been terminated due to fire, windstorm, earthquake, explosion or any other similar disaster to any building, structure, installation, sign, premises or outdoor lighting until authorization has been secured from the building inspector.
- (4) Where electrical service has been terminated due to unsafe electrical conditions existing at or in any building, structure, installation, sign, premises or outdoor lighting and the utility has been made aware of such fact by the city, the utility will not provide electrical service in such cases until authorized in writing by the city.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.274. through § 3.05.290. (Reserved)

Part V
Fees

§ 3.05.291. Permit and inspection fees.

The following permit fees shall be charged to every person securing any class of electrical permits authorized by this code:

- (1) In every instance where an electrician licensed by the board is securing a permit issued pursuant to this code seeks to undertake electrical work in, on or about any new construction within the city, the permit fee to be charged shall be at the rate of six cents (\$0.06) per square foot of said new construction as calculated from the plans by the building official. However, in every case a minimum fee of seventy-five dollars (\$75.00) shall be charged for the permit. New construction for the purposes of this section shall mean the erection of a new building or structure or the erection of an addition to an existing building or structure which proposed building, structure or addition has not had electrical current available to said proposed building, structure or addition.
- (2) In every case where an electrician licensed by the board or authorized to secure electrical permits pursuant to the terms of this code seeks to undertake electrical work

in, or about a building or structure being renovated within the city, the permit fee to be charged shall be at the rate of six cents (\$0.06) per square foot of the building or structure as calculated from the plans for such building or structure by the building official. However, in every case a minimum fee of seventy-five dollars (\$75.00) shall be charged for the permit. Building renovation for the purposes of this section shall mean any existing building or structure where the proposed electrical work to be undertaken therein amounts to a total rewiring of the existing building or structure.

- (3) In every case where an electrician licensed by the board is authorized to secure electrical permits pursuant to the terms of this code seeks to undertake electrical work in, on or about a building or a structure which is being remodeled within the city the permit fee to be charged shall be as follows: A minimum permit fee of seventy-five dollars (\$75.00) shall be charged in all cases.
- (4) In every case where a permit has been issued to undertake any type of electrical work and said work was inspected by the building inspector and said inspector determined upon inspection that the electrical work failed to comply with the provisions of this code and issued a red tag for such work pursuant to this code, there shall be charged a fee of seventy-five dollars (\$75.00) for each reinspection of the work.
- (5) No governmental entity shall be exempt from payment of electrical permit fees unless such entity is specifically exempted by state or federal law. Except that no fee shall be required from a governmental entity when the work is being performed by licensed maintenance personnel employed full-time by the governmental entity to maintain buildings owned and occupied by the governmental entity. However, permits and inspections shall be required in all instances.
- (6) When any electrical work is commenced within the city and no permit, if required, has been obtained prior to the commencement of the work, the fee for issuance of the required permit shall be doubled.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.292. through § 3.05.320. (Reserved)

Division 6
Residential Code

§ 3.05.321. Adopted.

The currently adopted edition of the International Residential Code (third or later printing), as published by the International Code Council, Inc., is hereby adopted as the residential code of the town. References to the residential code in this chapter shall mean the currently adopted edition of the International Residential Code. One copy of the currently adopted International Residential Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.322. Coordination of administrative provisions (Reserved)

§ 3.05.323. Supplemental administrative amendments (Reserved)

§ 3.05.324. Technical amendments (Reserved)

§ 3.05.325. through § 3.05.350. (Reserved)

Division 7
Fuel Gas Code

§ 3.05.351. Adopted.

The currently adopted edition of the International Fuel Gas Code, as published by the International Code Council, Inc., is here by adopted as the fuel gas code of the town. References to the fuel gas code in this chapter shall mean the currently adopted edition of the International Fuel Gas Code. One copy of the currently adopted International Fuel Gas Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.352. Coordination of administrative provisions (Reserved)

§ 3.05.353. Supplemental administrative amendments (Reserved)

§ 3.05.354. Technical amendments (Reserved)

§ 3.05.355. through § 3.05.370. (Reserved)

Division 8
Energy Conservation Code

§ 3.05.371. Adopted.

The currently adopted edition of the International Energy Conservation Code, as published by the International Code Council, Inc., as hereinafter amended, is hereby adopted as the energy conservation code of the town. References to the energy conservation code or the energy code in this chapter or to "this code" within this article shall mean and refer to the currently adopted edition of the International Energy Conservation Code as amended herein. One copy of the currently adopted International Energy Conservation Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such

copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

(Ordinance 041123 adopted 4/11/2023)

§ 3.05.372. Coordination of administrative provisions (Reserved)

§ 3.05.373. Supplemental administrative amendments (Reserved)

§ 3.05.374. Technical amendments - Residential (Reserved)

**ARTICLE 3.06
SUBSTANDARD BUILDINGS**

§ 3.06.001. Purpose and scope.

- (a) This article shall be known as the substandard building ordinance.
- (b) This article covers the responsibilities of owners of property subject to this article and the city's authority to direct the securement, occupancy, repair, removal, and demolition of such properties; establishes standards to hear and determine cases concerning alleged violations; prescribes procedures for notice to owners, hearings, appeals and other procedural requirements, and establishes civil and criminal penalties for violations of this article.
- (c) This article is hereby declared to be remedial and is intended to promote the beneficial interests and purposes hereof, which are to promote public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of buildings, structures, and premises.
- (d) This article shall apply to all existing residential and nonresidential properties, and it is intended to enforce applicable codes and ordinances and established minimum standards for the continued use and occupancy of all properties, regardless of when they were constructed or when their occupancy began, including, without limitation: the minimum requirements and standards for light, ventilation, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.
- (e) All property covered by this article, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards that are required by this article or other applicable ordinances in a property when erected, altered, or repaired shall be maintained in good working order. The owners shall be responsible for the maintenance of properties and compliance with all other requirements of this article.

- (f) Existing properties that do not comply with the applicable provisions of this article shall only be altered, repaired, removed or demolished in a way that provides a minimum level of health and safety as required herein.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.002. Buildings and structures regulated.

The following buildings or structures, regardless of their date of construction, are subject to the regulations in this article and may be referred to by the titles set for in subsections (1), (2), and (3) below:

- (1) Substandard building or structure. Any building or structure that is dilapidated, substandard, or unfit for human habitation or use and a hazard to public health, safety, and welfare. A building or structure is presumed to be a substandard building or structure if it does not meet the following minimum standards:
- (A) A dwelling must have an adequate water closet, lavatory, bathtub or shower, kitchen sink, hot and cold running water to plumbing fixtures in accordance with all applicable building codes.
 - (B) A dwelling must have adequate heating facilities and ventilating equipment.
 - (C) A dwelling must have lighting that is properly installed and that is operating in accordance with all applicable building codes.
 - (D) All electrical wiring in any building or structure must be installed and operating in accordance with all applicable building codes.
 - (E) A dwelling must not have dampness in any portion used, or constructed for use, as a human habitation.
 - (F) Properties must be free of hazardous or unsanitary items or conditions including any accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, stagnant water or conditions likely to harbor or promote the breeding or infestation of insects, snakes, vermin, or rodents.
 - (G) Buildings and structures and components thereof must be maintained in accordance with all applicable building codes, including, without limitation, the following codes: The International Building Code, the International Residential Code, the ICC Electrical Code, Administrative Use of the National Electrical Code, the International Fire Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code and the International Property Maintenance Code.
 - (H) Dwellings must be properly connected to the city's sanitary sewer system.
 - (I) A building or structure with a water closet, lavatory, bathtub, shower, clothes washer, or dishwasher must be properly connected to the city's sanitary sewer system.
 - (J) A property must not have garbage, rubbish or other unsightly material in or around its location.

- (K) A building must have a foundation which is adequate to support the building and loads imposed on the foundation in a safe manner.
- (L) A building must have flooring and floor supports of sufficient size, structure, and condition to carry loads imposed in a safe manner.
- (M) The walls, partitions or other vertical support members of a building or structure must be adequate to carry the imposed loads in a safe manner and support the roof of the building or structure, and must not be split, must not lean, must not list, or must not buckle.
- (N) The ceilings, roofs, and ceiling and roof supports of a building or structure must be of sufficient size, structure, and condition to carry imposed loads in a safe manner and must not sag, split, or buckle.
- (O) Chimneys and ventilation systems for fireplaces and stoves must be of sufficient size, structure, and condition to effectively remove smoke and other gases created from combustion in the fireplace or stove in a safe manner and must be sufficiently insulated so that they do not create a risk or hazard of fire to adjacent structures within the building in which they are installed.
- (P) Chimneys and ventilation systems for fireplaces and stoves must have sufficient strength, structure, and condition to carry the structural loads imposed on them in a safe manner.
- (Q) All plumbing in any building or structure shall be installed in a condition that complies with the International Plumbing Code.
- (R) All mechanical systems in a building or structure shall be installed in a condition that complies with the International Mechanical Code.
- (S) All buildings shall have effective waterproofing on exterior walls, roofs, foundations, or floors. The following are examples of ineffective waterproofing: deteriorated, crumbling or loose plaster on exterior walls or foundations, broken or missing exterior windows or doors, lack of paint on exterior walls, broken, rotted, split or buckled exterior wall coverings or roof coverings.
- (T) All properties shall be free of combustible waste or vegetation or from any substance which could be an accelerant to a fire or likely to cause an explosion unless the substance which could accelerate a fire or cause an explosion is properly stored in accordance with applicable law.
- (U) All buildings must have adequate exits as required by applicable building codes.
- (V) When any portion of a building is used as a living or sleeping quarters or a place where food is cooked for human consumption, such building shall comply with the building codes applicable to dwellings with respect to its plumbing, electrical, and heating systems.
- (W) A building that is damaged by fire, windstorm, hail, or any act of nature, or acts of vandalism shall be immediately secured to avoid it being an unsecured building or structure or a dangerous building or structure, and work to bring the building or structure into compliance with the regulations of this article must be

commenced within 30 days unless a longer time period is permitted by the city administrator or police department which is responsible for code enforcement.

- (2) Unsecured building or structure. Any building or structure that, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
- (3) Dangerous building or structure. Any building or structure that is boarded up, fenced, or otherwise secured in any manner if:
 - (A) The building or structure constitutes a danger to the public even though secured from entry; or
 - (B) The means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.003. Offenses; penalty.

- (a) Maintaining a nuisance. A substandard building or structure, an unsecured building or structure, or a dangerous building or structure, as defined by section 3.06.002 is hereby declared a nuisance. It shall be unlawful for the owner of a building or a structure to allow it to exist in a condition in which it is a substandard building or structure, an unsecured building or structure, or a dangerous building or structure, as defined above.
- (b) Failure to comply with city council order. It shall be unlawful for any person to fail to timely comply with an order of the city council entered pursuant to the regulations in this article to requiring the vacation, relocation of occupants, securing, repair, removal or demolition of a substandard building or structure, an unsecured building or structure, or a dangerous building or structure as defined by section 3.06.002.
- (c) Penalty. Any person, firm or corporation who shall fail to comply with any of the provisions of section 3.06.002 of this article commits an offense and shall, upon conviction thereof, be punished by a fine in accordance with the general penalty provision found in section 1.01.009 of the general penalty for violations of code; continuing violations.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.004. City authority to require remediation.

The city may require the vacation, relocation of occupants, securing, repair, removal or demolition of a substandard building or structure, an unsecured building or structure, or a dangerous building or structure as defined by section 3.06.002 by the procedures specified in this article.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.005. Complaint and notice.

- (a) **Complaint.** The police chief or city administrator shall prepare a written complaint with respect to any building or structure that is a substandard building or structure, an unsecured building or structure, or a dangerous building or structure, as defined by section 3.06.002 of this article. The complaint shall contain the following:
- (1) Identification of the building or structure (which shall not require a legal description of the property);
 - (2) A description of the manner in which the building or structure is a substandard building or structure, an unsecured building or structure, or a dangerous building or structure, as defined by section 3.06.002 of this article;
 - (3) The name, office address and phone number of the police chief or city administrator that can be contacted during regular office hours to discuss the complaint;
 - (4) Direction to the owner, lienholder or mortgagee that they must by either:
 - (A) Remedy the violations in the complaint by a date certain; or
 - (B) Present the police chief or city administrator with a detailed plan stating the manner in which each violation will be remedied and the time by which all work necessary to remedy the violations will be completed.
 - (5) A statement that a public hearing will be held on the complaint before the city council if the owner fails to comply with subsection (4) preceding by the deadlines stated therein or if the owner or lienholder or mortgagee desires to contest the allegations in the complaint;
 - (6) The date, time and place of the public hearing before the city council; and
 - (7) The following statement:

"The owner, lienholder or mortgagee of this property will be required to submit at the public hearing proof of the scope of any work that may be required to comply with the city's code and the time it will take to reasonably perform the work."
- (b) **Notice of the complaint and hearing.** The complaint shall be mailed to the owner and any lienholder or mortgagee of the building or structure. The following procedures shall govern the mailing of such notice.
- (1) **Determining identity and address of owner, lienholder, or mortgagee.**
 - (A) The real property records of the county;
 - (B) The records of the Lubbock Central Appraisal District;
 - (C) The records of the Texas Secretary of State;
 - (D) The assumed name records of the county;
 - (E) The tax records of the town; and

(F) The utility records of the town.

