

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.01 GENERAL PROVISIONS

Sec. 3.01.001 Title

The regulations set forth in this chapter and the various standard codes adopted by this chapter shall be known and referred to as the minimum housing code, may be cited as such, and, unless the context herein clearly requires to the contrary, will be referred to in this chapter as “this code.” (1991 Code, sec. 4-1)

Sec. 3.01.002 Purpose

- (a) The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all buildings and structures within the city and its extraterritorial jurisdiction.
- (b) It is not the purpose of this code to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.
- (1991 Code, sec. 4-2)

Sec. 3.01.003 Scope

The provisions of this code shall apply to all buildings and structures, or portions thereof. Any occupancy of human habitation in existing buildings may be continued as provided in the various standard codes adopted by this chapter, except such structures as are found to be substandard as defined in this code. Any rooming houses, lodging houses, or congregate residences shall comply with all requirements of this code for dwellings. (1991 Code, sec. 4-3)

Sec. 3.01.004 Applicability to existing buildings and structures

For additions, alterations or repairs to existing buildings or structures, the terms of the various standard codes adopted hereby shall control. Buildings or structures moved into or within the city or its extraterritorial jurisdiction shall comply with the requirements in the International Building Code for new buildings and structures. (1991 Code, sec. 4-4; Ordinance adopting Code)

ARTICLE 3.02 ADMINISTRATION AND ENFORCEMENT

Sec. 3.02.001 Office of building inspector created

The office of building inspector is hereby created, which office shall be filled by appointment from time to time by the city manager with the consent of the city council. The building inspector shall be well versed in and responsible for the interpretation and enforcement of the various regulations and provisions contained in this chapter. (1991 Code, sec. 4-26)

Sec. 3.02.002 Powers of building inspector

The building inspector is hereby authorized and directed to enforce all of the provisions of this code. For such purposes, the building inspector shall have the powers of a law enforcement officer. The building inspector shall have the power to render interpretations of this code and to adopt and enforce all rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. (1991 Code, sec. 4-41)

Sec. 3.02.003 Right of entry

When it is necessary to make an inspection to enforce the provisions of this code, or when the building inspector has reasonable cause to believe that there exists in a building or upon premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building inspector may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that, if such building or premises be occupied, credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the building inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If

entry is refused, the building inspector shall have recourse to the remedies provided by law to secure entry. (1991 Code, sec. 4-42)

Sec. 3.02.004 Responsibilities of owner and occupant

Owners remain liable for violations of duties imposed by this code even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code. Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this section, the building may be reinspected. Owners, in addition to being responsible for maintaining buildings in sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two (2) or more dwelling units. Owners shall, when required by this code, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place shall be responsible for the extermination of any insects, rodents or other pests when such extermination of any insects, rodents or other pests is not specifically made the responsibility of the occupant by law or ruling. Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall dispose of their rubbish, garbage or other organic waste in a manner required by the Code of Ordinances. (1991 Code, sec. 4-43)

Sec. 3.02.005 Substandard buildings

Buildings or portions thereof which are determined to be substandard or dangerous, as defined in this code, are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in this code. (1991 Code, sec. 4-44)

Sec. 3.02.006 Minimum housing board

(a) In order to hear and make a determination as to whether a building complies with the standards set out in this code, there shall be and is hereby created a board of minimum housing standards consisting of seven (7) members who are not employees of the city. All members appointed shall be residents of the city at the time of their appointment and during the term of office. The members of the board shall be appointed by the city council. Four (4) members shall be appointed beginning June first in odd-numbered years and three (3) members shall be appointed beginning June first in even-numbered years. Each member shall serve a term of two (2) years. Any term of office of any member of the board expiring other than on May 31 in any year shall be filled by appointment by the city council until May 31 of that year. Four (4) members of the board shall constitute a quorum. The board shall act by majority vote of those members present. A chairman, who shall preside over meetings and shall have the same voting rights as other members, shall be selected by the board from its membership. The city manager, one (1) representative from the city volunteer fire department, and the building inspector shall serve as ex-officio members of the board, but such members shall not have any voting rights or privileges. The building inspector or his designee shall serve as secretary of the board of minimum housing standards and shall record the minutes of each meeting of the board.

(b) Meetings of the board shall be held at the call of the chairman, and at such time as the board may determine. Each meeting of the board shall be legally posted as required under chapter 551 of the Texas Government Code and the mayor, ex-officio members, interested parties, and members of the board shall be notified in writing not less than five (5) days prior to the date of the meeting.

(c) Each member of the board shall attend no less than seventy-five (75) percent of the meetings of the board. Any representative failing to attend seventy-five (75) percent of the meetings legally called during any board term year (June first through May thirty-first of next calendar year) without an excused absence, as determined by a majority vote of the board members, shall be automatically disqualified for service on the board and shall be replaced by the city council. Any member of the board moving from the city or otherwise becoming disqualified for any reason automatically vacates the office of board member.

(d) The board may adopt reasonable rules and regulations for conducting business and shall render all decisions and findings in writing to the interested party, with a copy to the building inspector. Copies of all rules and regulations adopted by the board shall be delivered to the building inspector, who shall make them freely accessible to the public.

(1991 Code, sec. 4-45)

Sec. 3.02.007 Violations

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code or any order issued by the building inspector under this code. (1991 Code, sec. 4-46)

ARTICLE 3.03 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

Division 1. Generally

Secs. 3.03.001–3.03.050 Reserved

Division 2. Building Code^{*}

Sec. 3.03.051 Adoption; conflicting regulations

(a) For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, there is hereby adopted by and for the city, that certain building code known as the 2012 International Building Code, including appendix chapters, together with all amendments thereto which are now or may be in the future adopted or recommended by the International Code Council, Inc., and each and all of the regulations, provisions, penalties, conditions, and terms of said International Building Code are hereby referred to, adopted and made a part hereof, as if fully set out herein, which code is published in book form and which is referred to, incorporated herein and made a part hereof for all purposes. It is ordered that a copy of the code is to be filed on record in the office of the city secretary. It is provided however, that in the event any conflict may arise between the provisions of the building code adopted herein and any other applicable provision of state law or city ordinance, rule or regulation, the provisions of state law or city ordinance, rule or regulation shall prevail and be controlling. (Ordinance 16-006, sec. 1, adopted 8/9/16)

(b) It is provided however, that in the event any conflict may arise between the provisions of the various codes adopted herein, the provisions of the International Building Code shall prevail and be controlling. If the provisions of the building code do not adequately resolve any issue of conflict between the various codes as they are applied, any such conflicts will be decided by the chief building official in consultation with the city fire marshal. (Ordinance 16-006, sec. 8, adopted 8/9/16)

Sec. 3.03.052 Applicability

This division and the building code adopted in [section 3.03.051](#) shall henceforth be applicable to and enforceable within the city and within its extraterritorial jurisdiction, as that now exists and may be changed from time to time, to the fullest extent permitted by law. (1991 Code, sec. 4-87)

Sec. 3.03.053 Setback line variances

The owner of any lot, tract or parcel of land (the “property”) within the city may apply for a variance of any setback line requirement with respect to improvements on that property as set forth in the code of the city by the following:

(1) The owner of the property must obtain the actual or deemed consent of the owners of each and every lot, tract or parcel of land adjacent to and/or abutting upon the property on which the improvements are proposed to be located in a manner not consistent with the various setback requirements established by the code, which consent may be obtained in any one (1) or more of the following manners:

(A) By the written consent of the owner in question;

(B) By written notice to the owner in question by certified mail, return receipt requested, forwarding and address correction requested letter, postage prepaid, to the address indicated for such owner on the tax rolls of the city, to be mailed at least two (2) weeks prior to a hearing on the application before the city council. The notice must include the dimensions and approximate location of the property, the

proposed improvements, and the setback line or lines with respect to which a variance is sought. Such notice shall be conclusively deemed to have been received by the hearing date if given as provided herein. Failure or refusal of the owner to respond or object to the application at the hearing shall be conclusively deemed to constitute that owner's consent. The notice must also include the date, time and place of the proposed hearing.

