







  **CHAPTER 3****BUILDING REGULATIONS**  **ARTICLE 3.01 GENERAL PROVISIONS**  (Reserved)  **ARTICLE 3.02 TECHNICAL AND CONSTRUCTION STANDARDS**  **Division 1. Generally***  **Sec. 3.02.001 Purpose**

This article is adopted so that the city council may promote the public health, safety, morals and general welfare within the city through the regulation of certain construction activities. (Ordinance 10032011, sec. 1C, adopted 10/4/11)

  **Sec. 3.02.002 Compliance required**

- (a) It shall be unlawful for any person to alter, build, construct, demolish, erect, extend, install, modify, move, relocate, remodel, or remove a building, site place, or structure in a manner not in compliance with this article.
- (b) It shall be unlawful for any person to grade or fill in a manner not in compliance with this article.
- (c) It shall be unlawful for any person to construct a swimming pool or septic system in a manner not in compliance with this article.

(Ordinance 10032011, sec. 1D, adopted 10/4/11)

  **Sec. 3.02.003 Scope of jurisdiction**

The provisions of this article shall apply within the city limits (i.e., incorporated municipal boundary) of the city. (Ordinance 10032011, sec. 1E, adopted 10/4/11)

  **Sec. 3.02.004 Applicability**

This article shall not apply to properties upon which construction lawfully commenced prior to the adoption of this article. Construction initiated prior to the adoption of this article shall remain subject to previously adopted building codes unless the owner opts to comply with this article through written notification to the city. (Ordinance 10032011, sec. 1F, adopted 10/4/11)

Sec. 3.02.005 Permit fees

No permit required by the building code shall be issued until the fees prescribed in this section have been paid; nor shall any amendment to a permit be approved until the additional fees, if any, have been paid. Fees for building permits will be based on the fee schedule shown in [exhibit A](#) of this chapter, plus ten percent of the fee to cover administrative costs incurred by the city. (Ordinance 10032011, sec. 1H, adopted 10/4/11)

Sec. 3.02.006 Variance

The city council is hereby authorized to approve variances from this article and the codes adopted herein.

- (1) No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this article. In order to grant a variance, the city council must first find:
 - (A) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land;
 - (B) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (C) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
 - (D) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article.
- (2) Such findings of the board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and that substantial justice may be done.

(Ordinance 10032011, sec. 1I, adopted 10/4/11)

Sec. 3.02.007 Definitions

(a) General. Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases that are not defined in this article but are defined in other ordinances of the city shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.

(b) Specific.

Alter. To make a physical change in or to a building, object, site or structure.

Build. To form by ordering and uniting materials by gradual means into a composite whole. The term includes the acts of developing or expanding upon buildings or structures. The term also includes the installation or placement upon land of a prefabricated building including a HUD-code manufactured home. A building permit is required for HUD-code manufactured homes in order to ensure compliance with zoning, setbacks and septic rules. HUD-code manufactured homes are not subject to building code standards for construction unless post-factory additions are made to the structure (including but not limited to porches, garages, and additional rooms).

Building. An improvement or change to the property which substantially reduces the permeability of the natural ground underneath the building or structure to absorb rainfall. This term also includes a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity.

(Ordinance 10032011, sec. 2, adopted 10/4/11)

Building department. The person appointed by the city council to receive and review registration applications and ensure compliance with this article. The city's building department can include a volunteer, employee, police officer, agent of another political subdivision, company, corporation, or independent contractor retained by the city. The term includes the code enforcement officer.

Building inspector. The person appointed by the city administrator to inspect building activities to ensure compliance with applicable codes, permits and ordinances. The city's building inspector can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the city. The term includes the code enforcement officer.

(Ordinance 2014-07 adopted 7/14/14)

Building official. The person appointed by the city council to receive and review applications for permits and ensure compliance with applicable codes, permits and ordinances. The city's building official can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the city. (Ordinance 10032011, sec. 2, adopted 10/4/11)

City. The City of Troy, an incorporated municipality located in Bell County, Texas, its agents and employees. (Ordinance 2014-07 adopted 7/14/14)

Clear. To make a material change in the character of the land, including but not limited to the extraction of vegetation, removal of brush, cutting of trees, or modification of the natural grade or slope of the land.

Construct. To excavate or grade property in connection with construction of a foundation for any improvement to be located on the land. The term also means to form a building or structure by combining materials or parts.

(Ordinance 10032011, sec. 2, adopted 10/4/11)

Contractor. Any agent authorized by owner, occupant, or person in charge, 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, replace, inspect or test any electrical, gas,

mechanical, plumbing, building or energy system, the installation of which is regulated by the city's adopted codes and ordinances, or to cause any such work to be done. (Ordinance 2014-07 adopted 7/14/14)

Demolish. To remove all or part of a building or structure.

Develop. To make a material change in the use or character of the land, including but not limited to the placement of any building or other structure on the land.

Expand. To add any square footage of impervious cover on the building or property, regardless of whether such addition will be covered or uncovered.

Fill. To deposit or stockpile dirt, stone, construction debris or other material in order to modify land or alter current drainage patterns.

Grade. To clear, strip, cut, fill or stockpile dirt, including land in its cut and filled condition, to create new grades or alter current drainage patterns.

(Ordinance 10032011, sec. 2, adopted 10/4/11)

Masonry, masonry materials or masonry veneer. That form of construction defined below and composed of clay brick, stone, decorative concrete masonry unit, rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar. Stucco and exterior insulation and finish systems (EIFS) are permissible materials. It may include concrete masonry units commonly referred to as plain smooth concrete block. The following materials shall not qualify nor be defined as “masonry” or “masonry materials” in meeting the minimum requirements for exterior construction of buildings, unless specifically approved by variance:

- (1) Exterior plaster, adobe or mortar wash surface material.
- (2) Acrylic matrix, synthetic plaster, or other similar synthetic material.
- (3) Cementitious fiber board siding (such as “Hardy Plank” or “Hardy Board”).

(Ordinance 2016-02-1 adopted 2/7/16)

Nonresidential building. Those building utilized for use other than single-family, two-family, and multiple-family dwellings, related to accessory use as a primary nonresidential building. (Ordinance 2014-0113 adopted 1/13/14)

Ordinary maintenance. Activities relating to a property that would be considered ordinary or common for maintaining the property, including but not limited to repairs, or the replacement of materials with identical or in-kind materials. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures. The term also omits the cutting away of walls or partitions, cutting or removal of a structural beam or load bearing support; removal or change of means of egress. (Ordinance 10032011, sec. 2, adopted 10/4/11)

Person. Any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. (Ordinance 2014-07 adopted 7/14/14)

Remodel. To construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved.

Repair. The maintenance of or the return to a state of utility of a building, object, site or structure.

(Ordinance 10032011, sec. 2, adopted 10/4/11)

Residential buildings. Those buildings utilized for a single-family, two-family, and multiple-family dwelling, related to accessory use as a primary residential unit.

Stone. Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural and manmade stone shall have a minimum thickness of three and five eighths inches when applied as a veneer.

(Ordinance 2014-0113 adopted 1/13/14)

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation installed on, above, or below the surface of land or water. The term refers to something arranged in a definite pattern of organization. The term includes those functional constructions made usually for purposes other than creating shelter. The term includes but is not limited to roads, streets, sidewalks, porches towers, tanks. The term also includes additions to or expansions of mobile homes, HUD-code manufactured homes, manufactured homes, modular homes, and industrialized housing.

Temporary structures and use. The creation of structures or use of land that are limited as to time of service, but shall not be permitted for more than 180 days.

Vacant lot. Land that is undeveloped and unused. The term also includes any area with significant amounts of land not covered by impervious surfaces that is suitable for development or infill.

(Ordinance 10032011, sec. 2, adopted 10/4/11)

Work. Any activity or construction operation for which a city-issued permit or license is required or a city inspection is required, regardless of whether or not it is being done for compensation or without charge. (Ordinance 2014-07 adopted 7/14/14)



Sec. 3.02.008 Plan review and inspections

(a) The city council is authorized to contract for services of reviewing and approving building plans and performing inspections by a qualified building inspector during construction.


(b) If the building inspector determines that a violation of this article or any of the adopted International Codes has occurred, the inspector will put a stop-work order on the project and notify the city secretary, code official, or building official of the violation. If the stop-work order is violated, the building official shall proceed with a complaint against the property owner and/or builder and file the complaint with municipal court. Once the violation has been cleared/corrected, the building inspector shall remove the stop-work order and allow the project to continue.

(Ordinance 10032011, sec. 10, adopted 10/4/11)

  **Sec. 3.02.009 Grade and fill**

- (a) Permit required. It shall be unlawful for any person to grade or fill a vacant lot without first applying for and receiving a permit for such grade and fill from the city in compliance with this article.
- (b) Permit standards.
- (1) In considering whether to issue a grade and fill permit, the city shall require from the applicant a drainage study on the impact of the proposed drainage patterns on neighboring properties and waterways.
 - (2) The applicant must submit information describing the intended use of the property and the necessity for the grade and/or fill improvements.
 - (3) A permit for the stockpiling of any dirt or other fill material may only be for a temporary period not to exceed one hundred and eight days (180).

(Ordinance 10032011, sec. 11, adopted 10/4/11)

  **Sec. 3.02.010 Permit applications**

Plans, specifications and surveyed plot. At the time of application for permit the applicant shall provide the city secretary with the following:

- (1) Plans and specifications to include the front, side and rear elevations and a detailed floor plan of the proposed structure.
- (2) A survey showing the location of the proposed structure upon the lot in reference to all property boundaries.
- (3) A survey reflecting the approximate location of the septic system in relation to the proposed structure and the property lines.



(Ordinance 10032011, sec. 12, adopted 10/4/11)

  **Sec. 3.02.011 Expiration of permits**



All permits shall expire and are considered no longer valid 180 days after issuance unless construction work thereunder has actually started before the expiration of such period of time. In addition, construction must be completed within one (1) year from the date of issuance of the building permit. The city is authorized to waive these provisions if, in its opinion, the situation warrants such waiver. (Ordinance 10032011, sec. 20, adopted 10/4/11)

  **Sec. 3.02.012 Removal of materials**



No personal [person] shall place or allow trash from building materials on areas adjacent or near the property upon which the structure is being built. It shall be unlawful for the owner or contractor to allow trash, brush or building materials to be thrown, blown or placed upon any street, sidewalk, right-of-way, alley or public place. It shall be the duty of the owner or contractor to remove all unused building materials, trash, garbage, etc., from the premises upon completion of the structure. (Ordinance 10032011, sec. 13, adopted 10/4/11)

  **Sec. 3.02.013 Scaffolding**



It shall be unlawful for any person to erect, or cause to be erected or used, any scaffold in this city, for use in the erection of stone, brick or other building material, unless the same is well secured and safely supported, and is sufficient width, so as to insure the safety of persons working thereon, or passing by or under the same, against the falling thereof, or such materials as may be used, placed or deposited thereon. (Ordinance 10032011, sec. 14, adopted 10/4/11)

  **Sec. 3.02.014 Guarding holes**

It shall be unlawful for any persons having charge of any private or public improvements in the city to leave any hole, ditch or excavation, in, or adjoining any public place, without guarding, covering or fencing the same, so as to prevent persons or animals from danger of falling therein. (Ordinance 10032011, sec. 15, adopted 10/4/11)

  **Sec. 3.02.015 Sanitary facilities**

Whenever a construction project will require that workers remain on the project site for more than four (4) hours per day and whenever said project will have an expected duration of fourteen (14) or more days and whenever there are no available sanitary facilities convenient to the project site, the general contractor or property owner will provide temporary sanitary facilities. The facilities provided will be convenient to the project site and will be constructed in such a manner as to provide privacy to the user. The facilities will be maintained and serviced as required to ensure that said facilities are neither a nuisance nor a hazard. (Ordinance 10032011, sec. 16, adopted 10/4/11)

  **Sec. 3.02.016 Fencing**

(a) Permit required. It shall be unlawful for any person to erect a fence or to modify a fence as provided herein without first applying for and receiving a permit from the city in compliance with this article and the city's zoning ordinance.

(b) Existing ordinances. At no time shall the fence be in conflict or violation with existing ordinances setting out clearances around fire plugs, clearances from street corners or ordinances governing sight clearances.

(c) Definitions.

Connecting fence. A fence that is constructed so that it connects from either side of a dwelling to a fence on or near a side property line of a dwelling.

Dwelling. Any building used for residential purposes, including house, townhouse, and apartment.

Fence. Any manmade materials or landscaping used to control ingress or egress to a parcel of land.

(d) Fence plans.

(1) Fence plans showing the specifications and plat plan location must be submitted for approval by the city building inspector and the fence plan must be approved and a permit must be obtained prior to construction of any fence.

(A) Locations. No fences shall be erected, placed or altered from the front or side of a residence towards the street or from a residence unless they are behind the recorded building setback line. No connecting fence between the dwelling and the side property fence may be erected unless it is behind the front of the dwelling. No fence shall be erected closer than seven and one-half (7.5) feet of a side street on a corner lot. No noncontiguous vacant lot may be fenced. No fences shall be erected on city rights-of-way, utility easements, or drainage easements.