- (2) Method of mailing. The complaint and notice of hearing shall be mailed to the owner and any lienholder, or mortgagee of the building or structure by certified mail with return receipt requested, delivered by the United States postal service using signature confirmation service or by personal delivery to the owner, lienholder, or mortgagee of the building or structure. If a notice or complaint is mailed in accordance with this subsection to a property owner, lienholder, mortgagee, or registered agent 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 delivered.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.006. Public hearing; procedure.

- (a) Hearing before city council. The public hearing on the complaint shall be conducted by the city council.
- (b) Evidence; burden of proof. At the public hearing on a complaint the city council shall consider any verbal or written evidence presented by the police chief or the city administrator or and by the owner, lienholder, or mortgagee. The presentation of evidence shall be subject to any procedural rules applicable to public hearings or proceedings before the city council. In the public hearing the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.007. Action by city council following public hearing.

After the public hearing if the city council determines that the building or structure that is the subject of the hearing is a substandard building or structure, an unsecured building or structure, or a dangerous building or structure, as defined in by section 3.06.002 of this article, the city council may order that the building or structure be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time and may order that any occupants of a building be relocated within a reasonable time. The order of the city council shall be reduced to writing and shall be signed by the mayor or the mayor pro tem and the city secretary.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.008. Time periods for remediation.

If the city council orders the owner to remediate violations respect to a building or structure, the remediation work shall be conducted within the following time periods:

- (1) 30 days. Except as provided in subsections (2) and (3) below, the owner shall secure the building or structure or repair, remove, or demolish the building or structure within

30 days from the date of the public hearing, unless the nature of the violation shall require a more immediate securing of the condition.

- (2) More than 30 days; conditions. If the city council finds that the work required to remedy all violations cannot be accomplished within 30 days from the date of the public hearing, the city council may allow the owner, lienholder, or mortgagee of the building or structure more than 30 days to repair, remove, or demolish the building or structure if the following conditions are satisfied:
 - (A) The city council establishes a specific time schedule for the commencement and performance of the work; and
 - (B) Requires the owner, lienholder or mortgagee of the building or structure to secure the property in a reasonable manner from unauthorized entry while the work is being performed in a manner approved by the city administrator or code enforcement officer.
- (3) More than 90 days; additional conditions. The city council may not allow the owner, lienholder or mortgagee of the building or structure more than 90 days to repair, remove, or demolish the building or structure unless the owner, lienholder or mortgagee:
 - (A) Submits a detailed plan and time schedule for the work at the hearing;
 - (B) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work; and
 - (C) Is required by the city council's order to regularly submit progress reports to the police chief or city administrator to demonstrate compliance with the time schedules established for commencement and performance of the work.
- (4) Bond as additional condition in certain circumstances. If the city council allows the owner, lienholder or mortgagee of a building or structure more than 90 days to complete the required repairs, removal or demolition of a building or structure and if the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the boundaries of the city that exceeds \$100,000.00 in total value, the city may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building or structure under this article. In lieu of a bond, the city may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. The bond must be posted, or the letter of credit or third-party guaranty provided, not later than the 30th day after the date the city issues the order.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.009. Notice of city council's order.

Notice of the city council's order shall be given as follows:

- (1) It shall be promptly mailed to the owner and any lienholder or mortgagee of the building or structure by certified mail with return receipt requested, delivered by the

United States postal service using signature confirmation service or by personal delivery to the owner, lienholder or mortgagee of the building or structure.

- (2) A copy of the order shall be filed with the city secretary within 10 days after the date the order is issued.
- (3) A notice shall be published in a newspaper of general circulation in the city within 10 days after the date the order is issued. The published notice shall state the street address or legal description of the property, the date of the public hearing, a brief statement of the results of the order and instructions on where a complete copy of the order may be obtained.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.010. Remediation by the city; civil penalty.

- (a) Securing the building or structure. If the building or structure is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time in the city council's order, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (b) Repairing the certain buildings. If the building is a residential building with 10 or fewer dwelling units and is not repaired within the allotted time in the city council's order, the city may repair the building and assess the expenses on the land on which the building or structure stands or to which it is attached. The city may repair the building only to the extent necessary to bring it into compliance with the minimum standards set forth in this article. The repairs may not improve the building to the extent that the building exceeds those minimum housing standards.
- (c) Civil penalty. If the building or structure is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time in the city council's order, the city may assess a civil penalty against the property owner for failure to repair, remove, or demolish the building or structure and may provide for that assessment, the mode and manner of giving notice, and the means of recovering the assessment. The civil penalty shall only be imposed if the owner does not complete the action required by the city council's order within the time period specified in such order. Any civil penalty shall be specified in the city council's order but shall not exceed \$500.00 (five hundred dollars) a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10.00 (ten dollars) a day for each violation, if the city council finds:
 - (1) That the property owner was notified of the requirements of this article and the owner needs to comply with the requirements; and
 - (2) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.011. Lien for city's expenses and civil penalty.

The city may impose a lien against the land on which a building or structure stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of any repair, removal, or demolition expenses incurred by the city pursuant to section 3.06.010 or any civil penalty assessed by the city pursuant to section 3.06.010(c). The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the municipality for the expenses.

- (1) **Contents of lien notice.** The lien notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building or structure was located, the amount of expenses incurred by the city, and the balance due.
- (2) **Lien attachment and priority.** The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk. If notice has been given to the owner and any lienholder or mortgagee prior to the public hearings so that such persons or firms have the opportunity to relocate the tenants of the building or to repair, remove, or demolish the building or structure, the lien is a privileged lien subordinate only to tax liens but shall be inferior to any previously recorded bona fide mortgage lien attached to the real property if the mortgage lien was filed for record in the office of the county clerk's office, before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the municipality. The city's lien is superior to all other previously recorded judgment liens.
- (3) **Interest.** Any civil penalty or other assessment imposed shall accrue interest at the rate of 10 percent a year from the date of the assessment until paid in full.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.012. Additional authority to secure certain buildings or structures.

- (a) **Authority to secure.** The city may secure a substandard building or structure, an unsecured building or structure, or a dangerous building or structure, as defined by section 3.06.010 and the building or structure is unoccupied or is occupied only by persons who do not have a right of possession to the building or structure.
- (b) **Notice to owner.** Before the 11th day after the date the building or structure is secured, the city will give notice to the owner by:
 - (1) Personally serving the owner with written notice;
 - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
 - (3) Publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county if personal service cannot be obtained and the owner's post office address is unknown; or
 - (4) Posting the notice on or near the front door of the building or structure if personal service cannot be obtained and the owner's post office address is unknown.

- (c) Contents of notice. The notice will contain:
- (1) An identification, which is not required to be a legal description, of the building or structure and the property on which it is located;
 - (2) A description of the violation of the city standards that are present at the building or structure;
 - (3) A statement that the city will secure or has secured, as the case may be, the building or structure; and
 - (4) An explanation of the owner's right to request a hearing before the city council about any matter relating to the municipality's securing of the building or structure.
- (d) Hearing. The city will conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building or structure if, within 30 days after the date the city secures the building or structure, the owner files with the city administrator or deputy city secretary a written request for the hearing. The city shall conduct the hearing within 20 days after the date the request is filed.
- (e) Assessment of expenses as lien. The city shall have the same authority to assess expenses under this section as it has to assess expenses under section 3.06.011. A lien is created under this section in the same manner that a lien is created under section 3.06.011 and is subject to the same conditions as a lien created under that section.
- (f) Authority to secure is cumulative. The authority granted to the city by this section is in addition to the city's authority to require remediation by the owner, lienholder or mortgagee pursuant to other provisions of article 3.06 or its authority to impose civil penalties or criminal sanctions.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.013. Property bid off to the city.

The provisions of this article shall be applicable to all property that has been bid off to the city under the Tax Code 34.01(j) so that the city, subject to the limitations set forth in this article and in applicable law, shall have the authority to require the vacation or relocation of occupants and the securing, repair, removal, and demolition of buildings or structures located on such property and may assess a lien for its expenses in doing so.

(Ordinance 041123 adopted 4/11/2023)

§ 3.06.014. Judicial enforcement.

In addition to the remedies which the city has pursuant to other provisions of this article, the city may bring a civil action pursuant to subchapter B of chapter 54 of the Texas Local Government Code with respect to violations of this article. In any such civil action the city may ask for injunctive relief, the assessment of a civil penalty, an order compelling the repair or demolition of a building or structure, the recovery of its costs in enforcing the provisions

of this article and in bringing any such civil action, and any other relief that it may be entitled to request under applicable law.

(Ordinance 041123 adopted 4/11/2023)

ARTICLE 3.07 FLOOD DAMAGE PREVENTION

Division 1 Generally

§ 3.07.001. Definitions.

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

Alluvial fan flooding. Flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

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

Appurtenant structure. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard. The land area that would be inundated by the 1-percent annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1-percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zone A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, VI-30, VE or V.

Base flood. The flood having a 1-percent chance of being equaled or exceeded in any given year.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces,

without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development. Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building. For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See "flood elevation study."

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain or floodprone area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

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

Floodway. See "regulatory floodway."

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

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary [of the Interior] to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior; or
 - (B) Directly by the Secretary of the Interior in states without approved programs.

Levee. A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See "area of special flood hazard."

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

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground.

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

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions: or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

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

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.002. Statutory authorization.

The legislature of the state has, in sections 16.3145 and 16.315 of the Texas Water Code, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.003. Findings of fact.

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood

hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.004. Statement of purpose.

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas prone to floods in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.005. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (6) Control construction zones so that no mudslide, sediment, silt, or flood related erosion drains into the ponds, lake, or waterways of the city.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.006. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of city.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.007. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for 481577," dated September 18, 2002, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto, are hereby adopted by reference and declared to be a part of this article.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.008. Establishment of development permit.

A development permit shall be required to ensure conformance with the provisions of this article.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.009. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.010. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.011. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.012. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.013. Penalty.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be penalized in accordance with section 1.01.009, for each violation, and in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent [the city] from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 3.07.014. through § 3.07.040 (Reserved)

Division 2
Administration

§ 3.07.041. Designation of floodplain administrator.

The city administrator is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance, National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.042. Duties and responsibilities of floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit applications to determine whether to ensure that the proposed building site project will be reasonably safe from flooding.

- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the state water development board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 3.07.007, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 3 of this article.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, and AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by section 65.12.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.043. Permit procedures.

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 3.07.072(2);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with section 3.07.042(1).
- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.044. Variance procedures.

- (a) The city council shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

- (c) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 3.07.043(b) of this article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 3.07.004).
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (A) Showing a good and sufficient cause;
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any applicant to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (1) The criteria outlined in section 3.07.043(b)(1) through (9) are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.045. through § 3.07.070. (Reserved)

Division 3

Flood Hazard Reduction Standards

§ 3.07.071. General standards.

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

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.072. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 3.07.007, section 3.07.042(8), or section 3.07.073(c), the following provisions are required:

- (1) **Residential construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including the basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 3.07.043(a)(1), is satisfied.
- (2) **Nonresidential construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) **Enclosures.** New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (A) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (B) The bottom of all openings shall be no higher than 1 foot above grade.
 - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) **Recreational vehicles.** Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either: (A) be on the site for fewer than 180 consecutive days; or (B) be fully licensed and ready for highway use; or (C) meet the permit requirements of section 3.07.043(a) and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to

the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.073. Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with sections 3.07.002, 3.07.003, and 3.07.004 of this article.
- (b) All proposals for the development of subdivisions shall meet the floodplain development permit requirements of section 3.07.008 and section 3.07.043 and the provisions of division 3 of this article.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 3.07.007 or section 3.07.042(8) of this article.
- (d) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ordinance 041123 adopted 4/11/2023)

§ 3.07.074. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 3.07.007 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
- (2) All new construction and substantial improvements of nonresidential structures:
 - (A) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (B) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially

impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 3.07.043, are satisfied.
- (4) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ordinance 041123 adopted 4/11/2023)

ARTICLE 3.08 SIGNS

§ 3.08.001. Political signs.

(a) Definitions.

City. The Town of Ransom Canyon, an incorporated municipality located in Lubbock County, Texas.

City limits. The incorporated municipal boundary of Ransom Canyon.

Political sign. A sign that contains primarily a political message and that is located on private real property with the consent of the property owner.

Private real property. Property that is not subject to an easement or other encumbrance that allows a municipality to use the property for public purpose.

- (b) Prohibitions. From and after the effective date of this section, a political sign cannot have an effective area greater than 16 square feet, cannot be more than four feet high, cannot be illuminated, or cannot have any moving elements.

(c) Enforcement; penalty.

(1) The city shall have the power to administer and enforce the provisions of this section as may be required by governing law. Any person or entity violating any provision of this section is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this section is hereby declared to be a nuisance.

(2) Any person violating any provision of this section shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this section is violated shall constitute a separate offense. An offense under this section is a class C misdemeanor.