(2) For the purposes of this section, the owners of each and every lot, tract or parcel of land adjacent to and/or abutting upon the property with respect to which a variance is sought, and of whom the actual or deemed consent is required, shall be the owner of the nearest adjacent tract owned by some person other than the owner of the tract with respect to which the variance is sought.

(3) No later than seven (7) days prior to the proposed hearing, the applicant must file with the city secretary a copy of any and all consents required under this section, whether the written consent of the owner or a letter constituting notice to the owner, a plat containing the information required in the written notice to abutting land owners by letter in subsection (1)(B), and the applicant's name, address, and residence and work phone numbers. The application and accompanying data shall be provided to the city building official and the city fire marshal so that they may conduct the necessary investigations and inspections and make their reports to the city council no later than the hearing on the application.

(4) The city council shall conduct a public hearing, which may consist of an agenda item on a regular or called meeting of the city council, inquiring into the advisability and feasibility of the proposed variance.

(5) Following the hearing and upon consideration of the various consents, notices, and reports submitted by the applicant and the building official and fire marshal, the city council may, if it finds that the requested variance will neither create a fire hazard nor constitute an unreasonable deviation from the building pattern in the surrounding area, grant the variance in accordance with the request set forth in the application.

(6) Any variance granted hereunder shall automatically terminate upon the destruction and/or removal of the improvements constituting the variance.

(1991 Code, sec. 4-89)

Sec. 3.03.054 Slab height

(a) Hereafter, the minimum height for all slabs for all new construction shall be:

(1) 18 inches above natural grade in non-flood areas; and

(2) 24 inches above natural grade in flood hazard areas as designated in article 3.06 hereof.

(b) Slab height requirements herein shall apply to all new construction beginning after the effective date of this division and shall apply to both residential and commercial construction.

(1991 Code, sec. 4-90)

Secs. 3.03.055–3.03.100 Reserved

Division 3. Residential Code^{*}

Sec. 3.03.101 Adoption

For the purpose of establishing rules and regulations for residential issues in the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, there is hereby adopted by and for the city, that certain building code known as the 2012 International Residential Code, including appendix chapters, together with all amendments thereto which are now or may be in the future adopted or recommended by the International Code Council, Inc., and each and all of the regulations, provisions, penalties, conditions, and terms of said International Building Code [sic] are hereby referred to, adopted and made a part hereof, as if fully set out herein, which code is published in book form and which is referred to, incorporated herein and made a part hereof for all purposes. It is ordered that a copy of the code is to be filed on record in the office of the city secretary. It is provided however, that in the event any conflict may arise between the provisions of the building code adopted herein and any other applicable provision of state law or city ordinance, rule or regulation, the provisions of state law or city ordinance, rule or regulation shall prevail and be controlling.

(Ordinance 16-006, sec. 6, adopted 8/9/16)

Division 4. Energy Conservation Code[†]

Sec. 3.03.151 Adoption; amendments

(a) A certain document, three (3) copies of which are on file in the office of the city secretary and the city, being marked and designated as the International Energy Conservation Code, 2006 edition, as published by the International Code Council, is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems in the city and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2006 edition, published by the International Code Council, on file in the office of the city, are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(b) The following section is hereby revised:

Section 101.1. Insert “City of Brazoria.”

(1991 Code, sec. 4-92; Ordinance adopting Code)

Secs. 3.03.152–3.03.200 Reserved

Division 5. Plumbing Code^{*}

Sec. 3.03.201 Adoption

There is hereby adopted by the city council, for the purpose of establishing rules and regulations for the construction, alteration, removal, equipment, use and occupancy, location and maintenance of plumbing in buildings and structures, including permits and penalties, that certain code known as the Standard Plumbing Code, 1997 edition, as published by the Southern Building Code Congress International, Inc., except for such portions as are in conflict with this Code of Ordinances, or as hereinafter deleted, modified or amended. One (1) copy is filed in the office of the city secretary. The plumbing code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling as the standards for plumbing within the corporate limits of the city. (1991 Code, sec. 4-111)

Sec. 3.03.202 Water-conserving fixtures

(a) The city is responsible for furnishing potable water to all customers within the city and its environs, including both private and commercial users. The continued growth of the city, the influx of new people and the resulting commercial activity dictate that conservation measures to assure adequate water supply are necessary. To insure this conservation the following measures may be necessary, and the city manager is hereby empowered to enforce these measures. Customers must meet the following plumbing specifications, and the plumbing code adopted in [section 3.03.201](#) is hereby amended to require the following:

- (1) All tank-type toilets must use less than 3.5 gallons per flush.
- (2) All flush-valve toilets must use less than 3.0 gallons per flush.
- (3) All tank-type urinals must use less than 3.0 gallons per flush.
- (4) All flush-valve urinals must use less than 3.0 gallons per minute.
- (5) All lavatory and kitchen faucets must use less than 2.74 gallons per minute.
- (6) All shower heads must use no more than 3.0 gallons per minute.
- (7) All hot water pipes must be insulated to a minimum factor of 4.166.
- (8) All swimming pools must have recirculation equipment.

(b) It is specifically provided that all existing structures and all new construction and/or additions to existing structures which have been permitted as of October 29, 1987, are exempted from these

requirements, except as to the replacement of any of the above items.