(B) Fence materials. Materials for construction of fences must be cedar, pine, vinyl, decorative iron/steel, or other similar material. No woven wire, barb wire, plywood, oriented strand board (OSB), tin, T-posts or other similar material may be used as fencing. Chain link fencing and groomed shrubbery are permissible. No fence may exceed eight (8) feet in height when measured from the outside. Barb wire and common agricultural fencing materials shall be permitted in those areas zoned agricultural.



(C) Other limitations. No fence plan will be approved if its construction in front of a dwelling will in the opinion of the building official impair the ability of the drivers of vehicles on city streets to see oncoming traffic along city streets and at city street corners.

(D) Appeal. In the event a fence plan is disapproved by the building official, the applicant may submit a written appeal to the city council within 30 days.

(2) Variance. The city council reserves the right to grant a variance to the fence regulations set out in this section if the variance will not interfere with the line of sight of vehicular traffic and will not in the council's discretion impair the value of the applicant's property or the value of the neighbors' property.

(3) Applicability. This section shall apply to fences built in the city, after the date of the adoption of this section and to any fence built prior to the date of the adoption but modified after the date of adoption of this section from its original configuration or construction, which modification shall include without limitation, an extension, post replacement, fencing material replacement or relocation.

(Ordinance 2015-06-01 adopted 6/8/15)

  **Sec. 3.02.017 Enforcement**

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



(b) Criminal prosecution. Any person violating any provision of this article or the codes herein adopted shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(Ordinance 10032011, sec. 21, adopted 10/4/11)

(c) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
- (2) A civil penalty up to two thousand dollars (\$2,000.00) a day when it is shown that the defendant was actually notified of the provisions of the article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
- (3) Other available relief.

(Ordinance 2014-07, sec. 8, adopted 7/14/14)

  **Secs. 3.02.018–3.02.030 Reserved**

  **Division 2. Building Code***

  **Sec. 3.02.031 Residential building code adopted; amendments**

(a) A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Residential Code, 2012 edition, including appendix chapters D-Recommended Procedure for Safety Inspection of an Existing Appliance Installation, E-Manufactured Housing Used as Dwellings, H-Patio Covers, J-Existing Buildings and Structures, M-Home Day Care R-3 Occupancy, and O-Automatic Vehicular Gates (see International Residential Code section R102.5, 2012 edition), as published by the International Code Council, be and is hereby adopted as the residential code of the city for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section. (Ordinance 2014-07 adopted 7/14/14)

(b) The following sections of the 2012 edition of the International Residential Code (IRC) are hereby revised:

Section R101.1. Insert: City of Troy, Texas.

Section R105.2 Work exempt from permit; Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Removes the permit exemption for fences not over 7 feet high.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge. (additional load imposed on the surface of the soil close enough to cause lateral pressure).
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width [does] not exceed 2:1.
5. Removes the permit exemption for sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep, are accessory to residential and are installed entirely above ground.
8. Swings and other playground equipment that are accessory to one- and two-family residential dwellings.
9. Window awnings accessory to residential dwellings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the primary exit door.

(Ordinance 2015-05-01 adopted 5/11/15)

Table R301.2(1) Insert: Appendix A.

Section P2603.6.1 Insert: twelve inches (12") and twelve inches (12").

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

(Ordinance 2014-07 adopted 7/14/14)

(c) Permit required. It shall be unlawful for any person to build residential buildings or structures within the city without first applying for and receiving a permit. It shall also be unlawful to build within the city contrary to a permit that has been issued.

(d) Exemptions. A building permit is not required for the following:

- (1) Painting, wallpapering, tiling, carpeting, installing cabinets or countertops, or similar work; or

(2) Performing ordinary maintenance.

(e) Temporary structures and use. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days.

(Ordinance 10032011, sec. 3, adopted 10/4/11)

  **Sec. 3.02.032 Commercial building code adopted; amendments**

(a) A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Building Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the building code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following sections of the 2012 edition of the International Building Code (IBC) are hereby revised:

Section 101.1. Insert: City of Troy, Texas.

Section 1612.3. Insert: City of Troy, Texas.

Section 1612.3. Insert: September 26, 2008.

Section 3412.2. Insert: September 26, 2008.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

(Ordinance 2014-07 adopted 7/14/14)

(c) Permit required. It shall be unlawful for any person to build nonresidential buildings or structures within the city without first applying for and receiving a permit. It shall also be unlawful to build within the city contrary to a permit that has been issued.

(d) Exemptions. A building permit is not required for the following:

(1) Painting, wallpapering, tiling, carpeting, installing cabinets or countertops, or similar work; or

(2) Performing ordinary maintenance.

(Ordinance 10032011, sec. 4, adopted 10/4/11)

  **Sec. 3.02.033 Existing building code adopted; amendments**

(a) A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Existing Building Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the existing building code of the city for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said existing building code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.



(b) The following sections of the 2012 edition of the International Existing Building Code (IEBC) are hereby revised:

Section 101.1 Insert: City of Troy, Texas.

Section 1401.2 Insert: September 1, 2014.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

(Ordinance 2014-07 adopted 7/14/14)

  **Secs. 3.02.034–3.02.060 Reserved**  **Division 3. Electricity**  **Sec. 3.02.061 National Electrical Code adopted; amendments**



(a) A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the National Electrical Code (NFPA 70), 2014 edition, as published by the National Fire Protection Association, be and is hereby adopted as the electrical code of the city regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said electrical code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following of the 2014 edition of the National Electrical Code (NFPA 70) are hereby revised:



All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

(Ordinance 2014-07 adopted 7/14/14)

State law reference–National Electrical Code adopted as municipal residential and commercial electrical code, V.T.C.A., Local Government Code, sec. 214.214.

  **Sec. 3.02.062 Permit required**

It shall be unlawful for any person to perform any electrical work within the city without first applying for and receiving a permit. It shall also be unlawful to perform any electrical work within the city contrary to a permit that has been issued.

  **Sec. 3.02.063 Exemptions**

A building permit is not required for the following:

- (1) Performing ordinary maintenance; or
- (2) Conducting emergency repairs or replacement if the permit application is submitted to the city the next business day.


(Ordinance 10032011, sec. 5, adopted 10/4/11)

  **Sec. 3.02.064 References to officials**

Within said code, when reference is made to the duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ordinance 1350-B-1, sec. 2(b), adopted 11/8/04)

  **Sec. 3.02.065 Work done without permit**

When electrical work requiring a permit is found to be in progress or completed and no permit has been issued for such work, an investigation fee of double the amount of the permit fee shall be charged to the plumbing contractor that did said work in addition to such fees as are required by this article. (Ordinance 1350-B-1, sec. 2(e), adopted 11/8/04)

  **Secs. 3.02.066–3.02.100 Reserved**  **Division 4. Plumbing***  **Part I. In General**  **Sec. 3.02.101 International Plumbing Code adopted; amendments**

(a) A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Plumbing Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the plumbing code of the city regulating

and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following sections of the 2012 edition of the International Plumbing Code (IPC) are hereby revised:

Section 101.1. Insert: City of Troy, Texas.

Section 106.6.2. Insert: Existing permit fee schedule.

Section 106.6.3. Insert: Fifty percent (50%).

Section 108.4. Insert: Misdemeanor, \$500.00 to \$2,000.00, 30 days.



Section 108.5. Insert: \$500.00 to \$2,000.00.

Section 305.6.1. Insert: Four inches (4").

Section 904.1. Insert: Eight inches (8").

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.



(Ordinance 2014-07 adopted 7/14/14)

  **Sec. 3.02.102 Permit required**

It shall be unlawful for any person to perform any plumbing work within the city without first applying for and receiving a permit. It shall also be unlawful to perform any plumbing work within the city contrary to a permit that has been issued.

  **Sec. 3.02.103 Compliance required**

Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Minor additions, alterations, renovations and repairs to existing plumbing systems shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacement are not hazardous and are approved.

  **Sec. 3.02.104 Exemptions**

A building permit is not required for the following:

- (1) Stopping leaks, provided that if any concealed trap, drainpipe, or vent pipe becomes defective and it becomes necessary to remove and replace with new material, such removal and replacement activities shall be considered new work that requires a permit and inspection under this code;
- (2) Performing ordinary repairs and maintenance; or
- (3) Conducting emergency repairs or replacement if the permit application is submitted to the city the next business day.

(Ordinance 10032011, sec. 6, adopted 10/4/11)

Sec. 3.02.105 References to officials

Within said code, when reference is made to the duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ordinance 601-B, sec. 2(b), adopted 11/8/04)

Sec. 3.02.106 Connections with water and sewer mains

All connections with water and sewer mains and laterals in the city shall be done by employees of the water and sewer department of the city, and under the supervision of the water and sewer superintendent, and it shall be unlawful for any other person to make any connection with any water or sewer main or lateral in the city. (Ordinance 601-B, sec. 2(c), adopted 11/8/04)

Sec. 3.02.107 Work done without permit

When plumbing work requiring a permit is found to be in progress or completed and no permit has been issued for such work, an investigation fee of double the amount of the permit fee shall be charged to the plumbing contractor that did said work in addition to such fees as are required by this article. (Ordinance 601-B, sec. 2(e), adopted 11/8/04)

Secs. 3.02.108–3.02.140 Reserved

Part II. Lawn Sprinkler Systems

Sec. 3.02.141 Permit fee and inspection

A lawn sprinkler permit and one inspection is required. The cost of the permit and inspection is shown in [exhibit A](#) of this chapter. (Ordinance 2010-1-11 adopted 1/11/10)



  **Sec. 3.02.142 Backflow protection**

The water distribution system shall be protected against backflow. Every water outlet shall be protected from backflow by having the discharge and elevated to provide a minimum required air gap.

  **Sec. 3.02.143 Vacuum breaker**

A lawn sprinkler system shall be equipped with an approved vacuum breaker on the discharge side of each of the last valves. The vacuum breaker shall be at least 6 inches above the highest head and at no time less than 6 inches above the surrounding ground. Where combination control valves and backflow preventers are installed, the bottom of the valve shall constitute the bottom of the backflow preventer.

(Ordinance 606 adopted 9/2/80)

  **Secs. 3.02.144–3.02.180 Reserved**  **Division 5. International Mechanical Code**  **Sec. 3.02.181 Adopted; amendments**

(a) A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Mechanical Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the mechanical code of the city regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following sections of the 2012 edition of the International Mechanical Code (IMC) are hereby revised:

Section 101.1. Insert: City of Troy, Texas.

Section 106.5.2. Insert: Existing permit fee schedule.



Section 106.5.3. Insert: Fifty percent (50%).

Section 108.4. Insert: Misdemeanor, \$500.00 to \$2,000.00, 30 days.



Section 108.5. Insert: \$500.00 to \$2,000.00.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

(Ordinance 2014-07 adopted 7/14/14)

  **Sec. 3.02.182 Permit required**



It shall be unlawful for any person to perform any mechanical work within the city without first applying for and receiving a permit. It shall also be unlawful to perform any mechanical work within the city contrary to a permit that has been issued.

  **Sec. 3.02.183 Exemptions**



A permit is not required for the following:

- (1) Performing ordinary repairs and maintenance; or
- (2) Conducting emergency repairs or replacement if the permit application is submitted to the city the next business day.

(Ordinance 10032011, sec. 7, adopted 10/4/11)



  **Secs. 3.02.184–3.02.220 Reserved**

  **Division 6. International Energy Conservation Code**

  **Sec. 3.02.221 Adopted**

A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Energy Conservation Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the energy conservation code of the city for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in [section 3.02.222](#) of this division.

State law reference—Adoption of building energy efficiency performance standards, V.T.C.A., Health and Safety Code, sec. 388.003.

  **Sec. 3.02.222 Amendments**



The following sections of the 2012 edition of the International Energy Conservation Code (IECC) are hereby revised:

Sections C101.1 and R101.1. Insert: City of Troy, Texas.



Sections C108.4 and R108.4. Insert: \$500.00 to \$2,000.00 in two places.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.



(Ordinance 2014-07 adopted 7/14/14)

  **Secs. 3.02.223–3.02.240 Reserved**

  **Division 7. International Fuel and Gas Code**

  **Sec. 3.02.241 Adopted**

A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Fuel Gas Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the fuel gas code of the city for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in [section 3.02.242](#) of this division.

  **Sec. 3.02.242 Amendments**

The following sections of the 2012 edition of the International Fuel Gas Code (IFGC) are hereby revised:

Section 101.1. Insert: City of Troy, Texas.

Section 106.6.2. Insert: Existing permit fee schedule.



Section 106.6.3. Insert: Fifty percent (50%).



Section 108.4. Insert: Misdemeanor, \$500.00 to \$2,000.00, 30 days.

Section 108.5. Insert: \$500.00 to \$2,000.00.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

(Ordinance 2014-07 adopted 7/14/14)

  **Secs. 3.02.243–3.02.280 Reserved**

  **Division 8. Septic Permits**

  **Sec. 3.02.281 Application for permit**

All applications for permits to construct and operate an on-site sewage facility (i.e., “OSSF,” or “septic system”) must be made by the homeowner or the contractor who will perform the work.

  **Sec. 3.02.282 Construction standards**

Construction standards for on-site sewerage facilities adopted by the Texas Department of Health on June 27, 1987, and most current by Bell County Health Department, and are further adopted by the city, without change, and made effective within the city by this division.