(Ordinance 041123 adopted 4/11/2023)

§ 3.08.002. Off-premises signs and changeable electronic variable message signs.

(a) Definitions.

Changeable electronic variable message sign (CEVMS). A sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a Light Emitting Diode (LED) or digital sign, and which varies in color or intensity. A CEVMS sign does not include a sign located within the right-of-way which functions as a traffic-control device and which is described and identified in the Manual on Uniform Traffic-Control Devices (MUCTD) approved by the Federal Highway Administrator as the national standard.

City. The Town of Ransom Canyon, an incorporated municipality located in Lubbock County, Texas.

City limits. The incorporated municipal boundary of the city.

ETJ. The extraterritorial jurisdiction of the city.

Off-premises sign. Any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products, or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed or maintained.

On-premises sign. Any sign identifying or advertising the business, person, activity, goods, products or services sold, offered for sale, or provided on the premises where the sign is installed and maintained.

(b) Prohibitions.

- (1) Off-premises signs. From and after the effective date of this section, no sign permit or construction permit shall be issued for the installation, erection, replacement, conversion, or modification of an off-premises sign to a CEVMS format within the city limits or the ETJ of the city.
- (2) CEVMS. From and after the effective date of this section, no CEVMS shall be allowed within the city limits or the ETJ of the city.

(c) Enforcement; penalty.

- (1) The city shall have the power to administer and enforce the provisions of this section as may be required by governing law. Any person or entity violating any provision of this section is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this section is hereby declared to be a nuisance.
- (2) Any person violating any provision of this section shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this section is violated shall constitute a separate offense. An offense under this section is a class C misdemeanor.

(Ordinance 041123 adopted 4/11/2023)

ARTICLE 3.09
FENCES

§ 3.09.001. Requirements.

It shall be unlawful for any person, firm, or corporation to construct or cause to have constructed any fence upon any property within the corporate limits of the city, except in accordance with the requirements and restrictions herein provided.

(Ordinance 041123 adopted 4/11/2023)

§ 3.09.002. Definition.

A fence is defined as any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, encircling either wholly or any portion of any area.

(Ordinance 041123 adopted 4/11/2023)

§ 3.09.003. Maintenance.

Fences must be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance.

(Ordinance 041123 adopted 4/11/2023)

§ 3.09.004. Nonconforming fences.

Fences existing prior to this article and not conforming to these requirements may be repaired by the property owner. If such a fence needs to be rebuilt or replaced, it must be in accordance with the standards and specifications set out in this article.

(Ordinance 041123 adopted 4/11/2023)

§ 3.09.005. General requirements.

- (a) No fence that exceeds eight feet in height shall be erected or placed on any lot. The height of the fence includes any berm, concrete mow strip, and fence cap. All these measured together shall not exceed eight feet in height.
- (b) A side fence that extends beyond the front of the house shall not exceed two feet. The height of the fence includes any berm, concrete mow strip, and fence cap. All these measured together shall not exceed two feet in height.
- (c) A fence may be placed in the rear or side yard but no fence shall be placed between the front of the house and the street.
- (d) A fence may be placed up to or within your property line. This applies to all portions of the fence, including posts and concrete. The exact location of the property line shall be determined before constructing the fence.

- (e) No fence shall be erected or placed on an empty lot unless that fence ties into the fence of the adjoining lot on which a house is constructed. The two lots must be owned by the same persons.
- (f) No fence shall be erected or placed over or across any easement dedicated to the public use.
- (g) Any wire, except chainlink and electric, is prohibited. An electric fence that causes interference shall need to be turned off until it is repaired. All electric fences shall have a sign that designates them as such.
- (h) The appropriate utility companies must be contacted prior to digging to check the location of any buried utilities.

(Ordinance 041123 adopted 4/11/2023)

ARTICLE 3.10 STREETS; PUBLIC RIGHT-OF-WAY MANAGEMENT

Division 1 Generally

§ 3.10.001. Authority; scope; governing law; venue.

- (a) This article applies to all users that place facilities in, on or over public rights-of-way, provided, however, that it does not apply to construction by the city.
- (b) This article shall be construed under and in accordance with the laws of the state and Code of Ordinances to the extent that such code is not in conflict with or in violation of the Constitution and laws of the United States or the state. All obligations of the parties hereunder are performable in the county.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.002. Definitions.

In this article the following words and phrases shall have the following meanings unless the context indicates otherwise.

AASHTO. American Association of State Highway and Transportation Officials.

Abandon and its derivatives. The facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by user in an unused or nonfunctioning condition for more than one hundred twenty (120) consecutive calendar days unless, after notice to provider, provider has established to the reasonable satisfaction of the city that the applicable facilities, or portion thereof, is still in active use.

ADA. Americans with Disabilities Act, as amended.

Alley. Shall have the same meaning as street or right-of-way, depending upon context.

Ancillary. Secondary, supporting, or subordinate.

Antenna. Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes.

- (1) Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (2) Local amendments to those codes to the extent not inconsistent with this article.

Applicant. A person submitting an application, proposal or notice to the city for a license, franchise, permit or notice to install facilities or equipment or work in the rights-of-way.

Application or proposal are synonymous for the purposes of this article. An "application" or "proposal" means the process by which the applicant submits a request and indicates a desire to be granted a license, permit or franchise for all, or a part of the city. An "application" or "proposal" includes all written documentation, and official statements and representations in whatever form, made by an applicant to the city. A casual inquiry by a company concerning right-of-way use will not be considered an application or proposal and submissions will not be considered an application or proposal unless they meet the requirements of this article.

Assignment of an authorization or transfer of an authorization. Any transaction or action which effectively or actually transfers the authorization or franchise or changes operational or managerial control from one (1) person or entity to another.

Authorization or agreement to use the right-of-way. A grant of authority allowing a person to occupy any portion of a street, right-of-way, or easement owned or controlled by the city, and may be for a limited period of time or for a specific purpose.

Certificated telecommunications provider. A person who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the commission to offer local exchange telephone service or a person who provides voice service.

City. The City of Ransom Canyon Texas. As used throughout, the term "city" also includes the designated agent of the city.

City administrator. The city administrator for the city.

City council or council/franchising authority. The city council for the city or its lawful successor.

Collocate and collocation. The installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to an existing pole, structure, device or appurtenance, as allowed by state or federal law, municipal authorization or other legal authorization.

Commission. The Public Utility Commission of Texas.

Communications network. A component or facility that is wholly or partly, physically located within a public right-of-way and that is used to provide video programming, cable, voice, or data services.

Concealment or camouflaged. Any wireless facility or pole that is covered, painted, disguised, or blended in to its environment or otherwise hidden or kept from sight such that the wireless facility blends into the surrounding environment and is visually unobtrusive. A concealed or camouflaged wireless facility or pole also includes any wireless facility or pole conforming to the surrounding area in which the wireless facility or pole is located and may include, but is not limited to, hidden beneath a facade, blended with surrounding area, designed or painted to match the supporting area, or disguised with artificial tree branches.

Consumer price index. The annual revised consumer price index for all urban consumers for the state, as published by the Federal Bureau of Labor Statistics.

DAS or distributed antenna system. Shall be included as a type of network node and have the same meaning as "network node."

Direction of the city. All ordinances, laws, rules, resolutions, and regulations of the city that are not inconsistent with this article and that are now in force or may hereafter be passed and adopted.

Disaster emergency or disaster or emergency. An imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city, state or federal governmental authorities.

Easement. May include any public easement or private easement or other compatible use, depending upon usage, whether created by dedication or by other means, for uses which include electric, gas, telecommunications, cable or public utility purposes.

Facilities. Any and all of the wires, cables, fibers, duct spaces, manholes, poles, conduits, underground, and overhead passageways and other equipment, structures, plants, and appurtenances and all associated physical equipment placed in, on, or under the public rights-of-way.

FCC or Federal Communications Commission. The federal administrative agency, or lawful successor, authorized to regulate interstate communications by radio, television, wire, satellite, and cable on a national level.

Fiber optic or fiber optic cable. A communication transmission medium that uses light to send data, high quality video and sound.

Franchise expiration. The date of expiration, or the end of the term, of a franchised user, as provided under a franchise, permit or license agreement.

Franchise fee. The user fee or charge that the city requires as payment for using the streets, rights-of-way, public ways, and easements of the city.

Franchise or franchise agreement. The initial authorization, or subsequent renewal granted by the city in order for a person to construct, operate, and maintain a system in all, or part, of the city right-of-way.

Gross receipts. Any and all compensation which is derived by the user from the operation of the system, and which is attributable to the systems operations within the city as allowed by law.

Highway right-of-way. Right-of-way adjacent to a state or federal highway.

Law. Common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local. Within the geographical boundaries of the city.

Local exchange telephone service. Has the meaning assigned by section 51.002, Texas Utilities Code.

Macro tower. A guyed or self-supported pole or monopole greater than the height parameters prescribed by Texas Local Government Code section 284.101 and that supports or is capable of supporting antennas.

Micro network node. A network node that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height, and that has an exterior antenna, if any, not longer than eleven (11) inches.

Municipal park. An area that is zoned or otherwise designated by the city council as a public park for the purpose of recreational activity.

Municipally owned utility pole. A utility pole owned or operated by a municipally owned utility, as defined by section 11.003, Utilities Code, and located in a public right-of-way.

MUTCD. Manual of Uniform Traffic-Control Devices.

Network node. Equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

- (1) Includes:
 - (A) Equipment associated with wireless communications;
 - (B) A radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - (C) Coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
- (2) Does not include:
 - (A) An electric generator;
 - (B) A pole; or
 - (C) A macro tower.

Network provider.

- (1) A wireless service provider; or
- (2) A person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (A) Network nodes; or
 - (B) Node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole. A pole as defined by chapter 284 of the Texas Local Government Code.

Park. Has the same meaning as "municipal park."

Permit. A document issued by the city authorizing installation, removal, modification and other work for user's equipment or facilities in accordance with the approved plans and specifications.

Person. A natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, and other such entity who owns or controls facilities. From context within sections of this article, it refers to persons using, applying or seeking to use the right-of-way.

Pole. A service pole, municipally owned pole, node support pole, or other utility pole, and shall include network node support pole.

Provider. Has the same meaning as "network provider."

PROWAG. The public rights-of-way accessibility guidelines.

Public rights-of-way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include the airwaves above a public right-of-way with regard to wireless telecommunications.

Public right-of-way management ordinance. This article 3.10, of this city code and includes all other ordinances that comply with chapters 283 and 284 of the Texas Local Government Code or other state laws referencing right-of-way management ordinances or regulations.

Service pole. A pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (1) A pole that supports traffic-control functions;
- (2) A structure for signage;
- (3) A pole that supports lighting, other than a decorative pole; and
- (4) A pole or similar structure owned or operated by a municipality and supporting only network nodes.

Small cell. Shall be included as a type of network node and have the same meaning as "network node."

State. The State of Texas.

Street. Only the portion of the right-of-way with a specially prepared surface used for vehicular travel, which surface may be concrete, asphalt or other material commonly used to prepare a surface for vehicular travel, and is limited to the area between the inside of the curb (when there is a curb) to the inside of the opposite curb, and does not include the curb area or the area between the two parallel edges of the surface used for vehicular travel where there is no curb. A street is generally part of, but less than, or smaller in width than the size or width of the right-of-way. A street does not include the curb, sidewalk, or ditch, if any is present either at time of permitting or if added later. Streets shall be understood to be synonymous with alleys and the definition includes alleys.

SWPPP. Stormwater pollution prevention plan.

TAS. Texas Accessibility Standards.

Thoroughfare. Shall have the same meaning as "street."

TMUTCD. Texas Manual of Uniform Traffic-Control Devices

Traffic signal. Any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility. Each transmission path physically within right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

U.S.C. United States Code.

User. A person or organization that owns, places or uses facilities occupying the whole or a part of a public street or right-of-way, depending on the context. User does not refer to city unless specified.

Utility pole. A pole that provides:

- (1) Electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (2) Services of a telecommunications provider, as defined by section 51.002 of the Texas Utilities Code.

Visibility triangle or sight distance triangle. The triangular area adjacent to the intersection of any two or more public streets, public alleys or driveways within which no obstruction may be placed which would block the sight lines for vehicular, pedestrian or bicyclist traffic, as defined in the current edition of the AASHTO policy on geometric design of highways and streets. The visibility triangle shall not contain any visual or physical impediments or obstructions to the vertical view up to seven feet in height above the adjacent roadway.

Voice service. Voice communications services provided through wireline facilities located at least in part in the public right-of-way, without regard to the delivery technology, including internet protocol technology. The term does not include voice service provided by a commercial mobile service provider as defined in 47 U.S.C. section 332(d).

Wireless facilities. "Micro network nodes," "network nodes," and "node support poles" as defined in Texas Local Government Code chapter 284.

Wireless service. Any service, using licensed or unlicensed wireless spectrum, including the use of wi-fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider. A person that provides wireless service to the public.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.003. Municipal parks.

Municipal parks designated for recreation and covered by this article include all parks designated by the city council in this code.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.004. Review of applications.