(1991 Code, sec. 4-112)

Sec. 3.03.203 Connection of drainage pipes to sanitary sewers

No rainwater or downspout pipe, steam boiler pipe, or other pipe to convey or used to convey water or other substance of like character, except necessary to the plumbing system, shall be connected to any sanitary sewers of the city, except on the order of the city council. (1991 Code, sec. 4-113)

Secs. 3.03.204–3.03.250 Reserved

Division 6. Electricity*

Part I. In General

Sec. 3.03.251 Purpose

The object of this division is to reduce personal hazards and fire hazards from electrical causes. To accomplish this, the requirements set forth herein are intended to provide a minimum standard for electrical work in the city. (1991 Code, sec. 4-141)

Sec. 3.03.252 Scope; exempted work

The provisions of this division shall apply to all installation, use or maintenance of or repair to all electrical conductors, fittings, devices, signs, fixtures, motors, generators, starters, controls, and raceways, hereafter referred to as “electrical work,” within or on public and private buildings and premises, except that the provisions of this division shall not apply to such electrical work as follows:

- (1) Installations used by electricity supply agencies in the generation, transmission, or distribution of electricity, and located within or on buildings or premises used exclusively for that purpose by such an agency or on public thoroughfares, nor to the employees making such installations by or for such agencies, but the provisions of this division shall apply to installations and/or equipment used for light, heat, power, decoration, amusement and for all other purposes located within or on such buildings or premises.
- (2) Installations for or by communications agencies in connection with the operation of signals or the transmission of intelligence, nor to the employees making such installations by or for such agencies, but the provisions of this division shall apply to installations for heat, decoration, amusement, elevators, ventilating equipment, and general lighting not attached to and power not directly used in connection with installations for communications, signals, and the transmission of intelligence.
- (3) The provisions of this division shall apply to all electrical equipment used for power supply to radio transmitting equipment, but shall not apply to special radio equipment used exclusively for radio transmission by persons or organizations licensed to operate by the Federal Communications Commission.
- (4) The replacement of lamps, sockets, fuses, drop cords, snap switches, or other similar items, or the connection of portable electrical equipment to suitable permanently installed receptacles.
- (5) The installation, alteration, or repair of electrical equipment for the operation of signals or the transmission of intelligence, or to installation of communications facilities by or for communications agencies.
- (6) Any work involved in the manufacturing or testing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.
- (7) The replacement of a motor by another motor of the same horsepower and rating, solenoid valves, low-pressure controls, or other controls when the electrical supply to same has been properly installed by a licensed electrician.

(1991 Code, sec. 4-142)

Sec. 3.03.253 Definitions

The following words and phrases, when used in this division, shall, for the purposes of this division, have the meanings respectively ascribed to them in this section:

Apartment house. A building or portion thereof used or intended to be used as the home of three (3) or more families or households living independently of each other, and equipped for the preparation of food.

Approved. Inspected and accepted by the electrical inspector as having met the requirements of this division.

Circuit. A final two-wire branch circuit rated at fifteen (15) or twenty (20) amperes, one hundred ten (110) volts, unless otherwise stated.

Conductor. A wire or cable or other form of metal suitable for carrying electrical current or potential.

Conviction. A final determination of guilt or the forfeiture of bail, recognizance or appeal bond.

Dwelling. The abiding place of one (1) or more persons in which the use and management of sleeping quarters, and all appliances for cooking, ventilating, heating or lighting, are under one (1) control, including attached or detached garages and accessory buildings for such use.

Electrical inspector. The city electrical inspector or his duly authorized deputies.

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

Fire limits. The district contained within the fire limits or districts as they exist at the time of the installation or performance of such electrical work.

Journeyman electrician. A person licensed as a journeyman electrician in compliance with the requirements of this division, employed by contractors, and working under the supervision of a licensed master electrician to install, repair, alter and maintain electrical appliances, wiring, apparatus, devices, fixtures or equipment, for which a permit is required under the terms and conditions of this division.

Maintenance electrician. A person who works for another person in the keeping in safe repair of any and all electrical equipment, and keeping in safe repair or moving and relocating of electrical equipment within a building in or on the premises where the maintenance electrician is regularly employed on a permanent basis, but a person who is not responsible for the installation of new and additional electrical work and equipment.

Master electrician. A person licensed as a master electrician in compliance with the requirements of this division, skilled and engaged in the planning, supervision, installing or repairing, or contracting to install or repair, wires, conductors and equipment used within or on buildings for the transmission of electrical current for electric light, heat, power, or signalling purposes, together with the fittings for same necessary for the protection of such equipment, and who has been licensed in the manner provided by this division.

Meter loop. The service entrance conductors, meter base, service overcurrent units, service disconnect, and the system and equipment grounding.

NBFU. The National Board of Fire Underwriters.

NEC. The National Electrical Code as adopted in [section 3.03.281](#).

Outlet. Any current-consuming opening or contact for lighting units, or a regular receptacle, or any opening or connection for a switch.

Portable fixture. A fixture which can be moved from place to place and is not attached to ceiling or walls by chains, rods, hooks, flanges, or any other means of attachment and that does not require any mechanical ability to install, or knowledge of electricity other than the insertion of the cap into a proper receptacle.

Portable sign. A sign in which all wiring, transformers, and live parts are fully enclosed and only the attachment cord extends to the outside, and which does not exceed two hundred (200) watts.

Safe condition. As applied to electrical installations and equipment, means installations and/or equipment which in the opinion of the electrical inspector can be used in the service for which it was intended and is to be used with minimum hazard to life, limb, or property, thereby being installations and equipment reasonably safe to persons and property.

(1991 Code, sec. 4-143)

Secs. 3.03.254–3.03.280 Reserved

Part II. Electrical Code

Sec. 3.03.281 Adoption

For the purpose of establishing rules and regulations for providing electrical work in the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, there is hereby adopted by and for the city, that certain building code known as the 2014 National Electrical Code, including appendix chapters, together with all amendments thereto which are now or may be in the future adopted or recommended by the International Code Council, Inc., and each and all of the regulations, provisions, penalties, conditions, and terms of said International Building Code [sic] are hereby referred to, adopted and made a part hereof, as if fully set out herein, which code is published in book form and which is referred to, incorporated herein and made a part hereof for all purposes. It is ordered that a copy of the code is to be filed on record in the office of the city secretary. It is provided however, that in the event any conflict may arise between the provisions of the building code adopted herein and any other applicable provision of state law or city ordinance, rule or regulation, the provisions of state law or city ordinance, rule or regulation shall prevail and be controlling. (Ordinance 16-006, sec. 2, adopted 8/9/16)

Secs. 3.03.282–3.03.300 Reserved

Part III. Electrical Inspector

Sec. 3.03.301 Office created; qualifications

There is hereby created the office of electrical inspector. The person chosen to fill the office of electrical inspector shall be of good moral character, competent and well versed in the rules and regulations of the NEC, of such state statutes as are applicable and in the terms of this division; shall be possessed of such executive ability as is requisite for the performance of his duties; shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property; and shall have had at least five (5) years' experience as an electrical inspector or assistant electrical inspector and/or as a journeyman or master electrician in the installation of electrical equipment, or in lieu of such experience shall be a graduate in electrical or mechanical engineering of a recognized college or university and shall have had at least two (2) years' practical experience. (1991 Code, sec. 4-161)

Sec. 3.03.302 Appointment

The electrical inspector in and for the city shall be appointed by the city manager with the approval of the city council. (1991 Code, sec. 4-162)

Sec. 3.03.303 Oath; bond

Before assuming the authority conferred by this division, the electrical inspector shall take the oath usually administered to other city officials and shall give a bond to the city in the penal sum of one thousand dollars (\$1,000.00). Such bonds shall be issued by a reputable bonding company licensed to do business in the state. The city shall pay for such bonds. (1991 Code, sec. 4-163)

Sec. 3.03.304 Duties generally

It shall be the duty of the electrical inspector to enforce the provisions of this division. He shall, upon application by any electrician licensed by the city, collect and account for the fees and deposits herein fixed and provided for, and shall make inspections of electrical installations and perform such other acts and duties as are provided for in this division. (1991 Code, sec. 4-164)

Sec. 3.03.305 Records

(a) The electrical inspector shall keep complete records of all permits issued, inspections and reinspections made, and other official work performed in accordance with the provisions of this division, and shall keep a record of all condemnations of electrical installations.