  **Sec. 3.02.283 Application for permit to construct on-site facility**

- (a) The application for sewer/septic permits will be done at the county health department and the county health department will collect the associated fee and process inspections during construction.
- (b) A completed site evaluation form which has been approved by a registered professional engineer or a registered professional sanitarian must be submitted with the application for on-site sewerage facility permit.
- (c) Application for an on-site sewerage facility permit must include the approved site evaluation form and show that the facility will meet the requirements for capacity and area size to accommodate the proposed building.
- (d) Each builder, whether general contractor or subcontractor, who applies for this permit must have in his possession a copy of the publication referred to in subsection (a) above, and each builder shall confirm in writing on the application form that he has the publication in his possession.



  **Sec. 3.02.284 Leaching pits or sumps**

Leaching pits or sumps will not be used or approved within the city limits.

  **Sec. 3.02.285 Sewer or septic systems**

All requests for sewer/septic permits which contemplate installation of alteration of septic systems will be accompanied by a plot of the building site showing the exact location of the sewer/septic system.

(Ordinance 10032011, sec. 19, adopted 10/4/11)

  **Secs. 3.02.286–3.02.300 Reserved**  **Division 9. Masonry Requirement**

  **Sec. 3.02.301 Compliance with provisions; general intent**

The exterior wall surface of buildings shall comply with the standards of this division. The general intent of this division is to shape future development in a way that will protect and preserve the unique character of the city, while increasing the quality, adaptability, and durability of the city's building stock and ensuring that new areas maintain their value and are sustainable in future years. (Ordinance 2014-0113 adopted 1/13/14)

  **Sec. 3.02.302 Exterior construction requirements**

(a) Residential masonry construction standards.

(1) Single-family. All single-family residential buildings within the various zoning districts, including but not limited to townhomes and duplexes, shall be constructed of exterior fire resistant masonry construction having at least eighty-five percent (85%) of the total exterior walls above grade level and below the first floor plate line, excluding doors and windows, constructed of severe weather rated brick or other defined masonry veneer. The second floor or higher elevations above the first floor shall have exterior fire resistant construction having at least eighty-five percent (85%) of the total exterior walls constructed of severe weather rated brick or other defined masonry veneer. Three-step hard coat stucco as approved by the city in accordance with the city's building code and fire prevention code may be considered on case-by-case basis to encourage architectural creativity.

(2) Multifamily. All principal and accessory buildings located in the multifamily zoning district shall have at least eighty-five percent (85%) of the total exterior walls, excluding doors and windows, constructed of brick, stone, or a combination of either materials or other defined masonry products.

(Ordinance 2016-02-1 adopted 2/7/16)

(3) Manufactured homes and mobile homes. Manufactured homes and mobile homes shall meet all the above requirements for single-family residential construction standards. (Ordinance 2014-0113 adopted 1/13/14)

(4) Accessory buildings. Accessory buildings shall adhere to the following standards:

(A) Accessory buildings one thousand (1,000) square feet or less are excluded from the above construction standards for residential construction.

(B) All accessory buildings, larger than one thousand (1,000) square feet, in a residential district shall meet all requirements of this division.

(Ordinance 2015-09-3 adopted 9/14/15)

(5) Metal barns/structures. Metal barns/structures shall adhere to the following standards:

(A) Metal barns/structures are not allowed on lots and tracts of less than three (3) acres.

(B) Any temporary storage buildings/containers located on residential property for greater than 30 days, shall be brought up to construction material standards in accordance with this division.

(Ordinance 2015-08-1 adopted 8/10/15)

(b) Nonresidential construction standards. The following standards apply to all new nonresidential building construction and any building expansion of 50% or more in size or value:

(1) All nonresidential buildings shall be constructed of exterior fire-resistant construction having at least eighty percent (80%) of the total exterior walls excluding doors and windows, constructed of severe weather rated brick, stone, split faced concrete textured surface block, or glass block wall construction or other defined masonry product, in accordance with the city's building code and fire prevention code.

(2) Building front and side facades or any portion that has exposure to a public or private street, residential zoning districts, or any public exposure, including parking lot exposure for pad sites and freestanding buildings, shall be constructed entirely (100%) of severe weather rated stone, brick, or glass wall construction or other defined masonry product. Strict adherence to this rule shall not be such as to prevent architectural creativity. Other materials or a combination of severe weather rated brick, stone and other masonry materials may be considered based on architectural creativity by the city council.

(3) Each building elevation shall provide architectural features such as columns, reveals and articulations to break up long facades exceeding 50 feet.

(4) Carports constructed entirely out of metal are not permitted. Carports shall be compatible in design and material with the main structure.

(5) Requirements for buildings in light industrial and heavy industrial districts:

0–50,000 sq. ft.	75% masonry veneer
50,001–100,000 sq. ft.	50% masonry veneer
100,001 sq. ft. and larger	25% masonry veneer on front facade and side facade if siding on a public street

(Ordinance 2014-0113 adopted 1/13/14; Ordinance 2016-02-1 adopted 2/7/16)

(c) Service area design requirements.

(1) To reinforce the professional image of each development site, all service areas and mechanical equipment, noise and odors shall be located at the rear of the property and screened from views using walls, berms, shrubs, trees and/or a combination of materials.

(2) The dumpster shall be screened with a masonry wall compatible in material and color with the primary building.



(3) Unless otherwise noted, the screening requirement shall be masonry screening compatible with the primary building material. The following uses shall be screened:



- (A) Trash compactors and bins.
- (B) Stored equipment or manufactured items.
- (C) Storage tanks and pumps.
- (D) Loading and truck service areas.
- (E) Shipping and receiving dock doors must blend with the architecture of the building they serve and shall not front public streets.

(d) Residential screening wall requirement.



- (1) Masonry screening walls shall be required in all residential subdivisions platted after the adoption of this division with rear or side yards adjacent to arterial or collector streets identified in the city's comprehensive plan.
- (2) The screening walls shall be located within a ten-foot (10') wide landscape/screening wall easement adjacent to the street right-of-way.
- (3) The screening walls shall be constructed of double wall brick or thin wall brick. Thin wall columns are to be spaced no greater than twelve feet (12') on center. The brick shall be clay-fired brick of natural colors.
- (4) A combination of brick or stone masonry and decorative metal/iron wall with brick or stone detailing may be used to create a change in plane or texture at locations adjacent to the side yards in front of the building line. Columns shall be constructed of brick or stone and centered no more than twenty-five feet (25') on center. Metal tubing may be painted with epoxy paint, the color of which to be approved by the city.
- (5) Required wall heights, measured at the spans between columns, shall be a minimum of six feet (6') in height and a maximum of eight feet (8') in height from natural grade.
- (6) All screening wall plans and details shall be approved and sealed by a licensed civil or structural engineer.
- (7) The screening wall shall be constructed and completed prior to the release of any building permits within the subdivision. If screening wall construction is under way at the time of final acceptance of the infrastructure, then ten percent (10%) of the building permits may be released by the city administrator or his/her designee.

(Ordinance 2014-0113 adopted 1/13/14)

  **Secs. 3.02.303–3.02.320 Reserved**

  **Division 10. International Private Sewage Disposal Code**  **Sec. 3.02.321 Adopted**

A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Private Sewage Disposal Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the private sewage disposal code of the city for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said private sewage disposal code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in [section 3.02.322](#) of this division.

  **Sec. 3.02.322 Amendments**

The following sections of the 2012 edition of the International Private Sewage and Disposal Code (IPSDC) are hereby revised:

Section 101.1. Insert: City of Troy, Texas.

Section 106.4.2. Insert: Existing permit fee schedule.

Section 106.4.3. Insert: Fifty percent (50%).





Section 108.4. Insert: Misdemeanor, \$500.00 to \$2,000.00, 30 days.

Section 108.5. Insert: \$500.00 to \$2,000.00.

Section 405.2.5. Insert: March 1st, November 30th, November 30th.

Section 405.2.6. Insert: At least one year prior to monitoring.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

  **Secs. 3.02.323–3.02.340 Reserved**  **Division 11. Swimming Pools**  **Sec. 3.02.341 Swimming pool and spa code adopted; amendments**

(a) A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Swimming Pool and Spa Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the swimming pool and spa

code of the city for regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said pool and spa code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in section (b) of this section.

(b) The following sections of the 2012 edition of the International Swimming Pool and Spa Code (ISPSC) are hereby revised:

Section 101.1. Insert: City of Troy, Texas.

Section 105.6.2. Insert: Existing permit fee schedule.

Section 105.6.3: Fifty percent (50%).

Section 107.4. Insert: Misdemeanor.



Section 107.4. Insert: \$2,000.00.

Section 107.4. Insert: 30 days.

Section 107.5. Insert: \$500.00 to \$2,000.00.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.



(Ordinance 2014-07 adopted 7/14/14)

  **Sec. 3.02.342 Definition**

“Swimming pool” is defined as any natural pool, pond or lake having a depth at its point of greatest depth of more than eighteen (18) inches and having a width of six (6) feet or more at its widest point, or as any manmade or artificial pool, pond or lake of like depth and dimensions. This definition will include all in- and above-ground, permanent or temporary, swimming pools meeting the above depth and dimensions. (Ordinance 605-B, sec. 1, adopted 7/1/05)

  **Sec. 3.02.343 Permit**

All in-ground swimming pools must be permitted by the city. A permit fee, as specified in the schedule of fees on file in the office of the city secretary, shall be charged for the construction of a swimming pool in the city. Construction of swimming pools must be within the zoning regulation setbacks. (Ordinance 605-B, sec. 2, adopted 7/1/05)

  **Sec. 3.02.344 Reserved**

Editor's note—Former section 3.02.344 pertaining to swimming pool enclosures and deriving from Ordinance 2014-0414 adopted 4/14/14 was repealed in its entirety by Ordinance 2015-5-03 adopted 5/11/15.

  **Sec. 3.02.345 Location on lot**

The sides of the swimming pool, meaning the water line of the pool, shall be no less than a distance of ten (10) feet from the property line and no less than five (5) feet from any building. (Ordinance 605, sec. 2(A), adopted 5/1/78)

  **Sec. 3.02.346 Penalty for violation**

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as provided in section 1.01.009 of this code for each offense, and each and every day of violation of this article by failure to comply therewith shall constitute separate offenses. (Ordinance 605, sec. 4, adopted 5/1/78)

  **ARTICLE 3.03 PERMITS AND INSPECTIONS**

  **Division 1. Generally**

  **Sec. 3.03.001 Responsibility for plan review and inspections**

The city has entered into a contract with a third party to conduct permit application review, plan review, and inspection for larger construction projects. In consultation with other city staff, the city secretary/administrator shall determine that a project will be outsourced to the third party based on the square footage, overall project cost, or need for more advanced technical expertise.



  **Sec. 3.03.002 Fee schedule generally**

Unless another provision of this chapter controls the fees to be charged for permits, plan review, and inspections under this chapter are as stated in [exhibit A](#) of this chapter [or the [fee schedule](#) provided at the end of this code].



  **Sec. 3.03.003 Third party fee schedule**

If a project has been outsourced in accordance with section [3.03.001](#), the fees to be charged for plan review and inspection shall be in accordance with [exhibit A](#) of this chapter [or the [fee schedule](#) provided at the end of this code].


(Ordinance 2010-1-11 adopted 1/11/10)

  **Secs. 3.03.004–3.03.030 Reserved**



  **Division 2. Gas and Sewer Line Inspections**

  **Sec. 3.03.031 Gas line inspections**



All gas lines being repaired or installed will have inspections done by the proper inspector. (Ordinance 2003-3-A, sec. 1, adopted 2/3/03)

  **Sec. 3.03.032 Sewer line inspections**

All sewer lines being repaired or installed will have inspections done by the proper inspector. (Ordinance 2003-3-A, sec. 2, adopted 2/3/03)

  **Sec. 3.03.033 Cost**

The cost for each gas and sewer line inspection will be as stated in [exhibit A](#) of this chapter. (Ordinance 2010-1-11 adopted 1/11/10)

  **Secs. 3.03.034–3.03.060 Reserved**  **Division 3. Electrical and Plumbing Permits and Inspections**  **Sec. 3.03.061 Electrical permits and inspections**

- (a) Three inspections are required for each electrical project requiring a permit, and the fees for the permits, plan review, and inspections are shown in [exhibit A](#) of this chapter.
- (b) A homeowner may pull a homeowner's electrical permit to do their own work at the above costs [in [exhibit A](#) of this chapter] with three inspections.
- (c) A licensed master electrician must pull electrical permits unless a homeowner's electrical permit is pulled. The city secretary must obtain a current copy of the license and a copy of their bond certificate.

  **Sec. 3.03.062 Plumbing permits and inspections**

- (a) Three inspections are required for each plumbing project requiring a permit, and the fees for the permits, plan review, and inspections are shown in [exhibit A](#) of this chapter.
- (b) The plumbing permit includes the inspection of gas and sewer lines.



(Ordinance 2010-1-11 adopted 1/11/10)

  **Sec. 3.03.063 Penalty for violation**



Failure to comply with the above restrictions will result in a penalty fine as provided in [section 1.01.009](#) of this code for each offense. (Ordinance 2003-3-B, sec. 17, adopted 2/11/03)

  **ARTICLE 3.04 BUILDING MAINTENANCE**

  **Division 1. Generally**

  **Sec. 3.04.001 Code adopted**

A certain document, a copy of which are on file in the office of the city administrator, being marked and designated as the International Property Maintenance Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city [administrator] are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in [section 3.04.002](#) of this division.