- (a) Review of applications. The city shall review applications for network nodes, node support poles and transport facilities in light of their conformity with applicable law and city code and shall issue such permits on nondiscriminatory terms and conditions subject to the following requirements:
- (1) Within 30 days of receiving an application for a network node or node support pole, or 10 days for a transport facility, the city shall determine and notify the applicant whether the application is complete; or if incomplete, the city must specifically identify the missing information in such notification. There shall be no fee charged for completion and resubmittal of an application.
 - (2) The city shall make its final decision to approve or deny a complete application no later than:
 - (A) 21 days after receipt of a complete application for a transport facility;
 - (B) 60 days after receipt of a complete application for a network node; and
 - (C) 150 days after receipt of a completed application for a new node support pole.
 - (3) The city shall advise the applicant in writing of its final decision, and, if denied, the basis for that denial, including specific provisions of city code or applicable law on which the denial was based, and send the documentation to the applicant on or before the day the city denies the application. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee. The city shall approve or deny the revised application within 90 days of receipt of the amended application. The subsequent review by the city shall be limited to the deficiencies cited in the original denial.
 - (4) An applicant seeking to collocate network nodes may, at the applicant's discretion, file a consolidated application and receive permits for up to 30 network nodes. Provided however, the city's denial of any node within a single application shall not affect other nodes submitted in the same application. The city shall grant permits for any and all nodes in a single application that it does not deny, subject to the requirements of this section.
- (b) Review of eligible facilities requests. Notwithstanding any other provision of this article, the city shall approve and may not deny applications for eligible facilities requests within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.005. through § 3.10.020. (Reserved)

Division 2

Right-of-Way Requirements**§ 3.10.021. Municipal authorization required; registration; compensation and fees.**

- (a) This article does not constitute or create authority to place, reconstruct, or alter facilities in, on, or over the public rights-of-way, and said authority must be obtained by separate instrument in accordance with this section or by operation of other laws.
- (b) Authorization required. Municipal authorization or agreement shall be required, except when clearly preempted by state law. Any person with a current, unexpired consent, franchise, agreement or other authorization from the city (grant) to use the public rights-of-way that is in effect at the time this article takes effect shall continue to operate under and comply with that grant until the grant expires or until it is terminated by mutual agreement of the city and the person, or is terminated as otherwise provided for in law.
- (c) Registration required.
- (1) In order for the city to know which persons own facilities in the public rights-of-way within the city, each such person who owns facilities shall register with the city and provide the following information at a minimum:
- (A) Person's name;
 - (B) The current name, address, and telephone number(s) of a contact employed by and with decision-making authority for the person and who is available twenty-four (24) hours per day;
 - (C) Furnish the city with a street map marked in such a manner as to evidence which streets the person has placed facilities. The information may be required to be furnished digitally;
 - (D) Insurance information as required by section 3.10.025 "insurance requirements"; and
 - (E) Any required bonds.
- (2) Registration shall be updated annually in accordance with this section "municipal authorization required; registration; compensation and fees."
- (3) Registration shall be a prerequisite to issuance of a construction permit. Each person shall update and keep current his/her registration with the city at all times.
- (4) Any person who does not maintain registration requirements with the city may not receive notices or updates, including any notices regarding abandonment of right-of-way.
- (5) Failure to maintain registration requirements. In addition to all other legal penalties, including criminal penalties, failure to register or to maintain and update registration information may result in removal of facilities.

- (6) Registration requirements may be met by fulfilling franchise requirements addressing the topics of this section.
- (d) Compensation and fees.
- (1) Municipal right-of-way use shall be compensated as required by the state constitution, state law, municipal authorization, franchise, license or other agreement.
- (2) The city may structure due dates on payments in such a manner so as to be administratively efficient.
- (3) Application fees, as allowed by state law, for work or installations in the right-of-way shall be the fees set by the city council. Such fees may be set by ordinance, resolution, in the budget or by any other lawful means.
- (4) Failure to pay application fees, or failure of any payment to properly process shall result in the denial or withdrawal of a permit.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.022. Administration and enforcement.

- (a) The building official and the city administrator shall administer and enforce compliance with this article.
- (b) A person shall report information related to the use of the public rights-of-way that the building official requires in the form and manner reasonably prescribed by the city council.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.023. Construction obligations; permit required.

- (a) Any person seeking to place facilities on, in or over the public rights-of-way shall first file an application for a building permit with the city and shall abide by the terms and provisions of this article pertaining to use of the public rights-of-way.
- (b) A person is subject to reasonable police power regulation of the city to manage its public rights-of-way in connection with the construction, expansion, reconstruction, maintenance, repair of facilities or other work in the public rights-of-way, pursuant to the city's rights as a custodian of public property, based upon the city's historic rights under state and federal laws. Such regulations include, but are not limited to the following:
- (1) At the city's request, a person shall furnish the city accurate and complete information relating to the construction, reconstruction, removal, maintenance, and repair of facilities performed by the person in the public rights-of-way.
- (2) A person shall be required to place certain facilities within the public rights-of-way underground absent a compelling demonstration by the person that, in any

specific instance, this requirement is not reasonable, feasible, or equally applicable to other similar users of the public rights-of-way.

- (3) A person shall perform excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, including the engineering division detailed standards for public right-of-way construction (detailed standards), as may be revised from time-to-time in accordance with the city's police powers, and the obligation to use trenchless technology whenever commercially economical and practical and consistent with obligations on other similar users of the public right-of-way. The city may waive the requirement of trenchless technology if it determines that the field conditions warrant the waiver, based upon information provided to the city by the person. All excavations and other construction in the public rights-of-way shall be conducted so as to minimize interference with the use of public and private property and all facilities placed underground shall be locatable with above ground instruments. A person shall follow all reasonable construction directions given by the city in order to minimize any such interference.
- (4) A person lawfully authorized to place facilities in the public rights-of-way must obtain a permit, as reasonably required by applicable city ordinances, prior to any excavation, construction, installation, expansion, repair, removal, relocation, or maintenance of the person's facilities. A construction permit is not required for routine maintenance so long as the work does not require excavation of the public rights-of-way or does not block traffic lanes or sidewalks; however, any construction standards in the detailed standards shall remain applicable regardless of whether or not a permit is required. A permit is not required when so provided by state law, but in such cases the provisions regarding required notice apply. An approved lane, sidewalk or trail closure plan is required if a traffic lane, sidewalk or trail will be closed due to right-of-way work, regardless of whether or not a permit is required. Once a permit is issued, person shall give to the city a minimum of 48 hours' notice (which could be at the time of the issuance of the permit) prior to undertaking any of the above listed activities on its facilities in, on, or under the public rights-of-way. The failure of the person to request and obtain a permit from the city prior to performing any of the above listed activities in, on, or over any public right-of-way, except in an emergency as provided for in subsection (11) below, will subject the person to a stop-work order from the city and enforcement action pursuant to this code. If the person fails to act upon any permit within thirty (30) calendar days of issuance, the permit shall become invalid, and the person will be required to obtain another permit, unless extended for good cause by the city.
- (5) When a person completes construction, expansion, reconstruction, removal, excavation or other work, the person shall promptly restore the public rights-of-way in accordance with applicable city requirements. A person shall replace and properly relay and repair the surface, base, irrigation system, and landscape treatment of any public rights-of-way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the person's facilities within ten (10) calendar days after completion of the work in accordance with existing standards of the city in effect at the time of the work, unless extended by the city for good cause.

- (6) Upon failure of a person to perform any such repair or replacement work, and five days after written notice has been given by the city to the person, and in the event, repairs have not been initiated during such five-day period, the city may repair such portion of the public rights-of-way as may have been disturbed by the person, its contractors, or agents. Upon receipt of an invoice from the city, the person will reimburse the city in accordance with the detailed standards within thirty (30) calendar days from the date of the city invoice.
- (7) Should the city reasonably determine, within two (2) years from the date of the completion of the repair work, that the surface, base, irrigation system, or landscape treatment requires additional restoration work to meet standards at the time of the excavation of the city, a person shall perform such additional restoration work to the satisfaction of the city, subject to all city remedies as provided herein.
- (8) Notwithstanding the foregoing in subsection (7) above, if the city determines that the failure of a person to properly repair or restore the public rights-of-way constitutes a safety hazard to the public, the city may undertake emergency repairs and restoration efforts, after emergency notice has been provided, to the extent reasonable under the circumstances and the person failed to respond within the reasonable time specified by the city. A person shall promptly reimburse the city for all costs incurred by the city within thirty (30) calendar days from the date of the city invoice.
- (9) A person shall furnish the city with the application for the construction permits, construction plans and maps showing the location and proposed routing of new construction or reconstruction at least ten business days unless otherwise extended by the city before beginning construction or reconstruction that involves an alteration to the surface or subsurface of the public rights-of-way by the city. A person may not begin construction until the location of new facilities and proposed routing of the new construction or reconstruction and all required plans and drawings have been approved in writing by the city, which approval will not be unreasonably withheld or delayed, taking due consideration of the surrounding area and alternative locations for the facilities and routing.
- (10) If the mayor declares an emergency with regard to the health and safety of the citizens and requests by written notice the removal or abatement of facilities, a person shall remove or abate the person's facilities by the deadline provided in the building official's request. The person and the city shall cooperate to the extent possible to assure continuity of service. If the person, after notice, fails or refuses to act, the city may remove or abate the facility, at the sole cost and expense of the person, without paying compensation to the person and without the city incurring liability for damages.
- (11) Except in the case of customer service interruptions and imminent harm to property or person (emergency conditions), a person may not excavate the pavement of a street or public rights-of-way without first complying with city requirements. The building official shall be notified as promptly as possible regarding work performed under such emergency conditions, and the person shall

comply with the requirements of city standards for the restoration of the public rights-of-way.

- (12) On an annual basis, no later than January 31st of each year, the user shall provide updates to the department or personnel designated by the building official showing any new facilities from the previous year in the format required by the city.
- (13) The city may require reasonable bonding requirements of a person, as are required of other entities that place facilities in the public rights-of-way. The city administrator may waive or reduce the bonding requirements in a nondiscriminatory, competitively neutral manner, taking into consideration both that the person has furnished the city with reasonable documentation to evidence adequate financial resources substantially greater than the bonding requirements, and has demonstrated in prior right-of-way construction activity, prompt resolution of any claims and substantial compliance with all required applicable building codes and ordinances.
- (14) In determining whether any requirement under this section is unreasonable or unfeasible, the building official shall consider, among other things, whether the requirement would subject the person or persons to an unreasonable increase in risk or service interruption, or to an unreasonable increase in liability for accidents, or to an unreasonable delay in construction or in availability of its services, or to any other unreasonable technical or economic burden or result in discriminatory treatment by a person.
- (15) For installation of any proposed pole applicant shall provide engineered drawings, geotechnical drawings, geotechnical study or studies, and evidence of Americans with Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG) compliance, sectional detail showing depth of anchor, scaled dimensional drawings of the proposed pole, as well as any other proposed equipment associated with the proposed installation, and shall indicate spacing from existing curb, driveways, sidewalk, light poles, and any other poles or appurtenances.
- (16) If requested by city, all applications shall include a current before and a proposed after street view image. The after-image needs to include any proposed poles and all proposed attachments, and any associated or ancillary equipment, whether attached or standalone. Once work is done or the installation is complete, photographs accurately depicting the location of the installation or the work shall be submitted to the city. This requirement may be waived for underground installation.
- (17) If the project is within the state right-of-way or railroad right-of-way, the applicant must provide evidence of a permit or permission from the state or railroad.
- (18) If a city pole or poles or light structure or structures will be used or will be in the area of the proposed construction, the pole or poles or light structure or structures will be identified. No electric meter shall be mounted on a city pole or light structure unless the city grants written permission.

- (19) Provider/applicant shall use a maximum two hundred forty (240) voltage when connecting to any city infrastructure and provide key to meter upon installation.
- (20) All plans shall reflect that no facilities to be installed will obstruct an existing or planned sidewalk, trail, walkway, bicycle lane or lane of vehicular traffic.
- (21) If requested by city, engineering plans shall be provided with a maximum scale of one (1) inch equals forty (40) feet.
- (22) If requested by city, all plans shall include detail of the location of all right-of-way and utility easements which applicant plans to use.
- (23) If requested by city, all plans shall include detail of all existing city utilities in relationship to applicant's proposed route.
- (24) All plans shall include detail of what applicant proposes to install, such as network nodes, poles, pipes, size, number of inner-ducts, valves, or other facilities.
- (25) All plans shall include detail of plans to remove and replace asphalt or concrete in streets.
- (26) All plans shall include drawings of any bores, trenches, handholes, manholes, switch gear, transformers, pedestals, network nodes, micro-network nodes, or other facilities, including depth located in public right-of-way.
- (27) All plans shall include details of handhole and/or manhole applicant plans to use or access.
- (28) All plans shall include complete legend of drawings submitted by applicant.
- (29) If paper copies are required, five (5) sets of engineering plans shall be submitted with permit application.
- (30) The application shall include the name, address and phone numbers of the contractor or subcontractor who will perform the actual construction, including the name and telephone number of an individual with the contractor who will be available at all times during construction. Such information shall be required prior to the commencement of any work.
- (31) The application shall include the construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way, and the dates and times work will occur, all of which (methods, dates, times, and other applicable information) are subject to approval of the city administrator.
- (32) The application shall include a statement that the requirements of section 3.10.021 "municipal authorization required; registration; compensation and fees" and section 3.10.025 "insurance requirements" are met.
- (33) The applications shall include a traffic-control plan designed to the latest edition of the Texas Manual on Uniform Traffic Control Devices (TMUTCD), which shall specify the traffic-control measures to be provided, and shall be required any time work will require traffic lane closures, bicycle lane closures, trail

closures, or sidewalk closures, regardless of whether a permit is required. Said traffic-control plan must be approved by the city administrator. If the traffic-control plan is not approved, no lane closure is allowed.