(b) The electrical inspector shall keep on file a list of electrical equipment inspected and certified by Underwriters' Laboratories, Inc., which list shall be accessible for public reference during office hours.

(1991 Code, sec. 4-165)

Sec. 3.03.306 Reports

The electrical inspector shall submit a written quarterly report of the activities of his office to the city council. (1991 Code, sec. 4-166)

Sec. 3.03.307 Assistants

The electrical inspector is empowered to appoint such assistants as are necessary for the proper conduct of his

office and the inspection of electrical work as provided for in this division. Salaries of any such assistants shall be determined by the city manager and approved by the city council. (1991 Code, sec. 4-167)

Sec. 3.03.308 Conflict of interest

It shall be unlawful for the electrical inspector or for any of his assistants to engage in the business of the sale, installation or maintenance of electrical equipment, either directly or indirectly, and they shall have no financial interest in any concern engaged in such business in the city at any time while holding such office as herein provided. (1991 Code, sec. 4-168)

Sec. 3.03.309 Removal

The city manager, with the advice and consent of the city council, may remove from office the electrical inspector or any of his assistants for incompetency, neglect of duty or other due cause. (1991 Code, sec. 4-169)

Sec. 3.03.310 Liability

Neither the electrical inspector nor any of his assistants shall, when acting in good faith and without malice, be liable for damages arising by reason of duties performed under the provisions of this division. (1991 Code, sec. 4-170)

Sec. 3.03.311 Right of entry

The electrical inspector shall have the right, during reasonable hours, to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of electrical equipment contained therein, or its installation. (1991 Code, sec. 4-171)

Sec. 3.03.312 Interference

It shall be unlawful for any person to interfere with the electrical inspector in the discharge of his duties, or to prevent or in any manner attempt to prevent him from carrying out the provisions of this division. (1991 Code, sec. 4-172)

Sec. 3.03.313 Removal of material obstructing inspection

The electrical inspector shall have the right to remove or compel the removal of any obstruction, such as lath, plastering, ceiling or flooring, which may hinder a full and complete inspection of such wires or apparatus as the inspector may deem it necessary to inspect. (1991 Code, sec. 4-173)

Sec. 3.03.314 Condemnation of conductors

The electrical inspector may remove or compel the removal of any conductors which are enclosed in conduit or are otherwise inaccessible for complete inspection. When such conductors are not in accordance with the requirements of this division or are found to be otherwise unsafe to life or property, the electrical inspector shall have the right to condemn, disconnect and cause the owner of such conductor or material to immediately correct same or have it removed. (1991 Code, sec. 4-174)

Sec. 3.03.315 Notice to correct dangerous conditions

Where any electrical work is found by the electrical inspector to be dangerous to persons or property, the person owning, using, or operating such electrical work shall be notified in writing to make any changes or repairs which are required to make such electrical work in safe condition. If such required work is not completed within twenty-four (24) hours, or within any such longer period as may be specified by the electrical inspector in such notice, the electrical inspector shall have the authority to disconnect or cause to be disconnected all electrical service to such electrical equipment or installation and/or the premises in or upon which the same is located. Any person failing or refusing to repair or remove the same within twenty-four (24) hours or within such further time as the electrical inspector shall determine is necessary, after the receipt of such notice, shall be subject to the penalty hereinafter provided. (1991 Code, sec. 4-175)

Sec. 3.03.316 Stop work notice

The electrical inspector shall cause the cessation of any electrical work being done in a manner which violates the provisions of this division, and he shall cause the discontinuance of maintenance, operation or use of materials which violate the provisions of this division. Upon determining that particular work should cease, the inspector shall post a notice to that effect on the premises and thereafter no person shall proceed with electrical work until the inspector has cancelled the stop work notice. The electrical inspector may attach to electrical work or electrical meters any notice or seal to prevent the use of electricity. It shall be unlawful for any person to use any such seal or break, change, destroy, tear, mutilate, cover or otherwise deface or injure any such official notice or seal posted by the electrical inspector. (1991 Code, sec. 4-176)

Sec. 3.03.317 Authority to disconnect equipment in emergency situations

In case of emergency, where necessary for safety to persons or property, or where electrical equipment may interfere with the work of the fire department, the electrical inspector shall have the authority to immediately disconnect or cause the immediate disconnection of any electrical equipment, and without notice to anyone. (1991 Code, sec. 4-177)

Sec. 3.03.318 Compliance order upon change of occupancy

The electrical inspector shall be empowered to order compliance with the provisions of this division where a change of occupancy occurs within a building which requires changes or alterations to existing wiring. (1991 Code, sec. 4-178)

Sec. 3.03.319 Special rulings

The electrical inspector shall decide all disputed questions pertaining to the installation, repair or other alteration of all electrical wiring, devices and equipment provided for in this division, such decisions to be made after taking into consideration the NEC, such state statutes as are applicable to such questions, and the provisions of this division, and in the light of the standards generally recognized by the electrical trade concerning the safe and proper installation of electrical work. All special rulings shall be reduced to writing and kept on file in the office of the electrical inspector. (1991 Code, sec. 4-179)

Sec. 3.03.320 Noncompliance

Any person failing, neglecting or refusing within twenty-four (24) hours, or such period as is prescribed by the electrical inspector, to make required repairs or changes, and have the necessary repairs or changes completed within the prescribed time after the receipt of such notice as hereinabove provided, shall be considered a violator of this division. Each day that such electrical work shall remain not repaired, removed or changed as required by the electrical inspector shall be considered a separate offense within the intent and meaning of this division. (1991 Code, sec. 4-180)

Secs. 3.03.321–3.03.340 Reserved

Part IV. Permits

Sec. 3.03.341 Required

No person shall undertake or complete any electrical installation or install, erect or alter any electrical work in or on any building or premises in the city without first securing a permit therefor from the office of the electrical inspector. Any person desiring to place any pipe, sheetmetal or other material within six (6) inches of any electric wire or wires installed for use in connection with electric light, heat or power shall, before proceeding with the execution of the work, obtain from the electrical inspector a permit therefor. (1991 Code, sec. 4-201)

Sec. 3.03.342 Exceptions

No permit shall be required for electrical work as described in [section 3.03.252](#). (1991 Code, sec. 4-202)

Sec. 3.03.343 Persons to whom issued

(a) Except as otherwise specifically provided in this division, no permit shall be issued to any person who is not the holder of a valid unexpired master electrician's or journeyman electrician's license; and, if the master electrician holds a restricted license, no permit shall be issued for electrical work except that which is authorized under such license.

(b) A person performing electrical work with his own hands in a building owned by him and registered in the state tax rolls as his building may be issued a permit to do electrical work on his building or property.