  **Sec. 3.04.002 Code amendments**

The following sections of the 2012 edition of the International Property Maintenance Code (IPMC) are hereby revised:

Section 101.1. Insert: City of Troy, Texas.

Section 103.5. Insert: Actual cost of work with sufficient administrative fees to encourage owner to seek other means to abate and comply in the future.

Section 112.4. Insert: \$500.00 to \$2,000.00.

Section 302.4. Insert: twelve inches (12").

Section 302.8. Insert: A junked motor vehicle shall be defined as stated in Texas Transportation Code, chapter 683.

Section 303.2 Replace “24 inches” with “14 inches” and “48 inches” with “72 inches.”

Section 304.3. Replace: “4 inches in height” with “5 inches in height residential, twelve inches in height commercial. The curb is not an acceptable location.”



Section 304.14. Insert: all year long, no exempt season.

Section 602.3. Insert: December 1st through April 30th.



Section 602.4. Insert: December 1st through April 30th.

All references to a board of appeals in the new codes shall be replaced with the City of Troy Building Standards Commission.

(Ordinance 2014-07 adopted 7/14/14)

  **Secs. 3.04.003–3.04.030 Reserved**

  **Division 2. Uninhabitable or Substandard Buildings***

  **Sec. 3.04.031 Adoption of state law**

The city adopts the provisions of chapter 54 of the Local Government Code of the state and subchapter C thereof, and amendments thereto if any, which is entitled “Quasi-Judicial Enforcement of Health and Safety Ordinances,” and does declare the implementation of that chapter. (Ordinance 2006, sec. 1, adopted 5/6/96)

  **Sec. 3.04.032 Intent**

The city declares every uninhabitable or substandard building as herein defined to be a public nuisance and subject to vacation, repair or demolition to abate such nuisance as herein provided in order to protect the health, safety and welfare of the occupants and the public. (Ordinance 2006, sec. 2, adopted 5/6/96)

  **Sec. 3.04.033 Conditions constituting uninhabitable or substandard building**

An uninhabitable or substandard building or structure is defined as any building or structure:

- (1) Whose walls or other vertical structural members list, lean or buckle in excess of one-eighth (1/8) inch horizontal measurement for each one foot of vertical measurement;
- (2) Which, exclusive of the foundation, shows thirty-three (33) percent, or more, of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- (3) Which has been damaged by fire, explosion, wind, vandalism or elements of nature so as to become dangerous to life, safety, or the general health and welfare of the occupants thereof or the people of the city;
- (4) Which has inadequate facilities for egress in case of fire or panic or which has insufficient stairways, elevators, fire escapes or other means of ingress or egress;

- (5) Which has parts thereof which are so attached that they may fall and injure members of the public or property;
- (6) Which, because of its condition, is unsafe, or unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of this city; or
- (7) Which exists in violation of any provision of this city's ordinances or the statutes of the state as revised, or that fails to comply with any material provision of this division.

(Ordinance 2006, sec. 3, adopted 5/6/96)

  **Sec. 3.04.034 Commission created; membership; term of office**

Pursuant to the authority vested in the city under chapter 54, subchapter C, of the Local Government Code, a building and standards commission is hereby created which shall be composed of five (5) regular members and two (2) alternative members appointed for two-year terms. Such alternates shall serve in the absence of one or more regular members when requested by the mayor or manager of the city, or their representatives. (Ordinance 2006, sec. 4, adopted 5/6/96; Ordinance 2006A adopted 6/1/98)

State law reference—Creation of building and standards commission by municipality, V.T.C.A., Local Government Code, sec. 54.033 et seq.

  **Sec. 3.04.035 Authority of commission**



(a) The building and standards commission shall have all powers, duties and responsibilities authorized by state law, it being the intent of the city to fully implement subchapter C of chapter 54 of the Local Government Code, including specifically the authority to hear and determine cases concerning alleged violations of city ordinances:

- (1) For the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
- (2) Relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire-suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- (3) Relating to dangerously damaged or deteriorated buildings or improvements; or
- (4) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(b) The building and standards commission as created and provided for under the provisions of state law shall, in addition to the statutory duties and responsibilities, have such additional duties and responsibilities as shall be from time to time delegated to it by the city council and shall, in addition, determine such issues and render decisions in accordance therewith which may be from time to time required of an appellate body.

(c) The concurring vote of four members of the commission is necessary to take any action pursuant to this division.

(Ordinance 2006, sec. 5, adopted 5/6/96)

  **Sec. 3.04.036 Procedures**

- (a) The building and standards commission shall adopt rules and procedures in accordance with this division governing the conduct of hearings before the commission, providing ample opportunity for the presentation of evidence and testimony by respondents or persons opposing charges brought by the city, acting through the city attorney, relating to the violation of city ordinances.
- (b) If the building and standards commission finds after a hearing that a violation has occurred, the commission may:
- (1) Order the repair, within a fixed period, of buildings found to be in violation of this division;
 - (2) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the police chief, to enforce and carry out the lawful orders or directives of the commission; and
 - (3) Determine the amount and duration of a civil penalty the city may recover in an amount permitted by state law.

(Ordinance 2006, sec. 6, adopted 5/6/96)

  **Sec. 3.04.037 Right of inspection**

The building and standards commission shall appoint, from time to time and as needed, a properly licensed inspector to inspect any building or structure for the purpose of determining whether conditions exist which render such place uninhabitable or substandard within the terms of [section 3.04.033](#). Cause for inspection may be based on any of the following:

- (1) A complaint filed by any person;
- (2) A report filed by the police department, fire department, or any other department of the city of any building or structure which is or may be uninhabitable or substandard within the terms of [section 3.04.033](#); or
- (3) General information or knowledge about the building or structure.

(Ordinance 2006, sec. 7, adopted 5/6/96)

  **Sec. 3.04.038 Notice of violation and hearing**

- (a) The building and standards commission shall give notice of any alleged violation of this division and of the hearing to determine whether the building complies with the standards set out in this division. (Ordinance 2006, sec. 8, adopted 5/6/96)
- (b) Such written notice shall be given to the owner and all other persons having an interest in the building after a diligent effort to discover each owner, mortgagee, and lienholder. Such notice shall be given:

(1) By personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the county clerk; and

(2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(Ordinance adopting Code)

(c) Such notice shall be marked on or before the 10th day before the date of the hearing before the building and standards commission. (Ordinance 2006, sec. 8, adopted 5/6/96; Ordinance adopting Code)

(d) In addition, the notice must be published in a newspaper of general circulation in the city on one occasion on or before the 10th day before the date fixed for the hearing.

(e) The building commission may file notice of a proceeding before the building commission in the official public records of real property in the county in which the affected property is located. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(Ordinance 2006, sec. 8, adopted 5/6/96)

(f) The city must exercise due diligence to determine the identity and address of a property owner or lienholder to whom the city is required to give notice. The city exercises due diligence in determining the identity and address of a property owner or lienholder when it searches the following records:

- (1) County real property records of the county in which the property is located;
- (2) Appraisal district records of the appraisal district in which the property is located;
- (3) Records of the secretary of state, if the property owner or lienholder is a corporation, partnership, or other business association;
- (4) Assumed name records of the county in which the property is located;
- (5) Tax records of the city; and
- (6) Utility records of the city.

(g) All mailed notices shall be deemed sufficient and delivered even if returned “refused” or “unclaimed.”



(Ordinance adopting Code)

  **Sec. 3.04.039 Contents of notice**



The notice shall contain the following:

- (1) The name of the owner, occupant, and other persons with a legal interest in the premises;
- (2) The legal description of the premises;
- (3) A general description of the building, structure, or other improvements deemed substandard;
- (4) The date, time and location of the public hearing to determine whether the building complies with the standards set out in this division;
- (5) A general description of the proceeding;
- (6) A statement that the owners, lienholder or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this division and the time it will take to reasonably perform the work.

(Ordinance 2006, sec. 9, adopted 5/6/96)

  **Sec. 3.04.040 Public hearing**

The building and standards commission shall conduct a public hearing at the time, date and location set forth in the notice provided by [section 3.04.039](#) of this division. At said hearing, the building and standards commission shall determine whether the building situated on the affected property complies with the standards set out in this division. (Ordinance 2006, sec. 10, adopted 5/6/96)

  **Sec. 3.04.041 Burden of proof**

In the public hearing to determine whether a building complies with the standards set out in this division, 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 division and the time it will take to reasonably perform the work. (Ordinance 2006, sec. 11, adopted 5/6/96)

  **Sec. 3.04.042 Findings of fact; order**

If the building and standards commission finds that the building situated on the affected property is in violation of standards set out in this division, the building and standards commission shall record its findings of fact and may issue an order that said building be vacated, secured, repaired or demolished by the owner within a reasonable time. (Ordinance 2006, sec. 12, adopted 5/6/96)

  **Sec. 3.04.043 Guide for repair, vacation or demolition**

The following guide shall be followed by the building and standards commission in determining whether to order the vacation, securing, repair or demolition of any uninhabitable and dangerous building or dwelling:

- (1) Repair. If a building can reasonably be repaired so that it will no longer exist in violation of the terms of this division, the building and standards commission shall order it repaired within a reasonable time. A reasonable time shall be as defined in [sections 3.04.044](#) and [3.04.045](#) of this division. If the owner or other person with a legal interest fails to make such repairs within the time frame allowed, the building and standards commission may repair the same, impose fines, or take other appropriate action to implement this division.
- (2) Vacation. If a building is in such condition as to make it a danger to the health, safety or general welfare of its occupants or the citizens of the city, or if deemed necessary for the abatement of the nuisance, the building and standards commission shall order it vacated. If the owner or other person with a legal interest fails to vacate a building after proper notice, the building and standards commission may order the vacation of the structure, impose a fine, or take other appropriate action to implement this division.
- (3) Demolition. The building and standards commission may order a building demolished, if it is:
 - (A) At least fifty (50) percent damaged or deteriorated, on either a structural or original value basis;
 - (B) An immediate danger to the life of any person;
 - (C) In need of repair under subsection (1) above and is not repaired within the reasonable time set forth therein; or
 - (D) In such condition as to make it dangerous to the health, safety, or general welfare, has been ordered vacated by the building and standards commission, and has not been cured of the defects within a reasonable time.

(Ordinance 2006, sec. 13, adopted 5/6/96)

  **Sec. 3.04.044 Time period for compliance with order**

For purposes of this division, a “reasonable time” shall be deemed to be thirty (30) days from the date an order is issued; provided, however, that the building and standards commission may allow up to ninety (90) days for compliance with an order if, and only if, the owner or any other person with a legal interest submits at the hearing proof that the work cannot reasonably be performed within thirty (30) days. Additionally, the owner or other legally interested person must submit at the hearing a detailed schedule for commencement and performance of the work which is acceptable to the building and standards commission, in order to obtain more than thirty (30) days but less than ninety (90) days for compliance with the order.

(Ordinance 2006, sec. 14, adopted 5/6/96)

  **Sec. 3.04.045 Extended time period for compliance with orders**

(a) The building and standards commission may not allow the owner, lienholder, or mortgagee more than ninety (90) days to vacate, secure, repair, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

- (1) Submits a detailed plan and time schedule for the work at the hearing; and

(2) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.

(b) If the building and standards commission allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to vacate, secure, repair or demolish the building, the building and standards commission shall require the owner, lienholder, or mortgagee to regularly submit progress reports to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the building and standards commission or its designee to demonstrate compliance with the time schedules.

(Ordinance 2006, sec. 15, adopted 5/6/96)

Sec. 3.04.046 Security of property

Regardless of the time period allowed for compliance with the order, the owner or other legally interested person shall promptly secure the affected property in a reasonable manner from unauthorized entry while the work is being performed. (Ordinance 2006, sec. 16, adopted 5/6/96)

Sec. 3.04.047 Notice to lienholders and mortgagees



After the hearing, the building and standards commission shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The building and standards commission shall use its best efforts to determine the identity and address of any lienholder or mortgagee of the building through the records of the county clerk and through any other sources available to the city. (Ordinance 2006, sec. 17, adopted 5/6/96)

Sec. 3.04.048 Recording and publication of order

Within ten (10) days after the date that the order is issued, the building and standards commission shall:

- (1) File a copy of the order in the office of the secretary or clerk of the city;
- (2) Publish in a newspaper of general circulation in the city a notice containing the following:
 - (A) The street address or legal description of the property;
 - (B) The date of the hearing;
 - (C) A brief statement indicating the results of the order; and
 - (D) Instructions stating where a complete copy of the order may be obtained.

(Ordinance 2006, sec. 18, adopted 5/6/96)

  **Sec. 3.04.049 Action by city**



If the owner fails to vacate, secure, repair, or demolish in compliance with the order, the city through the city council may take such ordered action at its own expense; provided, however, that such action by the city shall be delayed until thirty (30) days after notice has been sent by certified mail, return receipt requested, to the lienholder or mortgagees of record, if any. During said thirty-day period, any lienholders or mortgagees of record shall be afforded the opportunity to bring the affected property into compliance with the order. The notice required by this section shall contain the following: (Ordinance 2006, sec. 19, adopted 5/6/96; Ordinance 2006B adopted 11/2/98)

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of minimum standards that is present at the building; and
- (3) A statement that the city will vacate, secure, remove, or demolish the building if the ordered action is not taken within thirty (30) days from the date of the notice.