- (34) The application may require a Storm Water Pollution Prevention Plan (SWPPP), and a trench safety plan based on the proposed scope of work regardless of whether or not a permit is required.
- (35) The application shall show that no projecting attachments are less than eight (8) feet above the ground, if not projecting toward the street. If an attachment is projecting toward the street, the attachment shall be installed no less than sixteen (16) feet above the ground.
- (36) Any proposed work that involves the installation of facilities that will utilize radio frequencies shall not cause harmful interference with city public safety radio system, traffic signal light system, city traffic observation video cameras, or other city communications systems or components. The right-of-way user shall provide evidence that the proposed installation will be compatible with said city systems and will not cause any harmful interference with the city public safety radio system, traffic signal light system or other city communications systems or components. No installation shall be allowed to be installed or to remain in the right-of-way that causes any such interference.
- (37) The plans shall demonstrate that all federal and state laws and city ordinances will be obeyed, and that all sections of this article, including division 3 "design manual" will be complied with as applicable.
- (38) Information signs which shall be a minimum size of eighteen inches (18") by twenty-four inches (24") stating the identity of the person doing the work, telephone number and permittee's identity and telephone number shall be placed at the location where construction is to occur forty-eight (48) hours prior to the beginning of work in the right-of-way and shall continue to be posted at the location during the entire time the work is occurring. An informational sign will be posted on public right-of-way five hundred (500) feet before the construction location commences and each five hundred (500) feet thereafter, unless other posting arrangements are approved or required by the city administrator. Additionally, if the work to be permitted will require restricting access to private residences, or will affect adjacent and nearby residences (single-family or multifamily) because of noise, odors, dust or other activity which may affect the peaceful enjoyment of residential properties, then user shall, not later than seventy-two (72) hours prior to the commencement of construction activity, notify all affected residents by letter or door hanger. Such notice shall be in a format approved by the building official.
- (39) Erosion control measures (e.g. silt fence) and advance warning signs, markers, cones and barricades and existing utility locate markers must be in place before work begins.
- (40) Permittee shall be responsible for stormwater management erosion control that complies with city, state and federal guidelines. Requirements shall include, but not be limited to, silt fencing around any excavation that will be left overnight,

silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require wire backed silt fencing. Upon request, permittee may be required to furnish documentation submitted or received from federal or state government.

- (41) Permittee or contractor or subcontractor will notify the deputy city secretary/building review committee liaison immediately of any damage to other utilities, either city or privately owned.
- (42) Permittees are responsible for the workmanship and any damages by contractors or subcontractors. A responsible representative of the permittee will be available to city staff at all times during construction.
- (43) Installation of facilities must not interfere with city utilities, in particular gravity dependent facilities.
- (44) New facilities must be installed to a depth approved by the building official.
- (45) All directional boring shall have locator place bore marks and depths while bore is in progress. The boring method and bore pit locations shall be identified prior to the commencement of boring operations. Locator shall place mark at each stem with paint dot and depth at least every other stem.
- (46) Permittee will be responsible for verifying the location, both horizontal and vertical, of all facilities. When required by the city administrator, permittee shall verify locations by pot holing, hand digging or other method approved by the building official prior to any excavation or boring.
- (47) Placement of all manholes and/or handholes must be approved in advance by building official. Handholes or manholes will not be located in sidewalks, unless approved by the building official.
- (48) Locate flags shall not be removed from a location while facilities are being constructed.
- (49) Construction which requires pumping of water or mud shall be contained in accordance with city ordinances and federal and state law and the directives of the building official.
- (50) All facilities installed in the right-of-way shall be in colors that blend with the surroundings, or if on a service pole or municipally owned pole, shall match the color and finish of the pole, and must be approved by the city.
- (51) All facilities installed in the right-of-way shall be capable of being identified through a GIS shape file or other means as acceptable to the city building official. Said identification shall be provided at the time of application and shall be visible on the facilities when installed and must follow all applicable city ordinances.
- (52) Above-ground wires shall be located on only one side of the right-of-way unless approved by the building official.
- (53) The right-of-way user or contractor must obtain any needed permits for electrical work and provide engineered drawings for conduit size, circuit size, calculations

for amperage, or any other required information. Provider shall be responsible for obtaining any required electrical power service to any installation. Any such electrical supply must be separately metered and must match city infrastructure voltage.

- (54) Right-of-way users shall complete construction as expeditiously as possible and lane closures or work that inconveniences the traveling public shall be minimized. Lane closures shall not be outside the hours of 9:00 a.m. to 3:30 p.m. on weekdays or last longer than four (4) hours, unless a different period of time is shown on the permit and approved by the city.
 - (55) Right-of-way work shall be completed in the amount of time shown on the permit; but if no completion time is shown on the permit the work shall be complete in not more than thirty (30) calendar days.
 - (56) All right-of-way work and facilities installed shall be done in a good workman like manner, shall meet all applicable codes, shall be maintained and kept in good repair and shall be aesthetically pleasing.
 - (57) All efforts shall be made to avoid or minimize negative visual impact to the surrounding area and to enhance the safety requirement for vehicles and pedestrians, particularly in areas where children or other vulnerable members of the population may be located.
 - (58) Installations which require ancillary ground equipment with a footprint of twenty-five (25) square feet or more shall be spaced at least three hundred (300) feet apart.
 - (59) All location/route markers setting out location of utilities shall be flush with the ground. Above-ground location/route markers shall not be allowed.
 - (60) The plans shall demonstrate that all federal and state laws and city ordinances will be obeyed, and that all sections of this article, including division 3 "design manual" will be complied with as applicable. Construction in right-of-way adjacent to a school shall be required to follow all state law requirements, including the requirements in the Educational Code regarding work on school grounds, including but not limited to chapters 21 and 22, as applicable.
 - (61) All requirements for installation continue, as applicable, for as long as facilities remain in the right-of-way.
- (c) All construction and installation in the right-of-way shall be in accordance with the permit for the facilities. The deputy city secretary or building review committee liaison shall be provided access to the work and to such further information as he or she may reasonably require to ensure compliance with the permit.
 - (d) A copy of the construction permit and approved engineering plans shall be maintained at the construction site and made available for inspection by the deputy city secretary/building review committee liaison or building official at all times when construction or installation work is occurring.
 - (e) All construction or installation work authorized by permit must be completed in the time specified in the construction permit. If the work cannot be completed in the

specified time periods, the permittee may request an extension from the city administrator. The deputy city secretary/building review committee liaison will use best efforts to approve or disapprove a request for permit time extension as soon as possible.

- (f) A copy of any permit or approval issued by federal or state authorities for work in federal or state or railroad right-of-way located in the city shall be required, if requested by the deputy city secretary/building review committee liaison.
- (g) A request for a permit must be submitted at least ten (10) working days before the proposed commencement of work in the request, unless waived by the deputy city secretary/building review committee liaison.
- (h) Requests for permits will be approved or disapproved by the deputy city secretary/building review committee liaison within a reasonable time upon receiving all the necessary information. The city administrator will use best efforts to approve or disapprove a request for permit as soon as possible.
- (i) The city administrator or the applicant can request a pre-construction meeting with the permittee and their construction contractor.
- (j) Permit applications are required for construction on new, replacement or upgrading of the company's facilities in the right-of-way either aerial or underground.
- (k) The failure of a person to request and obtain a permit from the city prior to performing any of the above listed activities in, or over any right-of-way, except in an emergency, will subject the person to a stop-work order from the city and enforcement action pursuant to the city's code including but not limited to section 3.04.018 [sic].
- (l) If the person receiving the permit fails to act upon the permit within thirty (30) days of issuance, the permit shall become invalid, and the person will be required to obtain another permit.
- (m) If the applicant or user proposes any installation, maintenance, repair, replacement or any other work in the right-of-way that would result in a change as to the ADA and PROWAG requirements, the applicant or user proposing such change is responsible for all costs, labor and other actions needed to maintain ADA and PROWAG compliance. If any right-of-way work will affect ADA or PROWAG requirements, a permit shall be required, even if not otherwise required. Applicant must certify that the right-of-way will be ADA compliant when the installation, maintenance, repair, replacement or other work is complete. If any action by applicant will affect ADA or PROWAG requirements, applicant or user must show how such work will be ADA or PROWAG compliant.
- (n) If state or federal law provides that a permit is not required for certain work to be done, then a person proposing to do such work shall be required to provide notice two (2) working days prior to performing such work.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.024. Conditions of public rights-of-way occupancy.

- (a) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, gas, water, and other pipelines or cables and conduits, and to do underground and overhead work, and attachments, restructuring, or changes in aerial facilities in, across, along, over, or under a public street, alley, or public rights-of-way occupied by a person, and to change the curb, sidewalks, or the grade of streets or rights-of-way.
- (b) The city shall assign the location in or over the public rights-of-way among competing users of the public rights-of-way with due consideration to the public health and safety considerations of each user type, and to the extent the city can demonstrate that there is limited space available for additional users, may limit new users, as allowed under state or federal law.
- (c) If the city authorizes abutting landowners to occupy space under the surface of any public street, alley, or public rights-of-way, the grant to an abutting landowner shall be subject to the rights of the previously authorized user of the public rights-of-way. If the city closes or abandons a public right-of-way that contains a portion of a user's facilities, the city shall close or abandon such public right-of-way subject to the rights of the user, provided the user has a current registration.
- (d) If the city gives written notice, a right-of-way user shall, at its own expense, temporarily or permanently, remove, relocate, change, or alter the position of user's facilities that are in the public rights-of-way within one hundred twenty (120) days, unless a different schedule is approved by the city administrator. For projects expected by the city to take longer than 120 days to remove, change or relocate, the city will confer with the user before determining the alterations to be required and the timing thereof. The city shall give notice whenever the city has determined that removal, relocation, change, or alteration is reasonably necessary for the construction, operation, repair, maintenance, or installation of a city governmental public improvement in the public rights-of-way. This section shall not be construed to prevent a right-of-way user's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal, nor shall it be required if improvements are solely for beautification purposes without prior joint deliberation and agreement with the person.
- (e) If the user fails to relocate facilities in the time allowed by the city in this section, the user may be subject to liability to the city for such delay and as set forth in this code, now or hereafter enacted. Additionally, the user may be denied any new permits until the relocation is complete.
- (f) Notwithstanding anything in subsection (d) above, the city administrator and a person may agree in writing to different time frames than those provided above if circumstances reasonably warrant such a change.
- (g) Any right-of-way user trimming trees shall be required to remove trimmings within 24 hours; provided, however, if any trimmings affect right-of-way use, said trimmings must be removed immediately. If said trimmings are not removed, the city may remove the trimmings or have them removed, and upon receipt of a bill from the city, the person shall promptly reimburse the city for all costs incurred within thirty (30)

calendar days. Users shall not be responsible for tree trimming or removal, except as to the work required to construct, maintain, or restore utility service.

- (h) Users shall temporarily remove, raise, or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city gives written notice of not less than 48 hours. The expense of these temporary rearrangements shall be paid by the party or parties requesting and benefiting from the temporary rearrangements. The person may require prepayment or prior posting of a bond from the party requesting the temporary move.
- (i) To the extent applicable, directions of the city shall be followed, including but not limited to "standard details" and "standards for right-of-way easement construction" as those requirements currently exist or as may be amended, updated or supplemented from time-to-time.
- (j) To the extent applicable, all of the requirements or conditions for construction and occupancy of the right-of-way shall continue during the entire time that the installed facilities remain in the right-of-way.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.025. Insurance requirements.

(a) Insurance required.

- (1) A person shall obtain and maintain insurance in the amounts reasonably prescribed by the city with an insurance company licensed to do business in the state reasonably acceptable to the city. As a condition of registration and prior to construction, an applicant must provide, and users must maintain, acceptable proof of liability insurance in the total amount of six million dollars (\$6,000,000.00); one million dollars (\$1,000,000.00) primary plus five million dollars (\$5,000,000.00) umbrella or other provisions as acceptable to the city administrator. The city reserves the right to review the insurance requirements and to reasonably adjust insurance coverage and limits when the city administrator determines that changes in statutory law, court decisions, or the claims history of the industry or the person require adjustment of the coverage.
- (2) The coverage must be on an "occurrence" basis and must include coverage for personal injury, contractual liability, premises liability, medical damages, underground, explosion and collapse hazards and worker's compensation as required by law.
- (3) Each policy must include a cancellation provision in which the insurance company is required to notify the city in writing not fewer than thirty (30) days before canceling, failing to renew, or reducing policy limits.
- (4) For purposes of this section, the city will accept certificates of self-insurance issued by the state or letters written by the person in those instances where the state does not issue such letters, which provide the same coverage as required herein. However, for the city to accept such letters, the person must demonstrate by written information that it has adequate financial resources to be a self-insured

entity as reasonably determined by the city, based on financial information requested by and furnished to the city.