(1991 Code, sec. 4-203)

Sec. 3.03.344 Separate permit required for each building or unit

A separate permit shall be required for each separate building, store space or apartment, whether such unit is metered separately or conjunctively, and a service permit shall be taken on all such units whether supplied from a central metering station or directly from the electrical supply agency; except that in trailer courts the individual trailer disconnect switches shall not be deemed services. If the permittee does not complete electrical work for which the permit has been issued, the contractor who finishes such work shall apply for a new permit on such work; provided, however, that there shall be only one (1) permit issued or outstanding at the same time for any one

(1) installation of electrical equipment (1991 Code, sec. 4-204)

Sec. 3.03.345 Application

(a) Applications for permits required by this part must be made in writing by the person employed to do the work, and will be submitted upon forms provided by the electrical inspector for that purpose. Such application shall contain:

- (1) The date the application is submitted.
 - (2) The name of the owner and the name of the person employed to do the work.
 - (3) The exact location of the property where work is to be done.
 - (4) A description of the work to be performed. Where deemed necessary by the electrical inspector to accomplish the objectives of this division, applications shall be accompanied by as many copies of specifications, plans, and a complete feeder layout drawn to scale and in detail to show the nature and character of the work to be performed as the inspector may deem necessary. The plan or diagram shall show the manner in which the electrical installation is to be made or the character of any of the repairs to existing electrical installations. And, when such plans, specifications and layout are demanded, it shall be a violation of this division for any person to install any part of the electrical work concerned until the electrical inspector approves such installations.
 - (5) The signature of the person in the electrical department receiving the application.
- (b) Applications for permits will only be accepted when presented during normal working hours of the electrical department, and must be presented in person.

(1991 Code, sec. 4-205)

Sec. 3.03.346 Payment of fees

Before any permit will be granted, the person making application for such permit shall pay to the electrical inspector the required fees. (1991 Code, sec. 4-206; Ordinance adopting Code)

Sec. 3.03.347 Issuance

When the electrical inspector finds the application for a permit under this part to be correct, and the plans and diagram or specifications are approved, and when the required fees have been paid, he shall cause the permit to be issued. Upon receipt of such permit, the electrician may start the proposed job and make the installation described in his application, requesting inspection by the inspector in the proper sequence as the work progresses. (1991 Code, sec. 4-207)

Sec. 3.03.348 Unspecified work not authorized

No permit issued under this part shall be deemed to authorize anything not stated in the application, and for any misrepresentation in such application the permit shall be suspended. If such misrepresentation appears to be willful, the permit shall be revoked. (1991 Code, sec. 4-208)

Sec. 3.03.349 Expiration

If the work authorized by a permit issued under this part is not begun within thirty (30) days from the date thereof, such permit shall become null and void; and before doing any further work at the location designated in such permit, a new permit must be obtained in like manner as the first, and only upon payment of such fees and deposits as are specified in this part. The electrical inspector may extend the expiration date of such permit where he finds that extraordinary circumstances beyond the control of the permit holder have made it impossible to complete the work before the original date of expiration. (1991 Code, sec. 4-209)

Sec. 3.03.350 Temporary work

When an electrical permit to install work of a temporary character for a time to be specified in such permit, and in any case not to exceed ninety (90) days, shall have been issued by the electrical inspector, a strict compliance with the rules for permanent electrical work will not be exacted, provided the character of the work is entirely safe for the period designated in the permit. No temporary work or alterations shall be allowed in live circuits unless protected by proper switch and fuse. (1991 Code, sec. 4-210)

Sec. 3.03.351 Emergency work

In case of emergency necessitating the immediate new wiring or repairs to electrical wiring at a time when the office of the electrical inspector is closed so that a permit cannot be obtained, such permit shall thereafter be

issued by the inspector if written application shall be made therefor during the next succeeding day that such office shall be open. (1991 Code, sec. 4-211)

Sec. 3.03.352 Partial jobs

When an electrician completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment, and a second electrician is called upon to complete the work in whole or in part, a separate permit is required, for which regular fees shall be paid for the work to be done. Each electrician shall be held responsible only for the work installed by him. Before the second electrician is issued a permit for the completion of electrical work on the job, the electrical inspector shall first give three (3) days' notice to the electrician holding the original or first permit, if he can be found, to show good cause within three (3) days why the second permit shall not be issued. (1991 Code, sec. 4-212)

Sec. 3.03.353 Display

On all new electrical installations, the permit for electrical work shall be displayed in a readily accessible location, as directed by the electrical inspector, throughout the time that such installation, as covered by the permit, is being installed. (1991 Code, sec. 4-213)

Sec. 3.03.354 Transfer

Each permit issued under the terms of this part shall be personal to the permittee and shall not be assigned or transferred to any other person. Except as otherwise specifically provided in this part, it shall be unlawful:

- (1) For one person to obtain a permit in the name of another person;
- (2) For one person to suffer, allow or permit another person to obtain a permit in such other person's name;
- (3) For one person to do or perform any electrical work under the permit issued to another person; or
- (4) For one person to suffer, allow or permit another person to do or perform any electrical work under the permit under such other person's name.

(1991 Code, sec. 4-214)

Secs. 3.03.355–3.03.380 Reserved

Part V. Inspections

Sec. 3.03.381 Request for inspection

Upon completion of any installation of electrical equipment which has been made under a permit, it shall be the duty of the electrician making the installation to notify the electrical inspector, who shall inspect the installation within forty-eight (48) hours, exclusive of Saturday afternoons, Sundays, and holidays, of the time such notice is given, or as soon thereafter as practicable. (1991 Code, sec. 4-231)

Sec. 3.03.382 Certificate of conformance

Where the electrical inspector finds the installation to be in conformity with the provisions of this division, he shall issue to the electrician making the installation a notice of conformance, which shall be placed on the equipment or premises, authorizing the use of the installation, and shall send written notice of such authorization for connection to the supply of electricity to the agency supplying the electric service. This certificate shall not relieve the electrician of his responsibility for any defective work that may have been concealed or escaped the notice of the inspector. (1991 Code, sec. 4-232)

Sec. 3.03.383 Temporary certification

The electrical inspector may give temporary permission to connect and furnish electricity to any wiring, apparatus or fixtures for a period not to exceed ninety (90) days if, in his opinion, such wiring, apparatus or fixtures are in such condition that current may be safely connected therewith and there exists an urgent necessity for such use, when written application is filed with him requesting such permission. When a certificate of approval is issued authorizing the connection and use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for good cause. (1991 Code, sec. 4-233)

Sec. 3.03.384 Emergency wiring

Emergency wiring may be permitted by the electrical inspector for a period not to exceed thirty (30) days, at which time such emergency wiring or service must be removed. If service is required for a longer period on large

construction jobs only, such service or emergency wiring shall be reinspected. Emergency wiring permit applications must be accompanied by a letter to the electrical inspector, signed both by the electrician contracting to perform the electrical work and by the owner or occupant of the building or premises on which they are installed, stating the period for which emergency wiring is desired and signifying that emergency work will be promptly removed after expiration of the emergency permit issued. (1991 Code, sec. 4-234)

Sec. 3.03.385 Concealment of work

When any electrical equipment is to be hidden from view by the permanent placement of parts of the building and/or equipment, the electrician installing the equipment shall notify the electrical inspector, and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until forty-eight (48) hours, exclusive of Saturday afternoons, Sundays and holidays, shall have elapsed from the time of such notification; provided, however, that on large installations where the concealment of equipment proceeds continuously, the electrician installing the electrical equipment shall give the electrical inspector due notice, and inspection shall be made periodically during the progress of the work. It shall be unlawful for any person to conceal or place in operation any electrical equipment which has been disapproved or condemned by the electrical inspector unless and until the same has been so repaired or altered that it complies with all provisions of this division and has thereafter been approved by the electrical inspector. (1991 Code, sec. 4-235)