(Ordinance 2006, sec. 19, adopted 5/6/96)

  **Sec. 3.04.050 Assessment for expenses; lien**

If the city incurs expenses under [section 3.04.049](#) of this division, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time a notice of the lien is recorded and indexed in the office of the county clerk. The 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 was located, the amount of expenses incurred by the municipality, and the balance due. (Ordinance 2006, sec. 20, adopted 5/6/96)

  **Sec. 3.04.051 Priority of lien**

If the notice is given and the opportunity to relocate the tenants of the building or to secure, repair, or demolish the building is afforded to each mortgagee and lienholder as authorized by [section 3.04.049](#) of this division, the lien is a privileged lien subordinate only to tax liens. (Ordinance 2006, sec. 21, adopted 5/6/96)

  **Sec. 3.04.052 Emergency cases**

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless an uninhabitable and dangerous building is immediately vacated, secured or repaired, the building inspector shall cause the immediate vacation, securing or repair of such uninhabitable and dangerous building or dwelling. The costs of such emergency repair, vacation, securing or repair shall be collected in the same manner as provided in [section 3.04.050](#) of this division. (Ordinance 2006, sec. 22, adopted 5/6/96)

  **Sec. 3.04.053 Appeals; finality of decisions**

All persons aggrieved of a decision of the building and standards commission may present a petition to any district court in the county, duly verified, setting forth that the decision is illegal, in whole or part, and specifying the grounds of the illegality. A petition of review must be presented to a district court within thirty (30) calendar days of the date copies of the final decision are sent to interested parties. If no appeals are taken from a decision of the building and standards commission within the required period, the decision of the building and standards commission is, in all things, final and binding. (Ordinance 2006, sec. 23, adopted 5/6/96)

  **ARTICLE 3.05 FLOOD DAMAGE PREVENTION***

  **Sec. 3.05.001 Statutory authorization, findings of fact, purpose and methods**

(a) Statutory authorization. The legislature of the state has in the Flood Control Insurance Act, Texas Water Code, section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the council of the city does ordain as follows.

(b) Findings of fact.

(1) The flood hazard areas of 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.

(2) 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.

(c) 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 floodprone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

(d) 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.

(Ordinance 07-17-2008, art. 1, adopted 7/17/08)



Sec. 3.05.002 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 landform 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 zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

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

Base flood elevation (BFE). The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the base flood.

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 nonbasement 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.

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

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood 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.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 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.

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

Recreational vehicle. 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, as well as a manufactured home.

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 North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 07-17-2008, art. 2, adopted 7/17/08)



Sec. 3.05.003 General provisions

- (a) Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of city.
- (b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Bell Co Uninc & Inc. Areas," dated September 26, 2008, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated September 26, 2008 and any revisions thereto are hereby adopted by reference and declared to be a part of this article.
- (c) Establishment of development permit. A floodplain development permit shall be required to ensure conformance with the provisions of this article.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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 hereunder.

(Ordinance 07-17-2008, art. 3, adopted 7/17/08)

  **Sec. 3.05.004 Administration**

(a) Designation of the floodplain administrator. The county emergency coordinator 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.

(b) Duties and responsibilities of the 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 application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, 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 Texas Water Development Board (TWDB), 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 [3.05.003](#)(b), 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 section [3.05.005](#).
- (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, 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.

(c) Permit procedures.

(1) 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:

- (A) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (B) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- (C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section [3.05.005\(b\)\(2\)](#);
- (D) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (E) Maintain a record of all such information in accordance with subsection (b)(1);

(2) 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:

- (A) The danger to life and property due to flooding or erosion damage;
- (B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (C) The danger that materials may be swept onto other lands to the injury of others;
- (D) The compatibility of the proposed use with existing and anticipated development;
- (E) The safety of access to the property in times of flood for ordinary and emergency vehicles;

- (F) 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;
- (G) 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;
- (H) The necessity to the facility of a waterfront location, where applicable;
- (I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) Variance procedures.

- (1) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (4) 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.
- (5) 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.
- (6) 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 subsection (c)(2) 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.
- (7) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section [3.05.001\(c\)](#)).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) 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.

(10) Prerequisites for granting variances:

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

(B) Variances shall only be issued upon:

(i) Showing a good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(C) Any application 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.

(11) 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:

(A) The criteria outlined in section [3.05.004](#)(d)(1)-(9) are met; and

(B) 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 07-17-2008, art. 4, adopted 7/17/08)

  **Sec. 3.05.005 Provisions for flood hazard reduction**

(a) 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 systems into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in: section [3.05.003](#)(b), section [3.05.004](#)(b)(8), or subsection (c)(3), the following provisions are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including 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 [3.05.004](#)(c)(1)(A), 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 1 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) Manufactured homes.

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

(B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:

(i) Outside of a manufactured home park or subdivision;

(ii) In a new manufactured home park or subdivision;

(iii) In an expansion to an existing manufactured home park or subdivision; or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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

(i) The lowest floor of the manufactured home is at or above the base flood elevation; or

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

(5) 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; (B) be fully licensed and ready for highway use; or (C) meet the permit requirements of section [3.05.004\(c\)\(1\)](#), 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.

(c) Standards for subdivision proposals.

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections [3.05.001\(b\)–\(d\)](#) of this article.

- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of section [3.05.003\(c\)](#); section [3.05.004\(c\)](#); and the provisions of this section of this article.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section [3.05.003\(b\)](#) or section [3.05.004\(b\)\(8\)](#) of this article.
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(d) Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard established in section [3.05.003\(b\)](#), 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).
- (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 2 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 [3.05.004\(c\)](#) are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(e) Floodways. Floodways located within areas of special flood hazard established in section [3.05.003\(b\)](#), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

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

(2) If subsection (e)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by section 65.12.

(f) Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order 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 court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent city council from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ordinance 07-17-2008, art. 5, adopted 7/17/08)

ARTICLE 3.06 PROPERTY ADDRESSES

Sec. 3.06.001 Standards adopted

There is hereby established the following addressing standards for numbering property and naming public streets and roads within the incorporated areas of the city (and, if and when applicable, any other areas by joint agreement of municipalities). All structures within this area are subject to addressing in accordance with this order. (Ordinance 1900, sec. 1, adopted 12/2/91)

Sec. 3.06.002 Procedures

(a) Street naming and property numbering procedures shall be established in conjunction with the platting and subdivision requirements of the county.

(b) A survey and inventory of all public street names within the city boundaries shall be prepared by the city for use with addressing procedures. Property needing street naming or number assignment on public roads will be identified. Duplicate names or similar-sounding names will be repealed and renamed on the recommendation of staff and the approval by the city council.

(c) Street name criteria. All street names shall be nonduplicative of existing names, limited to twenty (20) characters, and no similar-sounding names will be allowed. Directionals shall be spelled out (north). Dead-ending roads may not be designated streets, but may be designated as cul-de-sac, cove or court. Other road types may be classified (boulevard must include a median or be a minimum of twenty-one (21) feet in width) as found

appropriate by the city council. Name changes may be considered for historical or clarification purposes and may be reconsidered. Name changes must be presented to the city council with signatures from 3/4 of the property owners abutting the street. Development along the street and traffic volume may be considered as additional criteria.

(d) Property numbering criteria. Number assignment is based upon a grid system: A centerpoint shall be established within the community, with the axis forming baselines. The north-south line shall be Interstate Highway 35, and the east-west line shall be three hundred fifty (350) feet per block. Number assignment shall progress from the centerpoint outward each direction, with the interval distance of thirty (30) feet allowed for each number. When traveling from the centerpoint, odd numbers shall be assigned to the left and even numbers to the right street side.

(e) Final approval of new street names and name change requests rests with the city council. Street name adoption or changes must comply with criteria established under these standards and this article.

(Ordinance 1900, sec. 2, adopted 12/2/91)



Sec. 3.06.003 Posting of numbers

Residential posting may be no less than four (4) inches high in one-half (1/2) inch stroke width; a business structure posting may be no less than (4) inches high in one-half (1/2) inch stroke width. The number shall contrast in color with the background on which it is affixed and shall be visible day or night, from the street. When possible, the number should be displayed beside or over the main entrance of the structure. (Ordinance 2014-10-2 adopted 10/13/14)



Sec. 3.06.004 Street naming and property numbering procedures

Street naming and property numbering procedures are standards as authorized in the County Road and Bridge Act (art. 6702-1, Texas Civil Statutes). These procedures will include:

- (1) A plat book containing public roads with proper numbering assigned shall be kept on file for public use. Property undergoing subdivision, development, or building permits issued in areas without street addresses must comply with the addressing procedures. As new streets are developed, addresses will be assigned by the city.
- (2) Notification in written form must be presented to the property owner and/or tenant when final assignment of addresses occurs. Notification also should be made to the U.S. Postal Service. Once notified, the address becomes effective within sixty (60) days.
- (3) Within sixty (60) days of notification, proper address number signage should be posted. After sixty (60) days, if no number sign is posted, the enforcement shall consist of the proper authority posting such number and to apply applicable charges to the resident or property owner.
- (4) Maintenance of the county's addressing procedure will be by the county.

(Ordinance 1900, sec. 4, adopted 12/2/91)

  **Sec. 3.06.005 Street signs**

Street signs shall be erected at all intersections of public roads regardless of current route markings from state, federal or county designations. For new property development, the signage will be required at the expense of the developer. Signs must conform to guidelines established by the city engineer, public works office, or other appropriate office. Block number ranges shall be included on signs. (Ordinance 1900, sec. 5, adopted 12/2/91)

  **Sec. 3.06.006 Standards for abbreviations**

The recommended NENA standards for abbreviations for street thoroughfares attached to Ordinance 1900 is adopted for use in the city. (Ordinance 1900, sec. 6, adopted 12/2/91)

  **Sec. 3.06.007 Penalty for violation**

Any person or persons, firm or corporation which violates any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as provided in [section 1.01.009](#) of this code for each offense, and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such. (Ordinance 1900, sec. 10, adopted 12/2/91)

  **ARTICLE 3.07 FENCES, SCREENING WALLS AND VISUAL BARRIERS**  **Sec. 3.07.001 Location in front yard**

No fence, screening wall or visual barrier shall be located or placed in front of the minimum required front yard line, as specified for the district in which it is located. (Ordinance 1704, sec. I, adopted 12/5/83)

  **Sec. 3.07.002 Penalty for violation**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as provided in [section 1.01.009](#) of this code. Each and every violation of the provisions of this article shall constitute a separate offense. Each and every day shall constitute a separate violation. (Ordinance 1704, sec. II, adopted 12/5/83)





  **Sec. 3.07.003 Injunctive relief**

In addition to any other penalty provided by this article, the council may direct the city attorney to initiate an action in any court having competent jurisdiction to enjoin any violations of the provisions of this article or for an injunction to compel compliance with any provision of this article. (Ordinance 1704, sec. III, adopted 12/5/83)

  **ARTICLE 3.08 EXCAVATIONS; PUBLIC WORKS**  **Division 1. Generally**

  **Sec. 3.08.001 Public works construction standards**

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the “Public Works Construction Standards,” including appendix chapters (see International Building Code section 101.2.1, 2003 edition), as published by the North Central Texas Council of Governments, be and is hereby adopted as the public works construction standards of the city for regulating and governing the conditions and maintenance of all public works projects; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that projects completed are safe, sanitary and fit for occupation and use. All standards are hereby referred to, adopted, and made a part hereof, as if fully set out in this section. (Ordinance 2005-09-12-09, sec. 1, adopted 9/12/05)

  **Secs. 3.08.002–3.08.030 Reserved**  **Division 2. Laying of Cables or Power Lines**  **Sec. 3.08.031 Scope**

The city facilities consist of main and lateral conduits for water and sewer with water to and liquid waste from houses and businesses in the city. (Ordinance 602, sec. 1, adopted 11/6/78)

  **Sec. 3.08.032 Notice; permit required**

Any person, firm or corporation desiring to lay cables or power lines in any street, alley or easement shall give at least fourteen days' notice and apply for a permit before opening the street or alley or easement, and the manner of excavating for the laying and backfilling over such cable or power lines shall be subject to the approval of the plumbing inspector. All such work shall be planned and executed so that no injury shall occur to water or sewer main or service lines connected therewith. (Ordinance 602, sec. 2, adopted 11/6/78)



  **Sec. 3.08.033 Authority to stop work**

The city, acting through the inspector or other authorized officers, shall have the power to stop and prevent [any person] from laying any cable or power line to obstruct the necessary repairs to the water or sewer lines. (Ordinance 602, sec. 3, adopted 11/6/78)



  **Sec. 3.08.034 Penalty for violation**

Every person, firm or corporation who shall omit or refuse to comply with or who violates any of the provisions of this division shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined as provided in [section 1.01.009](#) of this code for each offense, and each day such violation shall exist shall constitute a separate offense. (Ordinance 602, sec. 4, adopted 11/6/78)



  **ARTICLE 3.09 RESERVED***  **ARTICLE 3.10 MOVING OF BUILDINGS**

  **Sec. 3.10.001 Bond required**



A security bond in the amount of \$500.00 (five hundred dollars) is required to be posted by the person or persons responsible for transporting or moving any structure into the city limits, to be remodeled, renewed, or renovated for use as residential, commercial, or public uses. This \$500.00 bond will be forfeited to the city upon failure to complete renovation of the building or buildings by the owner within a six-month period from the date that the building or buildings are moved inside the city limits. (Ordinance 2002 adopted 1/3/94)

  **ARTICLE 3.11 MANUFACTURED HOMES***  **Division 1. Generally**  **Sec. 3.11.001 Title**



This article shall be commonly cited as the “manufactured homes ordinance.”