- (b) A person shall furnish, at no cost to the city, copies of certificates of insurance evidencing the coverage required by this section to the city, unless the city requires another form of legally binding proof of insurance. If the city requests a deletion, revision or modification, a person shall exercise reasonable efforts to pay for and to accomplish the change.
- (c) An insurance certificate shall contain the following required provisions:
 - (1) Name the city and its officers, employees, board members, and elected representatives as additional named insureds for all applicable coverage;
 - (2) Provide for 30 days written notice to the city for cancellation, nonrenewal, or material change; and
 - (3) Provide that notice of claims shall be provided to the city administrator by certified mail.
- (d) All persons utilizing the right-of-way shall file and maintain proof of insurance with the city. An insurance certificate obtained in compliance with this section is subject to city approval. The city may require the certificate to be changed to reflect changing liability limits. A person shall immediately advise the city attorney of actual or potential litigation that may develop which may affect an existing carrier's obligation to defend and indemnify.
- (e) An insurer has no right of recovery against the city. The required insurance policies shall protect the person and the city. The insurance shall be primary coverage for losses covered by the policies.
- (f) The policy clause "other insurance" shall not apply to the city if the city is an insured under the policy.
- (g) Person shall pay premiums and assessments. A company which issues an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by a person must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.026. Indemnity.

- (a) To the extent authorized by law, each person placing facilities in the public rights-of-way shall agree to promptly defend, indemnify, and hold the city harmless from and against all damages, costs, losses, or expenses: (1) for the repair, replacement, or restoration of city's property, equipment, materials, structures and facilities which are damaged, destroyed, or found to be defective as a result of the person's acts or omissions; (2) from and against any and all claims, demands, suits, causes of action, and judgments for: (A) damage to or loss of the property of any person (including, but not limited to the person, its agents, officers, employees, and subcontractors, city's

agents, officers, and employees, and third parties); and/or (B) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person (including, but not limited to the agents, officers, and employees of the person, person's subcontractors and city, and third parties), arising out of, incident to, concerning, or resulting from the negligent or willful act or omissions of the person, its agents, employees, and/or subcontractors, in the performance of activities pursuant to this article.

- (b) This indemnity provision shall not apply to any liability resulting from the negligence or willful misconduct of the city, its officers, employees, agents, contractors, or subcontractors.
- (c) The provisions of this indemnity are solely for the benefit of the city and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.027. Improperly installed facilities.

- (a) Any person doing work in the city right-of-way shall properly install, repair, upgrade and maintain facilities.
- (b) Facilities shall be considered to be improperly installed, repaired, upgraded or maintained if:
 - (1) The installation, repairs, upgrade or maintenance endangers people or property;
 - (2) The facilities do not meet the applicable city codes and ordinances;
 - (3) The facilities are not capable of being located using standard practices;
 - (4) Underground facilities that are installed less than twenty-four (24) inches in depth;
 - (5) Facilities, or construction in regard to placement of said facilities, that remains incomplete or hazardous after construction work is finished or time for completion has passed, including but not limited to holes in paved areas or ground, handholes or manholes that are improperly sealed, and broken equipment or any other incomplete or hazardous condition.
 - (6) The facilities are not located in the proper place at the time of construction in accordance with the approved permit or directions provided by the city administrator;
 - (7) The facilities were not properly and timely relocated in accordance with the requirements of this article; or
 - (8) The facilities are unsightly, dangerous or in violation of any city adopted codes.

- (c) Facilities will be considered improperly installed if said facilities cause any interference with city public safety radio system, traffic signal light system, city traffic observation video cameras or other communications components.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.028. Restoration of property.

- (a) Users of the right-of-way shall restore property affected by construction of facilities to a condition that is equal to or better than the condition of the property prior to the performance of the work. Restoration must be approved by the city administrator.
- (b) Restoration must be to the reasonable satisfaction of the city and the property owner. The restoration shall include, but not be limited to:
- (1) Replacing all ground cover with the type of ground cover damaged during work or better either by sodding or seeding, as directed by city building official;
 - (2) Installation of all manholes and handholes, as required;
 - (3) Backfilling and compacting all bore pits, potholes, trenches or any other holes shall be filled in daily, unless other safety requirements are approved by the building official;
 - (4) Leveling of all trenches and backhoe lines;
 - (5) Restoration of excavation site to city specifications; and
 - (6) Restoration of all landscaping, ground cover, and sprinkler systems.
- (c) All locate flags and markings shall be removed during the clean-up progress by the permittee or contractor at the completion of the work.
- (d) Restoration must be made in a timely manner as specified by approved city schedules and to the satisfaction of the city administrator. If restoration is not satisfactory and performed in a timely manner all work in progress, except that related to the problem, including all work previously permitted but not complete may be halted and a hold may be placed on any permits not approved until all restoration is complete.
- (e) If a person fails to restore property as set out in this section, the city shall give (5) days written notice to the person at the address shown on the permit. If the person does not initiate repairs during the five-day period, or fails to complete the repairs within thirty (30) days, thereafter the city may elect to repair such portion of the right-of-way as may have been disturbed by the person, its contractors, or agents at the cost of the person performing the right-of-way work. These time periods may be shortened or waived in cases of a threat to public health, safety or welfare. Upon receipt of an invoice from the city, the person will reimburse the city for the costs so incurred no later than thirty (30) calendar days from the date of the city invoice.
- (f) Should the city reasonably determine, within two (2) years from the date of the completion of the repair work, that any of the said restoration work failed to meet the existing standards of the city, the person shall perform such additional restoration work to the satisfaction of the city, subject to all city remedies.

- (g) Notwithstanding any of the above sections, if the city determines that the failure of the person to properly repair or restore the right-of-way constitutes a threat to the public health, safety or welfare, the city may undertake emergency repairs and restoration efforts. The city may attempt to provide emergency notice to the person responsible, but is not obligated to do so. The right-of-way user shall promptly reimburse the city for all costs incurred by the city within thirty (30) calendar days from the date of the city invoice.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.029. Revocation or denial of permit.

- (a) If any of the provisions of this article are not followed, a permit may be revoked by the city building official. If a person has not followed the terms and conditions of this article in work done pursuant to a prior permit, new permits may be denied or additional terms required.
- (b) If a permit is denied upon initial submission for incompleteness or for an issue which is capable of correction, the applicant may complete or correct the application and resubmit the application. Applications not resubmitted within thirty-one (31) calendar days shall be considered withdrawn.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.030. Appeal from denial or revocation of permit.

- (a) An applicant may appeal a denial or revocation of permit to the city administrator. Appeal shall be filed with the city administrator within five (5) calendar days from the date of the decision being appealed.
- (b) A denial or revocation will be upheld unless a person can show that there is an error and that the person was following all of the requirements of this article and all right-of-way engineering requirements.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.031. Inspections.

The city may perform inspections of any right-of-way work, including installations, maintenance, modifications or any other right-of-way work, whether such work is subject to permit requirements or allowed to be done without a permit. The city may perform visual inspections of any right-of-way work located in the right-of-way as the city deems appropriate without notice. If the inspection requires physical contact with right-of-way work, the city may provide the right-of-way user with notice prior to said inspection. Right-of-way user may have a representative present during such inspection. In the event of an emergency, the city may, but is not required to, notify the right-of-way user prior to the inspection. The city may take any needed action to remediate an emergency. The city shall notify the right-of-way user as soon as practical after said remediation.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.032. Abandoned facilities.

- (a) **Duty to remove.** A person that has placed facilities in the right-of-way shall remove said facilities and related equipment when such facilities are abandoned regardless of whether or not it receives notice from the city. If removal of facilities would cause damage, particularly in regard to underground facilities, this requirement may be waived by the city.
- (b) **Time for removal.**
- (1) The city may notify the person that said facilities must be removed immediately when necessary to ensure public health, safety, and welfare.
 - (2) If immediate removal is not required, the removal must be completed within the time set forth in the written notice to remove from the city and if no time is set out, then within ninety (90) days for the facilities and related equipment being abandoned.
 - (3) If the facilities are not removed after the ninety (90) day notice to remove, the city may remove the facilities thirty (30) days after notice of a final finding of abandonment.
 - (4) When a person removes, or abandons permanent structures in the right-of-way, the person shall notify the city administrator in writing of such removal or abandonment and shall file with the city administrator the location and description of each facility and ground equipment removed or abandoned.
 - (5) The city administrator may require the person to complete additional remedial measures necessary for public safety and the integrity of the right-of-way.
 - (6) If in the judgment of the city, removal of underground facilities would cause damage, this requirement may be waived.
- (c) **Deemed abandoned.** Facilities may be deemed abandoned as set out in this article. Additionally, facilities may be deemed abandoned if:
- (1) A person does not relocate facilities as set out in section 3.10.024 "conditions of public right-of-way occupancy."
 - (2) A person does not correct or abate improperly installed facilities as set out in section 3.10.027 "improperly installed facilities."
 - (3) A person fails to maintain the registration requirements set forth in section 3.10.021 "municipal authorization required; registration; compensation and fees."
 - (4) A person utilizing the right-of-way cannot be found or contacted.
 - (5) A person utilizing the right-of-way fails to pay the required compensation.
 - (6) A person utilizing the right-of-way fails to comply with the requirements of this article after being given due notice of any deficiencies. The notice requirement shall only apply to persons who have maintained the required registration as set

out in section 3.10.021 "municipal authorization; registration; compensation and fees" and are capable of being contacted.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.033. Underground installation preferred.

- (a) The underground placement of facilities is encouraged.
- (b) Facilities shall be installed underground where existing utilities are already underground.
- (c) Underground conduits and ducts shall be installed in the public right-of-way between the adjacent property line and curb line unless otherwise directed by the city.
- (d) Conduits and ducts shall be installed parallel to the curb line and cross the public rights-of-way perpendicular to the public rights-of-way centerline unless otherwise directed by the city.
- (e) Ducts and conduits shall be installed by trenchless excavation or directional boring whenever commercially economical and practical. Trenchless excavation shall be used to place facilities under paved public rights-of-way centerline unless otherwise directed by the city.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.034. Courtesy and proper performance.

Users shall make citizen satisfaction a priority in using the right-of-way. User shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its facilities and related ground equipment in the right-of-way. User's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the city administrator, user is not interacting in a positive and polite manner with citizens, the city administrator may request user to take all remedial steps to conform to these standards.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.035. Signage.

- (a) User shall post and maintain legible identification showing its name, location identifying information, and emergency telephone number in an area on a cabinet of a facility that is visible to the public. Signage required under this section shall not exceed 4" x 6" unless otherwise required by law (e.g. RF ground notification signs) or the city administrator.
- (b) Except as required by laws or by the utility pole owner, user shall not post any other signage or advertising on the facilities or equipment.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.036. Graffiti abatement.

As soon as practical, but not later than fourteen (14) calendar days from the date user receives notice thereof. User shall remove all graffiti on any of its facilities and related ground equipment located in the right-of-way. The foregoing shall not relieve the user from complying with any city graffiti or visual blight ordinance or regulation.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.037. Alternate means or method; waiver.

(a) A person may file a request with the city council to use alternate means or methods in right-of-way construction or maintenance. In determining whether any requirement under this section may be waived or if an alternate method or means may be used, the city council may consider all reasonable factors, including but not limited to:

- (1) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable increase in risk;
- (2) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable increase of service interruption;
- (3) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable increase in potential for liability for accidents;
- (4) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable delay in construction;
- (5) Whether the requirement or the alternate means or method or waiving the requirement would subject the person or persons or public to an unreasonable delay in availability of services; or
- (6) Any other unreasonable technical or economic burden.

(b) There shall be no right to receive permission to use an alternative means or method and denial by the city council shall be final.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.038. Legal action.

The city may institute all appropriate legal action to prohibit any person from knowingly using the public rights-of-way unless person has complied with the terms of this article.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.039. through § 3.10.060. (Reserved)

Division 3
Design Manual

§ 3.10.061. Purpose.

This design manual is for maintenance of siting and criteria for the installation of wireless facilities, including micro network nodes, network nodes, node support poles and related ground equipment and applies to any and all maintenance, siting, installations, collocations, or other placement of, in, over or under the public rights-of-way of network nodes, node support poles, micro network nodes, distributed antenna system(s), microwave communications or other wireless facilities, by whatever nomenclature, whether they are installed pursuant to chapter 284 of the Local Government Code or installed pursuant to an agreement to use the right-of-way or authorization or installed as may otherwise be allowed by state law. The city enacts these design requirements and guidelines in order to meet its fiduciary duty to its citizens, and to give assistance and guidance to network providers in the safe, aesthetically pleasing, efficient, and timely installation of facilities.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.062. Prohibited or restricted areas for wireless facilities in the right-of-way.