Sec. 3.03.386 Uncovering of concealed equipment

The electrical inspector shall have the authority to require any person to uncover any wiring or electrical equipment which has been concealed without his knowledge or permission. (1991 Code, sec. 4-236)

Sec. 3.03.387 Disconnection of service and inspection upon change of occupancy

The electrical supply agency shall disconnect the electrical service to any building and/or premises, except private residences and duplex apartments, each time such building or premises changes occupants, and it shall not again supply electricity to such building or premises until authorized to do so by the electrical inspector. The owner and/or the new occupants of such buildings and/or premises shall make application to the electrical inspector for an inspection. (1991 Code, sec. 4-237)

Sec. 3.03.388 Partial inspections

When an electrician does not have the contract for finishing of electrical work covered by his permit, he shall deliver his final inspection request in writing when his part of the electrical work is completed and must state in writing the part of the electrical work installed by him. (1991 Code, sec. 4-238)

Sec. 3.03.389 Clearance from inspector required prior to furnishing current

It shall be unlawful for any electrical supply agency operating in the city to furnish current to any new building, tent, structure or outdoor wiring of any kind, nature, or description without first obtaining a clearance from the electrical inspector stating that such wiring is approved and a permit has been issued for the use of current. Whenever any service is discontinued to any building or structure within the fire limits for any cause whatsoever, excepting nonpayment of bills, a clearance will be necessary before such building or structure can be reconnected. Any time a building within the fire limits is vacated, the electrical inspector must make certain that there has not been any unauthorized addition made to wiring of such building that might create a fire hazard, or that wiring has not become in such a condition as to be hazardous. The above shall also apply outside the fire limits when vacated more than ninety (90) days. (1991 Code, sec. 4-239)

Sec. 3.03.390 Reconnection of service after disconnection order

Whenever any electrical service has been disconnected by order of the electrical inspector for reasons of being unsafe to persons or property, such service shall not be restored until a certificate of approval from the electrical inspector has been received by the electrical supply agency. (1991 Code, sec. 4-240)

Sec. 3.03.391 Notice of nonconformance; correction of defective work

If, upon inspection, an electrical installation is not found to be fully in conformity with the provisions of this division, the electrical inspector shall issue a notice of nonconformance and shall notify the electrician making the installation of the defects which have been found to exist. All defective work shall be corrected and brought in conformity with the provisions of this division before any further electrical work will be permitted within or on the building or premises and before the electrician making the installation shall be issued any other permits to perform any other electrical work. (1991 Code, sec. 4-241)

Secs. 3.03.392–3.03.450 Reserved

Division 7. Gas Code

Sec. 3.03.451 Adoption

There is hereby adopted by the city council, for the purpose of establishing rules and regulations for the construction, alteration, removal, equipment, use, location, installation and maintenance of gas lines and appliances in buildings and structures, including permits and penalties, that certain building code known as the International Fuel Gas Code, 2006 edition as published by the International Code Council, except for such portions as are in conflict with this code or as hereinafter deleted, modified or amended. One (1) copy is filed in the office of the city secretary. The gas code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and other structures herein contained within the corporate limits of the city. (1991 Code, sec. 4-286; Ordinance adopting Code)

Secs. 3.03.452–3.03.500 Reserved

Division 8. Mechanical Code^{*}

Sec. 3.03.501 Adoption

For the purpose of establishing rules and regulations for provision of mechanical work in the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, there is hereby adopted by and for the city, that certain building code known as the 2006 International Mechanical Code, including appendix chapters, together with all amendments thereto which are now or may be in the future adopted or recommended by the International Code Council, Inc., and each and all of the regulations, provisions, penalties, conditions, and terms of said International Building Code [sic] are hereby referred to, adopted and made a part hereof, as if fully set out herein, which code is published in book form and which is referred to, incorporated herein and made a part hereof for all purposes. It is ordered that a copy of the code is to be filed on record in the office of the city secretary. It is provided however, that in the event any conflict may arise between the provisions of the building code adopted herein and any other applicable provision of state law or city ordinance, rule or regulation, the provisions of state law or city ordinance, rule or regulation shall prevail and be controlling. (Ordinance 16-006, sec. 5, adopted 8/9/16)

Secs. 3.03.502–3.03.550 Reserved

Division 9. Property Maintenance Code

Sec. 3.03.551 Adoption

For the purpose of establishing rules and regulations for maintenance of property and in the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, there is hereby adopted by and for the city, that certain building code known as the 2012 International Property and Maintenance Code, including appendix chapters, together with all amendments thereto which are now or may be in the future adopted or recommended by the International Code Council, Inc., and each and all of the regulations, provisions, penalties, conditions, and terms of said International Building Code [sic] are hereby referred to, adopted and made a part hereof, as if fully set out herein, which code is published in book form and which is referred to, incorporated herein and made a part hereof for all purposes. It is ordered that a copy of the code is to be filed on record in the office of the city secretary. It is provided however, that in the event any conflict may arise between the provisions of the building code adopted herein and any other applicable provision of state law or city ordinance, rule or regulation, the provisions of state law or city ordinance, rule or regulation shall prevail and be controlling. (Ordinance 16-006, sec. 4, adopted 8/9/16)

Secs. 3.03.552–3.03.600 Reserved

Division 10. Existing Buildings Code

Sec. 3.03.601 Adoption

There is hereby adopted by the city council that certain code known as the International Existing Buildings Code,

2006 edition, except for such portions as are hereinafter deleted, modified or amended. Said code is adopted by reference as if set out in length herein, and one (1) copy is filed in the office of the city secretary. (1991 Code, sec. 4-5; Ordinance adopting Code)

Secs. 3.03.602–3.03.650 Reserved

Division 11. Housing Code^{*}

Sec. 3.03.651 Adoption

There is hereby adopted by the city council that certain code known as the International Housing Code, 2006 edition, except for such portions as are hereinafter deleted, modified or amended. Said code is adopted by reference as if set out in length herein, and one (1) copy is filed in the office of the city secretary. (1991 Code, sec. 4-6; Ordinance adopting Code)

ARTICLE 3.04 UNSAFE BUILDINGS^{*}

Sec. 3.04.001 Purpose

The city council hereby establishes this article for the regulation of unsafe buildings located within the city. (1991 Code, sec. 4-318)

Sec. 3.04.002 Definitions

Building inspector. The city manager and/or the designee of the city manager.

Responsible party. The property owner or person who holds legal title to real property, and includes the occupant or person in custody or control of the building or structure. A responsible party may continue to use and occupy any building located within the city, regardless of the date the building was constructed, if the building does not constitute an unsafe building under the applicable standards of this article.