  **Sec. 3.11.002 Purpose**

This article provides standards for the use, placement, abandonment, and removal of mobile homes and manufactured homes, as defined below, within the city.

  **Sec. 3.11.003 Scope**

This article applies to all property within the incorporated municipal boundaries (i.e., “city limits”) and the extraterritorial jurisdiction (“ETJ”). This article applies to all manufactured homes, mobile homes, and recreational vehicles installed and/or put into use after the effective date of this article.

  **Sec. 3.11.004 Definitions**

(a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in this code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

City. The City of Troy, an incorporated municipality located in Bell County, Texas.

City limits. The municipal boundaries of the City of Troy.

HUD-code manufactured home. A structure, constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Lot or space. A plot of ground designed for the placement of one (1) manufactured home, mobile home, or recreational vehicle.

Manufactured housing community. A lot or parcel of land containing spaces with improvements and utilities that are sold or leased for the long-term occupancy and placement of HUD-code manufactured homes, and that includes services and facilities for the residents. Also, formerly known in the city as a land lease community.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Mobile home park (also trailer park or RV park). A parcel of land not less than three (3) acres nor greater than thirty-five (35) acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers or recreational vehicles, including travel trailers, in designated spaces. The facility may include a residence for the owner or administrator of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Recreational vehicle. Any motor home, mobile trailer, camper, recreational unit or any similar vehicle principally designated for temporary habitation, regardless of size.

RV park (also mobile home park, trailer park, or RV park). A parcel of land which is designed, improved, or intended to be used for short-term occupancy by mobile homes, trailers, or recreational vehicles, including travel trailers, in designated spaces. The facility may include a residence for the owner or manager of the premises, limited utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Sec. 3.11.005 Requirements

All HUD-code manufactured homes either constructed within or moved into the city limits or ETJ must comply with the National Manufactured Home Construction and Safety Standards Act, state law, and the standards set forth in this article.

Sec. 3.11.006 Utility connections

(a) All structures permitted under this article shall be connected to city water and sewer services and must subscribe to city solid waste disposal services.

(b) No city utilities shall be connected to property containing a manufactured home or mobile home which has not received a permit pursuant to the provisions of this article.

  **Sec. 3.11.007 Location of manufactured homes restricted**

(a) HUD-code manufactured homes shall not be permitted to be located within the limits of the city on any space, lot, or tract of land other than in a platted and approved manufactured housing community (MH), nor shall any private or public utilities be connected or extended, except in any one or more of the following circumstances:

(1) The HUD-code manufactured home or mobile home was legally in existence at such location as of the effective date of this article, in which case the home shall be considered to be grandfathered and shall be permitted to be used at such place and in such manner. If a grandfathered HUD-code manufactured home or mobile home is abandoned, removed, or replaced for any reason, a variance as prescribed in this article must be obtained before another HUD-code manufactured home may be used on the site.

(2) An application for a variance is granted.

(b) Nothing provided in this section pertaining to manufactured housing shall in any way abrogate the enforceability by private parties of deed restrictions pertaining to manufactured housing.



  **Sec. 3.11.008 Tie-downs and skirting**

(a) Applicability. All HUD-code manufactured homes and mobile homes (including those with grandfathered status) must comply with the standards in this section.

(b) Tie-downs. All HUD-code manufactured homes and mobile homes shall have adequate tie-downs as required by state insurance regulations.

(c) Skirting. All HUD-code manufactured homes and mobile homes shall have permanent masonry skirting around the base of the home. The skirting shall be maintained intact to prevent the accumulation of flammable materials beneath the home. The skirting must be affixed to the home, and it must be made out of one of the following:

- (1) Rock;
- (2) Concrete;
- (3) Brick; or
- (4) Hardie board.

  **Sec. 3.11.009 Parking on street or other public place**

It shall be unlawful for any person to park any HUD-code manufactured home, mobile home or recreational vehicle on any public street, alley, highway or other public place within the limits of the city for any of the following purposes:

- (1) Human occupancy at any time;
- (2) Storage for more than twenty-four (24) hours; or
- (3) Any other purpose for more than forty-eight (48) hours.

Sec. 3.11.010 Residential use of recreational vehicle prohibited

It shall hereafter be unlawful to reside on a permanent or long-term basis in a recreational vehicle, as herein defined, in the city. A rebuttable presumption is created that a person is unlawfully residing in a recreational vehicle if:

- (1) The recreational vehicle has been in use on the same property for more than forty-five (45) consecutive days; or
- (2) The recreational vehicle has been connected to a utility, whether public or private, that includes either water, electricity, or access to a septic/wastewater system.

Sec. 3.11.011 Installation or replacement of mobile homes

Mobile homes are not permitted to be installed or replaced with another mobile home for use as a residence within the city. A mobile home may only be replaced with a HUD-code manufactured home and must be within if it is within a district that is zoned MH, or if a variance is granted.

Sec. 3.11.012 Truck parking in MH district or manufactured housing community

It shall be unlawful for any person to park any vehicle that either has more than two axles or weighs over 5,000 pounds on any public street, alley, or other public right-of-way within a district that is zoned MH.

Sec. 3.11.013 RV parks

Except as otherwise provided in this section, an applicant seeking a permit to create an RV park must follow the same procedure, and is subject to the same rules, as manufactured housing communities. An RV park may not be larger than five (5) acres. An RV park is only allowed to provide separate septic system or water/sewer system access to a permanent residence for the manager/owner of the park and/or to a public restroom that is available for the patrons of the park.

Sec. 3.11.014 Variances

(a) Application. An application for a variance shall be submitted to the city secretary and shall require the granting of a variance as prescribed by this article. The application shall state:

- (1) The name and address of the applicant.
- (2) Size, model, year of manufacture, original cost, and photograph of the HUD-code manufactured home.
- (3) Legal description of the property upon which it is proposed to place the HUD-code manufactured home and name and address of the property owner. The HUD-code manufactured home must be located on a separately platted or replatted lot of at least four thousand (4,000) square feet, such plat or replat having been properly approved by the city secretary. The person who intends to occupy such HUD-code manufactured home must submit a copy of a duly recorded deed or lease in a form acceptable to the city secretary showing that the intended occupant owns or is leasing the lot upon which the HUD-code manufactured home is to be located. No other structure designed or to be used for human occupancy shall be located on such lot, and the lot shall meet all applicable codes and ordinances for the intended use.
- (4) Drawing showing size of lot, location of lot, and how the HUD-code manufactured home is to be placed on the lot in order to conform to this code.
- (5) Form signed by the applicant stating that he or she understands the requirements of the zoning ordinances for the area in which the HUD-code manufactured home will be placed.
- (6) Form signed by the applicant stating the HUD-code manufactured home will have tie-downs and will be skirted with fire-resistant skirting and shall be maintained intact to prevent accumulations of flammable materials beneath the manufactured home.

(b) Hearing required.



- (1) A variance to the provisions of this article shall only be granted pursuant to a public hearing before the city council.
- (2) The property owner must submit adequate proof to the city secretary that the aforementioned and other ordinance requirements have been met before a hearing will be scheduled.
- (3) All property owners within five hundred (500) feet of any portion of the property on which the variance is sought shall be notified by regular mail of such hearing.
- (4) The public hearing and property owner notification calendar utilized by the city shall be based on the statutory provisions of the municipal zoning laws of the state.
- (5) All advertising and notification costs shall be borne by the applicant for the variance.

(c) Granting. If a mobile home is being replaced by a HUD-code manufactured home, the variance is required to be granted. After the public hearing, the city council shall deny, approve, or approve with conditions. In exercising its power to grant a variance in accordance with this article, the city council shall make findings and show in its minutes that:



- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district and that

justify the use of the property for HUD-code manufactured home purposes.

- (2) A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed, under this article, by other properties in the vicinity and zoning district, but which rights are denied to the property on which the application is made.
- (3) The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by a comprehensive plan or any area plan and will not adversely affect any other feature of a comprehensive plan or any area plan of the city.
- (4) The variance, if granted, will be of no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity.
- (5) The variance does not violate the intent of this article or its amendments.

  **Secs. 3.11.015–3.11.030 Reserved**

  **Division 2. Manufactured Housing Communities**

  **Sec. 3.11.031 Permit required**

Any landowner who wishes to maintain a lot for the purpose of created a manufactured housing community (formerly called a land lease community) must apply for a permit from the city. The term of an initial permit or renewal permit is one year.

  **Sec. 3.11.032 Application for permit**

Applications for a manufactured housing community permit can be obtained from and shall be filed with the city secretary. The applicant will be charged a nonrefundable \$100.00 fee in order to submit an application for a permit. Applications shall be in writing, and signed by the applicant, and shall be accompanied by the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the manufactured housing community.
- (3) The required fee.
- (4) A manufactured housing community plan as required by this article.
- (5) Plans and specifications of all buildings and other improvements to be constructed within the manufactured housing community in accordance with all existing applicable state laws and city ordinances.

(6) Such further information as may be requested by the city to determine if the manufactured housing community will comply with the legal requirements.

  **Sec. 3.11.033 Design standards; community plan**

The manufactured housing community shall be constructed in accordance with a community plan that conforms to the following requirements:

- (1) The community shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water, that is zoned for HUD-code manufactured homes.
- (2) Spaces for HUD-code manufactured homes shall be provided consisting of a minimum of one thousand (1,000) square feet for each space, which shall be at least twenty-five feet (25') wide and clearly defined. HUD-code manufactured homes shall be placed on each space so that there shall be at least twenty feet (20') clearance between homes; provided, however, that in respect to HUD-code manufactured homes parked end to end, clearance between homes may be less than twenty feet (20') but shall not be less than fifteen feet (15') from any building within the community or from any property line bounding the community.
- (3) The community plan must be submitted to the city prior to the installation of any HUD-code manufactured homes and shall comply with the city's subdivision ordinance, where applicable. The community plan shall provide a legal description and map clearly setting out the following information:
 - (A) Identification of areas to be used for all residents of the community;
 - (B) Identification of driveways at entrances, exits, roadways, and walkways;
 - (C) Location of sites for HUD-code manufactured homes;
 - (D) Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space and utility rooms;
 - (E) Method and plan of sewage disposal;
 - (F) Method and plan of garbage removal;
 - (G) Plan of water supply;
 - (H) Plan of electric lighting, and electric service to HUD-code manufactured home sites;
 - (I) Plan of parking requirements; and
 - (J) Such further information as may be requested by the city secretary.

(4) Every manufactured housing community shall have city water connections furnishing an ample and adequate supply of water, shall have connection to electricity, and shall either be connected with the sanitary sewer or to a septic system in accordance with the community plan required above.

Sec. 3.11.034 Issuance of permit

If the applicant and the application are in compliance with all provisions of this article and all other applicable ordinances or statutes, the city secretary shall issue the permit after the application has been approved by the city council. The permit can be made contingent upon completion of the community according to the plans and specifications submitted with the application.

Sec. 3.11.035 Revocation of permit

The city may revoke a permit to construct a manufactured housing community, and may issue a stop-work order, for any violation of this article. After such revocation and order, the permit may be reissued if the city council determines that the circumstances leading to the revocation have been remedied and the community is being constructed in full compliance with the law and the provisions of this article.

Sec. 3.11.036 Enforcement

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

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

(c) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

(1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;





(2) A civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and other available relief; and

(3) Stop-work order. In the event work is not being performed in accordance with this article, the city shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.



(Ordinance 04092012-1 adopted 4/9/12)

  **ARTICLE 3.12 MULTIFAMILY DWELLINGS**  **Sec. 3.12.001 Special permit required**



From July 6, 1977, forward, no duplex or multifamily dwelling shall be located on any lot or place within the city except by a special permit issued only by the city council. (Ordinance 1200A, sec. 1, adopted 7/6/77)

  **ARTICLE 3.13 OUTDOOR LIGHTING**  **Sec. 3.13.001 Popular name**

This article shall be known as the “lighting ordinance.”


  **Sec. 3.13.002 Purpose**

The purpose of this article is to provide for the preservation of night skies, protect property rights by preventing light trespass, save energy by eliminating waste, and increase safety by eliminating glare.

  **Sec. 3.13.003 Scope**

(a) This article applies to all new nonresidential and multifamily development requiring site plan approval subject to zoning requirements. Any nonresidential (e.g. businesses) or multifamily property already in existence on the effective date of this article shall be exempt from this article except, all nonresidential and multifamily properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration of at least fifty (50) percent increase in size or value, whichever is less, must come into compliance with this article. Site plan approval shall be conditioned on compliance with this article.

(b) Nothing herein shall be construed as preventing or limiting the city from applying this section to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

  **Sec. 3.13.004 Prohibition**

It shall be unlawful and an offense for any person/entity to do the following:

- (1) Install outdoor lighting that does not comply with the standards established by this article; and/or
- (2) Fail to comply with any terms or conditions set forth in a permit issued under this article.