(a) Prohibited; municipal parks and residential areas. A network provider may not install a new node support pole in the following locations:

- (1) In a municipal park, unless permission is given by the city council; or
- (2) In a right-of-way that:
 - (A) Contains a street that is equal to or less than fifty (50) feet wide at average width, measuring vehicular traveled portion only as set out in the definition of "street" and the measurement does not include intersection and refers only to the main traveled portion measured at mid-block or midpoint between intersections; and
 - (B) Is adjacent to developed or undeveloped single-family residential lots, other multifamily residential area or land that is used or designated for residential use by zoning or deed restrictions.

(b) Restricted; historic district.

- (1) A network provider must obtain advance written approval from the city before collocating network nodes or installing node support poles in an area of the city zoned or otherwise designated as a historic district. Future designations of historic districts shall apply to future requests for placement of facilities.
- (2) Concealment required:
 - (A) As a condition for approval of network nodes or node support poles in a historic district, concealment measures are required for network nodes or node support poles or related ground equipment or any portion of the nodes, poles, or equipment.

- (B) Said concealment measures shall minimize the impact to the aesthetics in a historic district.
- (3) Network provider shall comply with and observe all applicable city, state, and federal laws and requirements, including historic preservation laws and requirements.
- (c) Collocation will not be allowed on decorative traffic signal poles or decorative poles/ decorative streetlight poles in any area of the city.
- (d) Historic landmarks. Network provider is discouraged from installing a network node or node support pole within 300 feet of a historic site or structure or historic landmark recognized by the city, state or federal government (see, for example, and not limited to § 442.001(3) of the Texas Government Code, and 16 U.S.C. § 470) as of the date of the submission of the permit.
- (e) Designated areas.
- (1) The city council may designate an area as a historic district at any time.
- (2) Historic district: Any area that meets the definition of historic district shall be considered to be a historic district. An area does not need to be designated by this article to be considered to be within a historic district. Such designation does not require a zoning case. Any area declared to be a historic district by city council or any area that meets the definition of historic district shall be subject to all requirements and protections for a historic district.
- (f) Defense.
- (1) It shall be a defense to any of the above requirements prohibiting or restricting location of facilities in a park, residential area, historic district, or collocating on a decorative pole that the network provider obtained advance written approval or waiver of restrictions from the city before collocating new network nodes or installing new node support poles or ground equipment in a prohibited or restricted location. In any prosecution for such prohibition or violation of any restrictions, it shall be an affirmative defense to have an agreement with the city that approved such location or waived the applicable restriction.
- (2) If an agreement is granted to locate in a prohibited location, the network provider shall be required, as a condition for approval of new network nodes or new node support poles in a prohibited location, to install reasonable design or concealment measures for the new network nodes or new node support poles. Therefore, any request for installations in a prohibited location must be accompanied with concealment measures in the permit applications.
- (3) The city requests that a network provider explore the feasibility of using certain camouflage measures to improve the aesthetics of the network nodes, node support poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in all locations of the city.
- (g) Private deed restrictions and property owners association rules. A network provider installing a network node or node support pole in a public right-of-way described above

shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

- (h) Each permit application shall designate if the requested area for installation is within a residential area, a municipal park, or a historic district.
- (i) No interference with traffic. Nodes will not be allowed to be installed in the area for vehicular or pedestrian travel or in a manner that will interfere with vehicle traffic or pedestrian travel.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.063. Preferred location.

The following locations, in the order listed, are the preferred locations for installation of poles or wireless facilities:

- (1) Industrial areas.
- (2) Areas designated by the city as a highway rights-of-way area, provided that such areas are not adjacent to a municipal park, residential area, historic district, or any prohibited area set out above.
- (3) Retail and commercial areas, provided such areas are not in a prohibited location, such as a historic district.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.064. Order of preference regarding attachment to facilities.

- (a) Preferred location; third parties. The following shall be the order of preference for the attachment of network nodes to existing facilities, beginning with most preferred location and ending with least preferred location. In addition to the preference set out by the city, existing facilities may be owned by third parties and may not be available for attachment of facilities or may require authorization from other parties.
- (b) Order of preference from most preferable to least preferable.
 - (1) Most preferable. Existing telephone or electrical lines between existing utility poles, micro network nodes may only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on utility poles, node support poles or service poles.
 - (2) Preferable. Existing utility poles (electric poles or telephones poles), or nondecorative utility owned streetlight poles shall be the preferred support facility for network nodes and related ground equipment.
 - (3) Less preferable - new node support poles. Though adding new poles is not desirable, collocation on existing municipal poles shall generally be less preferred over new poles. New poles shall not be installed in prohibited areas and shall only be allowed in restricted areas to the extent all requirements are followed or a

waiver is granted. Any new poles shall be camouflaged to the extent allowed by law as set out in this article.

- (4) Least preferable. Municipal service poles, which shall require an agreement with the city. Municipal service poles include (in order of preference):

- (A) Nondecorative city streetlights. Micro network nodes shall:

- (i) Be encased in a separate conduit than the streetlight cables;
- (ii) Have an electric power connection separate than the streetlights;
- (iii) Have a separate access point than the street light structure;
- (iv) Be attached in a city approved manner; and
- (v) Follow all requirements in the agreement with the city and as required by the city.

- (B) Nondecorative traffic signal structures. Network nodes may only be attached to traffic signal structures when such installation will not interfere with the integrity of the facility and will not interfere with the safety of the public. Any installation of network node facilities on any traffic signal structures shall:

- (i) Be encased in a separate conduit than the traffic light electronics;
- (ii) Have a separate electric power connection than the traffic signal structure;
- (iii) Have a separate access point than the traffic signal structure;
- (iv) Not be placed on traffic signal mast arms;
- (v) Not be placed in an area where the view of traffic from a traffic video camera could be obstructed;
- (vi) Be placed on the side of the signal pole that does not face the direction of traffic for which the traffic signal faces;
- (vii) Be attached in a city approved manner; and
- (viii) Follow all requirements in the agreement with the city and as required by the city.

- (C) Other municipal service pole use is discouraged and the use of decorative street light poles or decorative traffic signal structures is prohibited.

- (c) Ground equipment should be minimal and the least intrusive. Ground equipment must not block existing or future pedestrian travel ways or be within visibility angles.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.065. Placement requirements.

- (a) A network provider shall construct and maintain network nodes and node support poles in a manner that does not:
 - (1) Obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
 - (2) Obstruct the legal use of a public right-of-way by other utility providers;
 - (3) Violate nondiscriminatory applicable codes;
 - (4) Violate or conflict with the municipality's publicly disclosed public right-of-way management ordinance or this design manual;
 - (5) Violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. section 12101 et seq.) or the public rights-of-way accessibility guidelines (PROWAG).
- (b) Network node facilities shall be installed in accordance with section 3.10.069 and all other applicable requirements of this article.
- (c) Right-of-way:
 - (1) Network node installation shall follow all applicable requirements of this article.
 - (2) Network node facilities, node support poles and related ground equipment shall be placed, as much as possible, within two feet (2') feet of the outer edge of the right-of-way line.
 - (3) Node support poles and related ground equipment shall not impede pedestrian or vehicular traffic in the right-of-way.
 - (4) No protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.
- (d) Parks: For the safety of park patrons, particularly small children, and to allow full line of sight near park property, the network provider shall not install ground equipment in a right-of-way that is within a park or within two hundred fifty (250) feet of the boundary line of a park.
- (e) There shall be no more than one (1) network node on any one pole.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.066. Design, concealment or camouflage required.

- (a) Reasonable design, concealment, or camouflage is required by the city when wireless facilities are allowed, as set forth above, in historic districts.
- (b) It is the city's preference that all new node support poles be concealed or camouflaged, except those located in an area zoned or predominantly used as industrial.
- (c) Companies shall submit their proposal for camouflage with the permit application.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.067. General requirements.**(a) Confirmation of noninterference with city safety communication networks.**

- (1) The network provider shall provide analysis that the proposed network node shall not cause any harmful interference with city public safety radio system, traffic signal light system, or other city safety communications components.
- (2) It shall be the ongoing responsibility of the network provider to evaluate, prior to making application for permit and while network nodes remain in the right-of-way, the compatibility between the existing city infrastructure and provider's proposed network node. A network node shall not be installed in a location that causes any harmful interference.
- (3) Network nodes shall not be allowed on city's public safety radio infrastructure.

(b) Size limits.

- (1) Network providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in chapter 284, in accordance with, but not limited to chapter 284, sec. 284.002, size of a micro network node, sec. 284.003, size of network nodes, and sec. 284.103, maximum pole height, with each application and with each request for a permit for each location.
 - (A) Micro network node dimensions - maximum length: 24 inches (24"); maximum width: fifteen inches (15"); maximum height: twelve inches (12").
 - (B) Network node: Three feet (3') in height, two feet (2') in width and one foot (1') in depth.
 - (C) Pole height not higher than ten feet (10') above the average height of utility poles within 500 linear feet of a new pole or fifty-five feet (55'), whichever is least.
 - (D) Ground equipment, separate from the pole, may not be higher than three feet six inches (3' 6") from grade, wider than three feet six inches (3' 6").
 - (E) When not otherwise set out in this article or in a municipal authorization, the size limits shall not be greater than size limits set forth for structures or equipment in chapter 284 of the Local Government Code, where applicable. These size limits shall not be exceeded unless specific city permission has been granted through a franchise or license or specific authorization is claimed through a different state statute.
 - (F) Size limits may be reduced when necessary for public health, safety or welfare.
- (2) If chapter 284 of the Texas Local Government Code is found to be repealed, struck down, preempted or invalid, in whole or in part, then the standards required by the city, either in the municipal authorization or an amendment to the municipal authorization or the directives of the city or this article shall apply.

- (c) Concealment. The network node facilities shall be concealed or enclosed in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible.
- (d) New node support pole spacing and placement.
- (1) New node support poles shall be at a minimum three hundred (300) feet from a utility pole or another node support pole to minimize the hazard of poles adjacent to roadways and to minimize effect on property values and aesthetics on the area, unless a lesser distance is approved by the city administrator.
 - (2) New poles shall be placed a minimum of five (5) feet from a street curb or travel lane and eighteen (18) inches from a sidewalk to minimize the potential of being struck by a motor vehicle or bicycle.
 - (3) New poles shall be placed on breakaway anchor bolt supports or bases to minimize the impact severity to motor vehicles that strike the pole.
- (e) Minimize ground equipment concentration. In order to minimize negative visual impact to the surrounding area, the city's designee may deny a request for a proposed location if the network provider installs network node ground equipment where existing ground equipment already occupies a footprint of twenty-five (25) square feet or more.
- (f) Allowed colors. Colors shall meet the requirements set out in section 3.10.023(b)(50).
- (g) Noncompliance. If any network node facilities, node support poles or ground equipment is installed in a location that is not in accordance with the plans approved by the city administrator and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the right-of-way noncompliant with applicable laws, including the American Disabilities Act, then network provider shall remove the network node facilities, node support poles or ground equipment.
- (h) If chapter 284 is repealed, struck down, preempted or invalid, standards required by city apply. If chapter 284 of the Texas Local Government Code is found to be repealed, struck down, preempted or invalid, in whole or in part, then the standards required by the city, either in the municipal authorization or an amendment to the municipal authorization or the directives of the city or this article shall apply.
- (i) Ground equipment.
- (1) Ground equipment should be minimal and the least intrusive. In accordance with chapter 284.102(1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within two hundred fifty (250) feet of a street corner or a street intersection.
 - (2) Ground equipment near municipal parks: For the safety of municipal park patrons, particularly small children, and to allow full line of sights near municipal park property, the network provider shall not install ground equipment in a right-

of-way that is within a park or within two hundred fifty (250) feet of the boundary line of a park, unless approved by the city administrator.

- (3) In accordance with chapter 284, sec. 284.102(1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the city's designee may deny a request for a proposed location if the network provider installs network node ground equipment where existing ground equipment within 300 feet already occupies a footprint of twenty-five (25) square feet or more.
- (4) Ground equipment shall not be installed in such a manner as to interfere with a visibility triangle.
- (5) Ground equipment must not block existing or future pedestrian travel ways, sidewalks, or trails.

(j) Municipal service poles.

- (1) An agreement shall be required for all installations on municipal service poles and all such installations shall be in accordance with the agreement.
- (2) Installations on all service poles shall have an industry standard individual pole load analysis, including wind loads, completed by a professional engineer registered in the state and submitted to the municipality with each permit application indicating that the service pole to which the network node is to be attached will safely support the load. All applications for permits to collocate or attach to any service pole must have included in its permit application a completed industry standard pole load analysis performed and sealed by an engineer licensed by the state that indicates that the service pole to which the network node is to be attached will safely support the load. Such analysis shall also address safety of pole and attachments in regard to wind loads, collision with motor vehicle, supporting weight of the node, interference with city communications systems, and all other pertinent information.
- (3) Height of attachments:
 - (A) All attachments on all service poles shall be at least eight (8) feet above grade;
 - (B) If an attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground; and
 - (C) Meet all applicable requirements of state law and this article.
- (4) Installations on any traffic signal structure must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with the agreement with the city. Installation of network node facilities on any traffic signal structures shall:
 - (A) Be encased in a separate conduit than the traffic signal light electronics;
 - (B) Be placed on the side of the signal pole that does not face the direction of traffic that the signal is controlling;

- (C) Have a separate electric power connection from the traffic signal structure;
- (D) Be placed a minimum of two feet (2') from any signal system device;
- (E) Have a separate access point than the traffic signal structure;
- (F) Be attached in a city-approved manner;
- (G) Follow all requirements in the agreement with the city and all other requirements by city; and
- (H) Meet all other requirements of state law and this article.