Unsafe building. Any substandard building or structure in, or about which, any of the following conditions exist:

- (1) Walls or other vertical structural members list, lean or buckle;
- (2) Damage or deterioration exists to the building to such an extent that use of the structure may cause injury to persons or property;
- (3) Loads on floors or roofs are improperly distributed or the floors or roofs are of insufficient strength to be reasonably safe for use;
- (4) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, or the general health and welfare of the occupant(s) or any other person;
- (5) The structure is so dilapidated, substandard, decayed, unsafe, unsanitary, or otherwise lacking in the amenities essential to decent living that the same is unfit for human habitation or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety, or general welfare of the occupant(s) or any other person, or is a hazard to the public health, safety and welfare;
- (6) Light, air and sanitation facilities are inadequate to protect and insure the health, morals, safety, or general welfare of the occupant(s) or any other person;
- (7) Stairways, fire escapes, and other means of ingress and egress are inadequate in the event of fire or any other emergency;
- (8) Parts or appendages of the building are so situated or attached that they are likely to fall or come apart and injure persons or property; or
- (9) Regardless of its structural condition, a building which is unoccupied and is unsecured from authorized entry to the extent that it could be entered by homeless persons, vagrants, or criminals, or which might create an attractive nuisance for minors.

An unsafe condition also exists, in violation of the standards set forth in subsections (1) through (9) above, when such condition renders the building unsafe or unsanitary, or when this condition might reasonably cause harm or detriment to the health, safety, or welfare of the occupant(s) of the building or of any person within the city.

(1991 Code, sec. 4-319)

Sec. 3.04.003 Declaration of nuisance; civil penalty

(a) It shall be unlawful for any person to maintain or permit the existence of any unsafe building (as defined in [section 3.04.002](#)) in the city, and it shall be unlawful for any person to permit the building to remain in such condition.

(b) Each unsafe building is declared to be a public nuisance and shall promptly be abated by repair, rehabilitation, demolition, or removal, in accordance with the orders of the city council and the procedures provided in this article. A civil penalty of from \$10.00 to \$1,000.00 per day shall be assessed and recovered against any property owner who fails to comply with the order of the city council and this article, pursuant to the terms of section 214.0015 of the Texas Local Government Code.

(c) The building inspector and city attorney shall enforce the provisions of this article.

(1991 Code, sec. 4-320)

Sec. 3.04.004 Inspection of buildings

The building inspector shall inspect, or cause to be inspected, every building (or portion thereof) reported to be unsafe or which appears to be unsafe upon visual inspection. If such building (or any portion thereof) is determined to be unsafe, the building inspector shall give the responsible party notice in accordance with the requirements set forth in [section 3.04.005](#). (1991 Code, sec. 4-321)

Sec. 3.04.005 Notice requirements

When it is determined a building is unsafe, the building inspector shall immediately give written notice to the responsible party. Such notice shall:

- (1) Be in writing.
- (2) Identify the specific conditions upon which the building was determined to be unsafe.
- (3) Specify the corrective measures required.
- (4) Provide a reasonable time for compliance.
- (5) Advise the responsible party that a public hearing will be conducted before the city council to determine whether or not the particular building complies with the requirements of this article.
- (6) Advise the responsible party that he/she and any interested party may submit proof to the city council on the exact scope of work and time required to place the building in compliance with this article.
- (7) Serve this notice on the responsible party, informing him/her of the date, time and place of the hearing before the city council.

(1991 Code, sec. 4-322)

Sec. 3.04.006 Sufficiency of notice

Notice given pursuant to this article shall be deemed properly served upon the responsible party if a copy of the notice is 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 of the county in which the affected property is located 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.

(1991 Code, sec. 4-323; Ordinance adopting Code)

Sec. 3.04.007 Public hearing; determination by council

(a) Notice of public hearing shall be served on the responsible party not less than ten (10) days prior to the date of the hearing. All interested persons shall be afforded a reasonable opportunity to be heard and to present any relevant evidence or data on the issue of whether the building is safe or unsafe. The burden of proof shall be on the responsible party, mortgagee or lienholder to prove that the building is not unsafe.

- (b) The city council, by majority formed of a quorum, shall determine whether or not the building is an “unsafe building” (as defined) in accordance with the provisions set forth in [section 3.04.002](#) of this article.
- (c) After the public hearing, the city council shall make such factual findings and orders as required by the factual proof submitted before it. Upon a finding of a violation of this article, the city council may order that the unsafe building be vacated, secured, repaired, removed, or demolished by the responsible party, within a stated reasonable period of time. The city council may also order that any occupant(s) of the unsafe building be relocated within a reasonable time.
- (d) If the responsible party does not take the ordered action within the allotted time, the building inspector shall request the county clerk and/or the Brazoria County Appraisal District to provide the name and address of each mortgagee and lienholder having a recorded interest in the building or in the real property on which the building is located.
- (e) The building inspector shall send notice to each identified mortgagee and lienholder:
- (1) Advising them that the building has been found to be unsafe and that the responsible party has failed and/or refused to take the action required by the city council.
 - (2) Providing the mortgagee or lienholder the address of the building and/or legal description of the building and real property.
 - (3) Describing the specific violation of this article that exists.
 - (4) Stating the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a stated reasonable period of time.
- (f) As an alternative to the procedures described above, the city council may notify each recorded mortgagee and lienholder of the public hearing, providing them the prescribed notice and an opportunity to appear and participate at the hearing. If the city council proceeds under this subsection, the order issued by the city council shall specify a reasonable time for the building to be vacated, secured, repaired, removed, or demolished by the responsible party or for the occupants to be relocated by the responsible party and an additional reasonable time for the ordered action to be taken by any of the mortgagees or lienholders in the event the responsible party fails to comply with the order within the time provided for action by the responsible party. Under this subsection, the city is not required to furnish any notice to a mortgagee or lienholder (other than a copy of the order) in the event the responsible party fails to timely take the ordered action.
- (g) If the building is not vacated, secured, repaired, removed, or demolished or the occupant(s) are not relocated within the time ordered, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (h) In the event the city incurs any costs or expenses it shall assess the expenses and thereby have a lien against the property on which the building is, or was, located. The lien shall be filed with the county clerk and the lien shall attach to the property at that time. The lien notice shall contain the name and address of the recorded title owner, a legal description of the real property on which the building is, or was, located, the amount of expenses and costs assessed and the balance due. Pursuant to section 214.004 of the Texas Local Government Code, if the lien is not promptly paid, it shall be foreclosed in a proceeding relating to the property brought under subchapter E, chapter 33, of the Texas Tax Code, section 33.91 et seq.

(1991 Code, sec. 4-324; Ordinance adopting Code)

Sec. 3.04.008 Repair, removal or demolition by city; assessment of city’s expenses; lien

- (a) If the city council holds a hearing pursuant to this article and the time allotted for the repair, removal or demolition of the unsafe building has expired, then council may, in addition to the authority granted under section 214.001 of the Local Government Code and/or the provisions of this article:
- (1) Order the repair of the building at the expense of the city and assess the expenses on the land on which the building stands or to which it is attached.
 - (2) Assess a civil penalty against the responsible party for failure to repair, remove, or demolish the building, as provided above, and foreclose the lien of the city.
- (b) In the event the council orders the repair, removal or demolition of a building, the building

inspector shall invite written bids from at least three (3) contractors for all material, labor and other costs of the needed repair, removal or demolition. The building inspector shall endeavor to minimize the expenses of any building repairs, removal or demolition ordered by the city council pursuant to this article.