  **Sec. 3.13.005 Definitions**

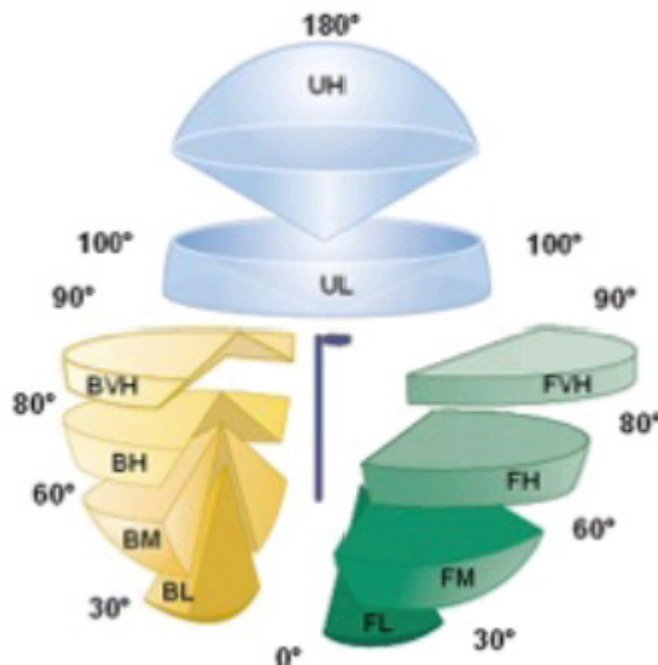
(a) **General.** Words and phrases used in this article shall have the meanings set forth in this article. Terms that are not defined below, but are defined elsewhere in the city's code, shall be given the meanings set forth in the code. Words and phrases not defined in the city's code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(b) **Specific.**

Applicant. A person or entity who submits to the city an application for an approval required by this article. To be qualified as an applicant under this section, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under this article. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this article.

B-U-G ratings. A luminaire classification system with ratings for backlight (B), upright (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in figure A below. The upright component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

Figure A: Components of BUG Ratings



City. The City of Troy, an incorporated municipality located in Bell County, Texas.

Full cut-off fixtures. Light fixtures designed, installed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted and less than ten percent of the rated lumens are projected between 90-degrees and 80-degrees.

Fully shielded light fixture. A light fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part. A fully shielded light may or may not be full-cutoff depending on the amount of light produced in the glare zone between 90-degrees and 80-degrees.

Glare. Lighting entering the eye directly from luminaries or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Holiday lighting. Lighting used for a specific celebration which may be one of the following types:

- (1) Festoon type low-output lamps, limited to small individual bulbs on a string.
- (2) Low-output lamps used to internally illuminate yard art.
- (3) Flood or spotlights producing less than 2,000 lumens each, whose light source is no visible from any other property, and which are used only as temporary lighting.

IESNA. The Illuminating Engineering Society of North America.

Light trespass. Light emitted from a fixture designed or installed in a manner that allows the luminous elements of the light fixture to be visible from a normal viewing angle from any property other than the one where the light is installed or to cause light to shine in a motor vehicle driver's eyes, or upwards toward the sky.

Lighting. Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

LZ1. Light zone 1 pertains to areas that desire low ambient lighting levels. This includes rural and low density residential areas, rural town centers, business parks, and other commercial areas with limited nighttime activity.

LZ2. Light zone 2 pertains to areas with moderate ambient lighting levels. This includes business districts, churches, hospitals, hotels/motels and business areas with evening activities.

Logo. A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

Lumen. The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption). For the purposes of this section, the lumen output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm.)

Luminaire. The complete lighting unit (fixture) consisting of a lamp, or lamps and ballasts, together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire lumens. For luminaires with relative photometry (i.e. almost all lamps except LEDs) it is calculated as the sum of the initial lamp or bulb lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry (i.e. most LEDs), it is the total luminaire lumens.

Luminous elements (of a light fixture). The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

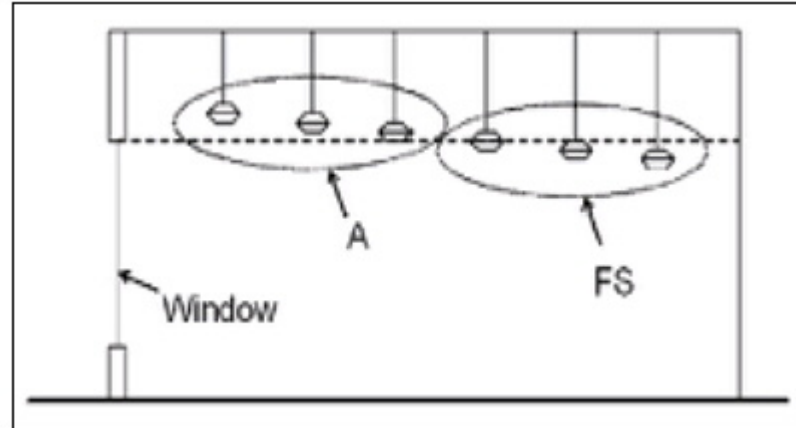
Major addition. Enlargement of fifty percent (50%) or more of the building's gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this section. The term also includes replacement of twenty-five percent (25%) or more of installed outdoor lighting.

Multifamily dwelling. Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Multifamily dwellings include three-family units (triplex) and four-family units (quadruplex), as well as traditional apartments.

Nonresidential. Property designated as nonresidential under the city's zoning ordinance.

Outdoor lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this section. (See figure B.) Residential fixtures installed indoors generating more than 6200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this section. Figure B is an elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article.

Figure B



Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Property line. The boundary line between two pieces of property.

Residential. Property designated as residential under the city's zoning ordinance.

Sky glow. The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Temporary lighting. Lighting intended for uses which by their nature are of limited duration. For example: holiday decorations, civic events, or construction projects.

Uplighting. Lighting that is directed in such a manner as to shine light rays above a horizontal plane through the lowest point on the fixture where light is emitted.

Sec. 3.13.006 Compliance

All outdoor lighting shall be installed in conformance with the provisions of this article, and applicable city electrical, energy, and building ordinances, except as provided herein.

Sec. 3.13.007 Nonresidential and multifamily

All outdoor lighting installed on nonresidential and multifamily properties shall conform to the standards by this article, except as provided herein.

Sec. 3.13.008 Nonconforming existing lighting

(a) General. All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified and imposed by this article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this section.

(b) Conformance required.

(1) Destruction. If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county appraisal district), has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(2) New uses or structures, or change of use. Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this article before the new or changed use commences.

(3) Major addition. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the city, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.

(4) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(c) Prohibitions. It is unlawful to expand, repair, or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.



Sec. 3.13.009 Shielding and total light trespass standards

(a) Shielding.

(1) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the luminous elements of a light fixture to need additional shielding in order to prevent light trespass.

(2) Figure C below is an example of a light fixture that required additional shielding due to the topography and proximity to other properties.

Figure C (Outdoor Lighting with Additional Shielding)



(3) In Figure D below, the lights on the left are nonconforming. Those on the right may be used in most cases but may need additional shielding to prevent the luminous elements from being visible from any other property.

Figure D (Examples of Prohibited and Permitted Outdoor Lighting)



(b) Public lighting. Governmental owned streetlights, if rated by the B-U-G classifications.

(1) Shall be rated and installed with the maximum backlight component limited to the values in table 1 based on location of the light fixture where the property line is considered to be 5 feet beyond the actual property line;

Table 1			
		LZ1	LZ2
	Fixture is greater than 2 mounting heights from property line	B3	B4

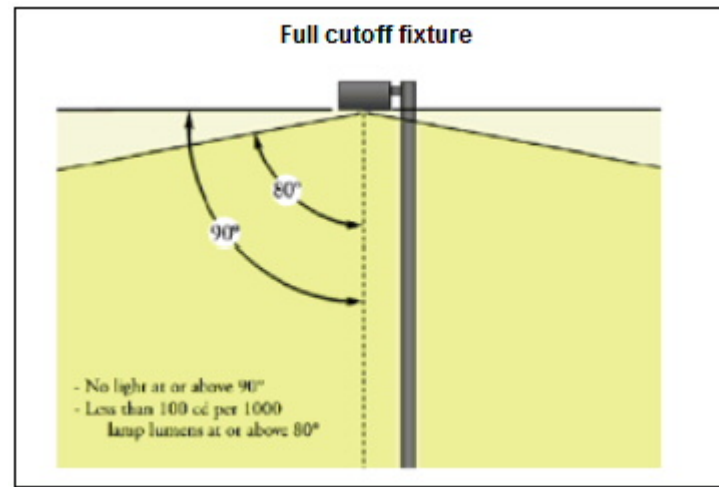
	Fixture is 1 to less than 2 mounting heights from property line	B2	B3
	Fixture is .5 to 1 mounting heights from property line	B1	B2
	Fixture is less than 0.5 mounting height to property line	B0	B0

(2) Shall be rated and installed with the upright component of zero (U0); and

(3) Shall be rated and installed with the glare component no more than G0 in LZ1 and G1 in LZ2; and

If not rated by the B-U-G classification system they shall be rated as full cutoff fixtures in order to limit light trespass. (See figure E.)

Figure E (Full Cut-Off Fixture that Limits Light Trespass)

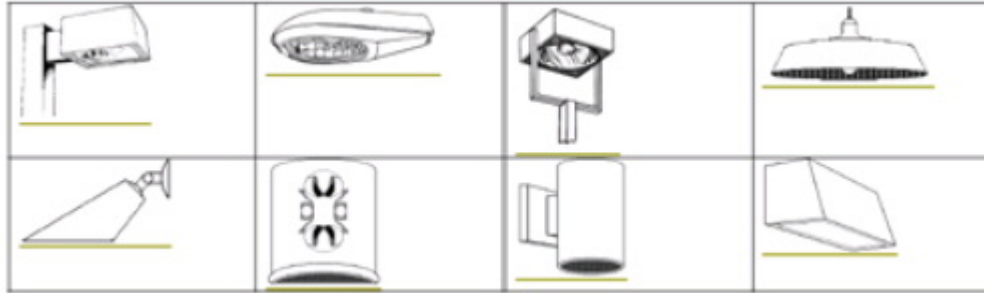


(c) Prohibitions.

(1) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this section.

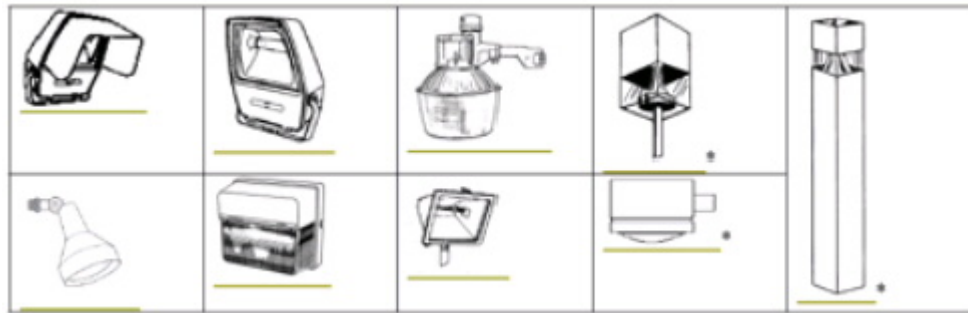
(2) Outdoor lighting fixtures, except those with uplighting specifically permitted in this article, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See figures F and G.)

Figure F (Examples of Permitted Fixtures with Zero Light Escape above Horizontal Plane)



The fixtures must be closed on top and mounted such that the bottom opening is horizontal.

Figure G (Examples of Prohibited Fixtures with Light Escape above Horizontal Plane)

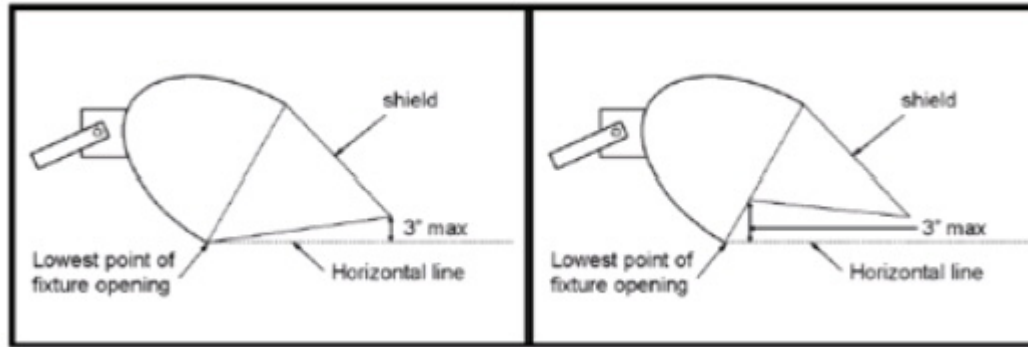


(d) Lumen limits.

1. Outdoor lighting in lighting zone 1 (LZ1) shall be selected and spaced so that the overall luminaire lumens for the area to be illuminated on nonresidential and multifamily properties shall not exceed 2 lumens per square foot and on nonmultifamily residential properties shall not exceed 1.25 lumens per square foot.
2. Outdoor lighting in lighting zone 2 (LZ2) shall be selected and spaced so that the overall luminaire lumens for the area to be illuminated shall not exceed 2.5 lumens per square foot with the exception of the areas within 20 feet of fuel pumps or within 10 feet of automated teller machines which shall not exceed an average of 15 lumens per square foot.

(e) Outdoor recreational facilities. Outdoor recreational facilities are subject to the shielding requirements in this section. Where fully shielded fixtures are not available, lighting fixtures using external louvers or shields that, in the final installed configuration, extend to within 3 inches on the lowest portion of the light fixture opening are required. (See figure H.) The fixtures shall be installed and maintained with aiming angles that permit no greater than 1% of the light emitted by each fixture to project above the horizontal line.