(5) Installations on street signage structures: Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with the agreement with the city. Installation of network node facilities on any street signage structures that has electrics shall:

- (A) Be encased in a separate conduit than any city signage electronics;
- (B) Have a separate electric power connection than the signage structure;
- (C) Have a separate access point than the signage structure;
- (D) Be attached in a city-approved manner;
- (E) Follow all requirements in the agreement with the city and all other requirements of the city; and
- (F) Meet all other requirements of state law and this article.

(k) Certification.

- (1) Application: Network node provider will furnish a certification that the proposed network node will be placed into active commercial service by or for a network provider not later than the 60th day after the date the construction and final testing of the network node is completed.
- (2) Within sixty (60) days after construction is complete, network node provider will furnish a certification that the proposed network node is in active commercial service by or for a network provider and will furnish such certification with its registration as required by section 3.10.021, annually thereafter.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.068. Electrical supply.

- (a) Network provider shall be responsible for obtaining any required electrical power service to the micro network node, network node facilities, node support poles and ground equipment. The city shall not be liable to the network provider for any stoppages or shortages of electrical power furnished to the micro network node, network node facilities, node support poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the

public utility serving the structure or the act or omission of any other tenant or network provider of the structure, or for any other cause beyond the control of the city.

- (b) Network provider shall not allow or install generators or back-up generators in the right-of-way.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.069. Installation and inspections.

(a) Installation.

(1) Network provider shall, at its own cost and expense, install the micro network node, network node facilities, node support poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the city administrator, as such may be amended from time-to-time. Network provider's work shall be subject to the regulation, control and direction of the city administrator.

(2) All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the micro network node, network node facilities, node support poles and related ground equipment shall be in compliance with any agreement with the city as applicable and all applicable laws, ordinances, codes, rules and regulations of the city, county, state, and the United States ("laws").

- (b) Standard pole load analysis on attachments to a service pole. All applications for permits to collocate and/or attach to any service pole must have included in its permit application a completed industry standard pole load analysis indicating that the service pole to which the network node is to be attached will safely support the load.

- (c) Inspections. The city administrator may perform visual inspections of any micro network node, network node, node support pole or related ground equipment located in the right-of-way as the city administrator deems appropriate without notice. If the inspection requires physical contact with the micro network node, network node, node support poles or related ground equipment, the city administrator shall provide written notice to the network provider within five (5) business days of the planned inspection. Network provider may have a representative present during such inspection.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.070. Requirements in regard to removal, replacement, maintenance and repair.

(a) Removal or relocation by network provider.

(1) If the network provider removes or relocates a micro network node, network node facilities, node support pole or related ground equipment at its own discretion, it shall notify the city administrator in writing not less than ten (10) business days prior to removal or relocation. Network provider shall obtain all permits required for relocation or removal of its micro network node, network node facilities, node support poles and related ground equipment prior to relocation or removal.

- (2) The city shall not issue any refunds for any amounts paid by network provider for micro network node, network node facilities, node support poles or related ground equipment that have been removed.
 - (3) Any abandoned or obsolete micro network node, network node, node support pole or other related equipment shall be removed in strict accordance with this article and all other applicable ordinances and state law.
 - (4) Network provider shall remove micro network node, network node facilities, node support pole or related ground equipment when such facilities are abandoned regardless of whether or not notice is received from the city. Such removal must occur within ninety (90) days from the date of abandonment, unless additional time is allowed by the city. The network provider shall provide advance written notice of such removal which must be received by the city at least two (2) working days prior to the removal, except in case of emergency. Such notice shall specify the location and description of each micro network node, network node, node support pole or related ground equipment or other facilities to be removed.
 - (5) The city administrator may require the network provider to complete additional remedial measures necessary for public safety and the integrity of any city facilities and the right-of-way.
- (b) Removal or relocation required for city project.
- (1) A network provider shall relocate or adjust micro network node, network node, node support pole and related ground equipment in a public right-of-way in a timely manner in accordance with section 3.10.024 "conditions of public rights-of-way occupancy" subsection (d) and without cost to the municipality managing the public right-of-way.
 - (2) Pursuant to state law and as a condition for occupancy of the right-of-way, the network provider may be required by the city to remove or relocate any of its facilities, including but not limited to, its micro network node, network node, node support pole and related ground equipment, or any portion thereof from the right-of-way, and network provider shall at the city administrator's direction, remove or relocate the same at network provider's sole cost and expense, whenever the city administrator reasonably determines that the relocation or removal is needed as set out in section 3.10.024 "conditions of public right-of-way occupancy."
- (c) Failure to remove or relocate. If network provider fails to remove or relocate the micro network node, network node, node support pole or related ground equipment, or portion thereof as requested by the city administrator within ninety (90) days of network provider's receipt of the request, then the city shall be entitled to remove the micro network node, network node, node support pole or related ground equipment, or portion thereof at network provider's sole cost and expense, without further notice to network provider, and network provider shall, within thirty (30) days following issuance of invoice for the same, reimburse the city for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the micro network node, network node, node support pole or related ground equipment, or portion thereof.

- (d) Removal required by city for safety or due to imminent danger, or for improper permitting or licensing.
- (1) Network provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable micro network node, network node, node support pole and related ground equipment within the time frame and in the manner required by the city administrator if the city administrator reasonably determines that the disconnection, removal, or relocation of any part of a micro network node, network node, node support pole and related ground equipment:
(A) is necessary to protect the public health, safety, welfare, or city property; (B) the micro network node, network node, node support pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or city property; or (C) network provider fails to obtain all applicable licenses, permits, and certifications required by law for its micro network node, network node, node support pole and related ground equipment, or use of any location under applicable law. If the city administrator reasonably determines that there is imminent danger to the public, then the city may immediately disconnect, remove, or relocate the applicable micro network node, network node, node support pole and related ground equipment at the network provider's sole cost and expense.
 - (2) The city administrator shall provide ninety (90) days written notice to the network provider before removing a micro network node, network node, node support pole and related ground equipment under this section, unless there is imminent danger to the public health, safety, and welfare.
 - (3) Network provider shall reimburse city for the city's actual cost of removal of micro network node, network node, node support pole and related ground equipment within thirty (30) days of receiving the invoice from the city.
- (e) Restoration. Network provider shall repair any damage to the right-of-way, or any facilities located within the right-of-way, and the property of any third party resulting from network provider's removal or relocation activities (or any other of network provider's activities hereunder) within ten (10) calendar days following the date of such removal or relocation, at network provider's sole cost and expense, including restoration of the right-of-way and such property to substantially the same condition as it was immediately before the date network provider was granted a permit for the applicable location or did the work at such location (even if network provider did not first obtain a permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the city administrator.
- (f) Network provider responsible. Network provider shall be responsible and liable for the acts and omissions of network provider's employees, temporary employees, officers, directors, consultants, agents, affiliates, subsidiaries, sub-network provider's and subcontractors in connection with the installations of any micro network node, network node, node support pole and related ground equipment, as if such acts or omissions were network provider's acts or omissions.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.071. Requirements upon abandonment.

- (a) Upon abandonment or upon being deemed abandoned, network provider has a duty to promptly remove its facilities from the right-of-way. Notice from the city is not a prerequisite to the requirement for removal.
- (b) If the network provider does not promptly remove its facilities removal procedures as set out in section 3.10.032 "abandoned facilities" may be followed.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.072. General provisions.

- (a) Requirements. All requirements of this article shall be met as applicable.
- (b) No city allocation of funds for removal and storage. All costs of any removal or storage of micro network node, network node, node support pole and related ground equipment, as authorized under this article, shall be the responsibility of the network provider and the city is not required to expend funds to meet the requirements of the network providers. Any funds expended by the city due to an emergency or failure of a person to abide by these requirements shall be reimbursed to the city.
- (c) Ownership. No part of a micro network node, network node, node support pole and related ground equipment erected or placed on the right-of-way by network provider will become, or be considered by the city as being affixed to or a part of, the right-of-way. All portions of the micro network node, network node, node support pole and related ground equipment constructed, modified, erected, or placed by network provider on the right-of-way will be and remain the property of network provider and may be removed by network provider at any time, provided the network provider shall notify the city administrator prior to any work in the right-of-way.
- (d) Size limits. Network providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in Texas Local Government Code chapter 284 with each application and request for a permit for each location; provided, however, where possible providers are encouraged to reduce the size of installed facilities.
- (e) If chapter 284 is repealed, struck down, preempted or invalid, standards required by city apply. If chapter 284 of the Local Government Code is found to be repealed, struck down, preempted or invalid, in whole or in part, then the standards required by the city, either in the municipal authorization or an amendment to the municipal authorization or the directives of the city or this article shall apply.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.073. Indemnity, bonding and security deposits.

Indemnity, bonding and security deposits shall be in strict accordance with the city's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with state law.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.074. Design manual - updates.

Placement or modification of micro network node, network node, node support pole and related ground equipment shall comply with the city's design manual at the time the permit for installation or modification, and as said design manual may be approved or amended from time-to-time.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.075. through § 3.10.090. (Reserved)

Division 4
Exemption Process

§ 3.10.091. Administrative hearing - request for exemption.

- (a) Should any person utilizing or proposing to utilize the right-of-way desire to request an exemption from a specific standard set forth in this article, and section 3.10.037 "alternate means or method; waiver" is not applicable, the person may request an administrative hearing before a board of appeals. The city council shall act as the board of appeals for a request for exemption under this article.
- (b) Any person requesting an exemption from any of the requirements shall file such a request with the city administrator within fifteen (15) calendar days from the time that need for an exemption arose. If an exemption is requested prior to construction, the request should be submitted prior to filing for a permit.
- (c) An exemption shall only be granted if:
 - (1) Such exemption is not contrary to the public interest;
 - (2) Such exemption will not increase the burden on the right-of-way or other right-of-way users;
 - (3) Such exemption shall not increase the right-of-way management or administrative duties for city staff;
 - (4) The exemption shall fit within the spirit of this article; and
 - (5) The application of this article in the particular circumstances would create an unnecessary hardship.
- (d) It shall take an affirmative vote of four (4) members of the board to grant the exemption.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.092. through § 3.10.100. (Reserved)

Division 5

Fees

§ 3.10.101. Fee schedule; plan review.

- (a) **Fees and rates.** Pursuant to chapter 284 of the Texas Local Government Code, there is hereby levied and assessed and shall be collected the application fees and public rights-of-way use rates are established by this section.
- (b) **Application fees.**
- (1) **Network node.** \$500.00 per application for up to 5 network nodes, and \$250.00 for each additional network node on a single application; up to 30 network nodes are allowed on each application.
 - (2) **Node support pole.** \$1,000.00 per application for each pole.
 - (3) **Transport facility.**
 - (A) \$500.00 for up to 5 network nodes;
 - (B) \$250.00 for each additional network node on a single permit; up to 30 network nodes are allowed on each permit.
- (c) **Annual public rights-of-way use rates.**
- (1) **Network node.** \$250.00 per network node site.
 - (2) **Node support pole.** No separate rate from the network node annual fee (each support pole should have a network node attached).
 - (3) **Transport facility.** \$28.00 monthly for each network node site, unless an equal or greater amount is paid in the city, e.g. under chapter 283, Tex. Loc. Gov. Code or chapter 66, Tex. Util. Code.
 - (4) **Service pole attachment.** \$20.00 per year to collocate a network node on a service pole in the public right-of-way.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.102. Payment required.

It shall be an offense for any person, firm or corporation to build, construct, or place any facility in the public right-of-way without first having paid the application fees herein established and adopted or continuing to pay the annual rights-of-way use fees.

(Ordinance 041123 adopted 4/11/2023)

§ 3.10.103. Penalty.

Any person, firm or corporation violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the current state maximum for a class C misdemeanor. Said fine shall be cumulative of any other right or

remedy available to the city to enjoin the continued violation hereof. Each transaction and violation of any of the provisions hereof shall be a separate offense.

(Ordinance 041123 adopted 4/11/2023)

TOWN OF RANSOM CANYON

CONTACT INFORMATION

CITY HALL

24 LEE KITCHENS DRIVE

RANSOM CANYON, TX 79366

PHONE: 806-829-2470

FAX: 806-829-2680

WEB-SITE: www.ci.ransom-canyon.tx.us

City Staff

City Manager: Elena Quintanilla

equintanilla@townofransomcanyon.org

Deputy City Secretary: Leslie Randolph

lrandolph@townofransomcanyon.org

Executive Asst: Rochelle Pointer

rpointer@townofransomcanyon.org

Director of Public Works:

Cory Needham

cneedham@townofransomcanyon.org