Figure H (Sports Lighting Where Fully Shielded Fixtures are Not Available)



Sec. 3.13.010 Lighting for outdoor signs and panels

Sign and panel lighting must conform with the regulations of this article.

Sec. 3.13.011 Lighting under canopies, building overhangs, or roof eaves

All outdoor light fixtures located under canopies, building overhangs, or roof eaves must conform with the regulations of this article.

Sec. 3.13.012 Neon lighting

Neon lighting is permitted. Such lighting shall be subject to the shielding requirements of this article unless exempted per this article.

Sec. 3.13.013 Flagpoles

It is preferred that flagpoles not be illuminated and that the traditional raising of the flag after dawn and lowering of the flag before sunset be utilized. Lighting of up to a total of 2 flags per property is permitted with the following restrictions:

- (1) The flags must either be the flag of the United States of America or the flag of the state.
- (2) Flagpoles with a height greater than 20 feet above ground level shall be illuminated from above if illuminated at all. This may be achieved by utilizing a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole and must comply with all sections of this article except for lights such as the ones in figure K. The total number of lumens initially output from any light fixture mounted on top of a flagpole is limited to 800.
- (3) Flagpoles with a height equal to or less than 20 feet above ground level may be illuminated from below. They are to be illuminated with up to 2 spot type fixtures utilizing shields to reduce glare, whose maximum combined lumen output is 78 lumens per foot of pole height, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the flagpole and the light output points straight up at the flag.

Figure K. Options for Flagpole Lighting



Sec. 3.13.014 Lighting curfews

- (a) Outdoor lighting. Outdoor lighting intended to be illuminated for more than 30 minutes after closing, or for the completion of activities after closing, must be reduced to 25% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 25% or less of normal lumen output within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (b) Sign illumination. Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 11:00 p.m.; provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.
- (c) Street lighting. Street lighting, other than at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.
- (d) Outdoor recreational facilities. Lighting for outdoor recreational facilities is allowed between one hour prior to sunset and 11:00 p.m., unless it is needed to complete a specific organized activity or event already in progress at 11:00 p.m.

Sec. 3.13.015 Fixtures

- (a) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (b) The operation of searchlights for advertising purposes is prohibited.

Sec. 3.13.016 Submission of plans and evidence of compliance

- (a) Plan requirements. All nonresidential and multifamily building permit applications must include an outdoor lighting plan which includes the following information:
- (1) The location of all existing and proposed light fixtures (may be included on site plan). Light fixtures intended to illuminate fuel pumps or automated teller machines must be so noted.
 - (2) For each proposed or existing light fixture machine provide:

- (A) Fixture descriptions including the type and wattage of the bulb.
 - (B) Quantity of each fixture.
 - (C) Mounting height.
 - (D) Luminaire lumens (total for all bulbs in the fixture).
 - (E) Total luminaire lumens for all outdoor lighting in the lighting plan.
 - (F) Square footage of the area to be illuminated.
 - (G) Total luminaire lumens divided by the square footage of the area to be illuminated. The result of this calculation must not be greater than the lumens per square foot limits for the lighting zone and property classification.
 - (H) Specification sheets for all existing and proposed light fixtures.
- (3) A statement signed by the property owner(s) and acknowledged before a notary public that the applicant has received notification of the provisions of this article and that the photometric measurement shall be zero (0) at all locations three (3) feet past the property line perimeter.

(b) Inspection. Verification that a nonresidential and multifamily construction project requiring a building permit application has complied with the provisions of this article shall occur during the final electrical inspection by the city building inspector.

Sec. 3.13.017 Exemptions

The following lighting instances are exempt from this article:

- (1) Outdoor light fixtures with a maximum output of 310 lumens per fixture, regardless of the number of bulbs, (equals approximately one 25 watt incandescent light), may be left unshielded provided the fixture has a diffuser installed, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the allowable lumens per square foot.
- (2) Outdoor light fixtures with a maximum output of 620 lumens per fixture, regardless of the number of bulbs, (equals approximately one 45 watt incandescent light), which are shielded with a colored lens provided said lens reduces the lumen output approximately in half, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the allowable lumens per square foot.
- (3) Holiday lights as defined in this article are exempt from the requirements of this article from November 15th to January 15th during the hours from 6:00 a.m. to midnight each day, annually, except that flashing holiday lights are prohibited on nonresidential and multifamily properties.
- (4) Lighting required by law to be installed on motor vehicles.

- (5) Lighting needed during activities of law enforcement, fire and other emergency services.
- (6) Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (7) Lighting required for the safe operation of aircraft.
- (8) Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.

Sec. 3.13.018 Variances

- (a) The city council is hereby authorized to approve variances from this article and the codes adopted herein.
- (b) No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this article. In order to grant a variance, the city council must first find:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land;
 - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
 - (4) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article.

Sec. 3.13.019 Methods of installation

This article is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this article, provided such alternative meets the legislative intent of this article.

Sec. 3.13.020 Compliance with building article

All lighting installations commenced in accordance with this article must be in compliance with the International Building Code, as adopted by the city.

Sec. 3.13.021 Civil and criminal penalties

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations.

Sec. 3.13.022 Criminal prosecution

It shall be an offense for a person/entity to fail to comply with the standards set forth in this article. Said person/entity shall comply within 15 days after notice is mailed to them. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this article is violated shall constitute a separate offense. An offense under this section is a class C misdemeanor. The required culpable mental state in order to incur criminal liability under this article is criminal negligence.

Sec. 3.13.023 Civil remedies

Nothing in this section shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law and equity, including, but not limited to the following:

- (1) Injunctive relief;
- (2) Monetary damages; and
- (3) Other relief as directed by a court with jurisdiction over the matter.

Sec. 3.13.024 Alternative relief

To prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article:

- (1) Penalty. In lieu of criminal prosecution, a civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and committed acts in violation of this article or failed to take action necessary for compliance with this article; and other available relief.
- (2) Stop-work order. In the event work is not being performed in accordance with this article, the city may issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

Sec. 3.13.025 Public nuisance

(a) General. Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this article.

(b) Offense. It is an offense under this article for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.

(Ordinance 2013-1209-1 adopted 12/9/13)



ARTICLE 3.14 CONTRACTOR REGISTRATION

Sec. 3.14.001 Popular name

This article may be referred to as the “contractor registration ordinance.”

Sec. 3.14.002 Purpose

This article is adopted so that the city council may promote the public health, safety and general welfare within the city through the registration of contractors that perform certain construction activities.

Sec. 3.14.003 Scope of jurisdiction

The provisions of this article shall apply within the city limits (i.e., incorporated municipal boundary) of the city.

Sec. 3.14.004 Definitions

(a) General. Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases that are not defined in this article but are defined in other ordinances of the city shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.

(b) Specific.

Building department. The person appointed by the city council to receive and review registration applications and ensure compliance with this article. The city's building department can include a volunteer, employee, police officer, agent of another political subdivision, company, corporation, or independent contractor retained by the city. The term includes the code enforcement officer.

Building inspector. The person appointed by the city administrator to inspect building activities to ensure compliance with applicable codes, permits and ordinances. The city's building inspector can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the city. The term includes the code enforcement officer.

City. The City of Troy, an incorporated municipality located in Bell County, Texas, its agents and employees.

Contractor. Any agent authorized by owner, occupant, or person in charge, 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, replace, inspect or test any electrical, gas, mechanical, plumbing, building or energy system, the installation of which is regulated by the city's adopted codes and ordinances, or to cause any such work to be done.

Person. Any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

Work. Any activity or construction operation for which a city-issued permit or license is required or a city inspection is required, regardless of whether or not it is being done for compensation or without charge.

  **Sec. 3.14.005 Registration required**

(a) Prohibition.

- (1) It shall be unlawful for any person to perform any work within the city limits without first having registered with the city in compliance with this article.
- (2) It shall be unlawful for any person to perform any work within the city limits without displaying proof of registration with the city upon request by the city. The only acceptable proof of registration shall be a completed application that is approved and signed by the building department or existence of complete, approved, online registration in advance of work beginning.
- (3) Exception: Work done by a property owner in a building owned and occupied by the property owner at least one full year as the property owner's homestead (as listed by the county appraisal district) is exempt from this article. Owner shall still be required to obtain all required permits and pass inspections.
- (4) It shall be unlawful for any person to perform any work within the city limits without delivering to the property owner or occupant immediately upon completion of the work an invoice clearly stating what work was completed, the name and license number of the person doing the work and the name, address and phone number of the registered business for whom the person doing the work is currently employed.

(b) Applicability. This article shall apply to persons providing work for which a permit is required under city ordinances or a license required by the state. Specifically, the following contractors must register with the city: general contractor; builder; plumber; electrician; mechanical (HVAC) or refrigeration; concrete; excavation; grade and fill; paving; pool; fire protection; insulation; backflow prevention assembly tester/rebuilder; irrigation (lawn sprinklers); demolition/salvage; asbestos or lead abatement; house moving; roofing; siding; signs; builder of decks or patios; installer of awnings, patio covers, gutters, windows, doors, canopies or carports; manufactured/mobile home/prebuilt storage building set up; third-party inspector (energy, concrete post-tension, etc.); customer service inspector, and such others as may be added by the building department, which is hereby authorized to make such additions, which shall become effective upon posting of the same.

(c) Scope of registration. Registration provides the city with a means of tracking contractors operating within the city. Registration also aids the city in its efforts to ensure the public that only qualified contractors are allowed to do business in the city. Registration does not substitute for any permit required by law. Nor does registration substitute for any license required by law.

(d) Registration. In order to register in compliance with this article, contractors must complete the standard registration application approved by the building department. At a minimum, the application form shall require that contractor provide the following:

- (1) Applicant's name and title, business name, and entity type (if any).
- (2) Business location, mailing address and contact information (phones, email, fax).

- (3) Name, mailing address and phone number of owner or parent company.
 - (4) Type of work performed and licenses held by applicant.
 - (5) Copies of applicant's licenses from Texas Department of Licensing and Regulation, Texas State Board of Plumbing Examiners, Texas Commission on Environmental Quality or other applicable state or federal agencies.
 - (6) Copy of certificate of insurance currently in effect demonstrating a minimum general liability coverage level of three hundred thousand dollars (\$300,000.00).
 - (7) Copy of sales tax certificate and employer identification number (if employees).
 - (8) Full legal name, home address and copy of current driver's license with date of birth.
 - (9) Other information deemed important by building department.
- (e) Registration fee. The city council does not require a registration fee at this time.
- (f) Timely updates to registration. Persons registered in accordance with this article shall maintain current the information provided to the city, updating any changes online or with the building department in writing within thirty (30) days of any change.
- (g) Registration for plumbing contractors. Pursuant to section 13.0551(g) and (h) of the Texas Occupations Code, a plumbing contractor may register electronically or in person.

  **Sec. 3.14.006 Enforcement**

- (a) Administration and enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required or allowed by governing law.
- (b) Declaration of nuisance. Any violation of this article is hereby declared to be a nuisance.
- (c) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class C misdemeanor.
- (d) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:
- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;

(2) A civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and

(3) Other available relief.

(Ordinance 2014-05 adopted 8/19/14)

  **EXHIBIT A BUILDING FEES***

FEES GENERALLY

Building Permit: \$1.75 per 100 sq. ft (\$30.00 minimum).

Lawn Sprinkler Permit: \$25.00.

Water Heater Permit: \$10.00.

Electrical Permit.

New Residential	\$35.00
2nd Residential	\$30.00
Final	\$60.00
New Commercial	\$45.00
2nd Commercial	\$40.00
Final Commercial	\$80.00
Existing Single Res.	\$45.00
Final Existing Sng.	\$65.00
Existing Comm.	\$85.00
Final Existing Comm.	\$105.00
New Residential Tot.	\$125.00
New Commercial Tot.	\$165.00

Plumbing Permit.

New Residential		\$35.00
2nd New Residential	\$30.00	
Final	\$60.00	
New Commercial	\$45.00	
2nd New commercial	\$40.00	
Final Commercial	\$80.00	
Existing Single Com.	\$55.00	
Final Existing Com.	\$105.00	
Existing Final	\$85.00	
Final Existing Comm	\$105.00	
New Residential	\$125.00	
New Commercial	\$165.00	

Fence Permit: \$2.50 per 100 sq. ft (\$25.00 minimum).

Inspection

Steel and Beam (Up to 5,000 sq/ft)

Residential		\$35.00
Final	\$30.00	
Commercial	\$45.00	
Final	\$40.00	

Mechanical (Up to 5,000 sq/ft)

Residential		\$35.00
Final	\$30.00	

Commercial \$45.00
 Final \$40.00

Framing (Up to 5,000 sq/ft)

Residential \$35.00
 Final \$30.00
 Commercial \$45.00
 Final \$40.00

Insulation (Up to 5,000 sq/ft)

Residential \$35.00
 Final \$30.00
 Commercial \$45.00
 Final \$40.00

New Home Total

\$285.00	=	3 Electrical	=	3 Plumbing
Includes Final + T-Pole				

New Commercial Total

\$345.00 = 3 Electrical = 3 Plumbing
 Includes Final + T-Pole

(Ordinance 10032011, app. 1, adopted 10/4/11)