(c) The city may repair a building only to the extent necessary to bring the building into compliance with the minimum code standards of the city and only if the building is a residential building with ten (10) or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum building code standards applicable within the city.

(d) The city shall impose a lien against the land on which the building stands or stood, in order to secure the payment of the repair, removal, or demolition expenses or for the civil penalty. Promptly after the imposition of the lien, the city shall file for record, in recordable form in the office of the county clerk, a written notice of the imposition of the lien, which shall contain a legal description of the land.

(e) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten (10) percent per year from the date of the assessment until paid in full.

(f) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person sixty-five (65) years of age or older.

(1991 Code, sec. 4-325)

Sec. 3.04.009 Posting of warning notice

(a) In the event the city council makes a determination after the public hearing that the building is deemed to be an unsafe building, the building inspector shall cause to be posted at each entrance to such building a notice to read as follows:

DANGEROUS

DO NOT ENTER, UNSAFE TO OCCUPY.

Building Inspector of the City of Brazoria

(b) This notice shall remain posted until the required repair, demolition, or removal is completed and the building inspector has determined the building has been rendered safe. The notice shall not be removed without written permission of the building inspector, and no person shall enter the building except for making inspections or required repairs or to demolish such building.

(1991 Code, sec. 4-326)

Sec. 3.04.010 Criminal penalty

In addition to any civil penalty, should any person, firm, or corporation violate the provisions of this article, such person, firm or corporation shall be deemed guilty of a class C misdemeanor, and upon conviction thereof in the municipal court of the city shall be fined in any sum not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). (1991 Code, sec. 4-327)

Sec. 3.04.011 Unsafe building abatement code adopted

There is hereby adopted by the city council that certain code known as the Standard Unsafe Building Abatement Code, 1985 edition, except for such portions as are herein deleted, modified or amended. Said code is adopted by reference as if set out at length herein, and one (1) copy is filed in the office of the city secretary. (1991 Code, sec. 4-328)

ARTICLE 3.05 SWIMMING POOLS

Division 1. Generally

Sec. 3.05.001 Definitions

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

Natural or man-made barrier. An obstacle including but not limited to a lake, lagoon, creek, canal, bayou, or similar body of water, with a depth greater than two (2) feet, which is contiguous to the lot or parcel of land upon

which a swimming pool is situated, which, because of its depth, density, height, or slope, constitutes a barrier to a person's entrance upon the lot or parcel of land at least equal in effectiveness to the fencing requirements of this article.

Private swimming pool. All outdoor swimming pools which are used, or intended to be used, as a swimming pool in connection with a single-family residence and available only to the family of the householder and his private guests.

Public or semipublic swimming pool. All outdoor swimming pools other than private swimming pools.

Swimming pool. Any constructed pool used or intended to be used for public, semipublic or private swimming, over twenty-four (24) inches in depth, or with a surface area exceeding two hundred (200) square feet. This definition shall also include hot tubs, whirlpools and spas that are located outside of a residence, building or other structure and meeting the above water depth criterion.

(1991 Code, sec. 4-366)

Sec. 3.05.002 Applicability

The requirements of this article shall be applicable to all swimming pools constructed after March 1, 1983, other than indoor swimming pools. This article shall apply to outdoor swimming pools which are not completely surrounded by a fence or wall. No person in possession of land within the city, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool shall fail to provide and maintain a fence or wall as herein provided. However, the provisions of [sections 3.05.031](#) and [3.05.032](#) shall not apply to any person in possession of land within the city upon which is situated a swimming pool if on March 1, 1983, such swimming pool was completely surrounded by a fence or wall of any type. (1991 Code, sec. 4-372)

Sec. 3.05.003 Swimming pool code adopted

There is hereby adopted by the city council that certain code known as the International Swimming Pool Code, 2006 edition, except for such portions as are hereinafter deleted, modified or amended. Said code is adopted by reference as if set out in length herein, and one (1) copy is filed in the office of the city secretary. (1991 Code, sec. 4-373; Ordinance adopting Code)

Sec. 3.05.004 Permit; inspection and approval

No outdoor swimming pool shall be constructed in the city unless a building permit shall be issued by the building inspector. All plans submitted to the building inspector for outdoor swimming pools to be constructed within the city shall show compliance with the requirements of this article. The final inspection and approval by the building inspector of all outdoor swimming pools constructed in this city shall be withheld until all requirements of this article have been complied with by the owner, purchaser under contract, lessee, tenant or licensee. (1991 Code, sec. 4-367)

Secs. 3.05.005–3.05.030 Reserved

Division 2. Fences*

Sec. 3.05.031 Public or semipublic pools

Every public or semipublic swimming pool shall be completely surrounded by a fence or wall. The fence or wall may include a recreational area provided that such recreational area does not exceed four (4) times the area of the swimming pool. Such fence or wall shall be not less than four (4) feet in height and so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension except for doors and gates. If a picket or wrought iron fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure which effectively denies accidental entrance into the pool by any person. During the period of construction, all swimming pools shall be barricaded or safely covered with mesh, netting or other effective covering to deny accidental entrance until the construction is concluded. (1991 Code, sec. 4-368)

Sec. 3.05.032 Private pools

Every private swimming pool shall be completely surrounded by a fence, wall or natural or man-made barrier. The fence or wall may be located along the perimeter of the lot or parcel of land upon which it is situated. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have openings, holes or gaps larger than four (4) inches. A dwelling house or accessory building may be used as part of such enclosure which

effectively denies accidental entrance into the pool by any person. During the period of construction, all swimming pools shall be barricaded or safely covered with mesh, netting or other effective covering to deny accidental entrance until the construction is concluded. (1991 Code, sec. 4-369)

Sec. 3.05.033 Automatic latching device required

All gates and doors opening directly into any fence required by the provisions of [sections 3.05.031](#) and [3.05.032](#) shall be equipped with automatic self-latching devices designed to keep such doors or gates securely closed at all times when not in actual use. Such latching device shall be attached not less than three and one-half (3-1/2) feet from the bottom of such gate or door. The door of any dwelling (not including any attached or unattached garage) occupied by human beings and forming any part of a fence or other enclosure required by [sections 3.05.031](#) and [3.05.032](#) need not be equipped with such latching devices required by this section. (1991 Code, sec. 4-370)

Sec. 3.05.034 Gates and doors to be kept securely fastened

All gates and doors are to be kept fastened or latched. Every person in possession of land on which there is situated a fence shall keep the gates or doors thereto securely fastened or latched at all times except whenever such door or gate is being used by such person, his agent, servant, employee or invitee for entrance into such fenced enclosure. Upon such entry into such enclosure or exit therefrom, such person shall keep such gate or door securely fastened or latched. (1991 Code, sec. 4-371)

ARTICLE 3.06 FLOOD DAMAGE PREVENTION*

Division 1. Generally

Sec. 3.06.001 Statutory authorization

The legislature of the state has, in the Flood Control Insurance Act, Texas Water Code, section 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore the city does ordain as follows. (Ordinance 07-014, art. 1, sec. A, adopted 12/11/07)

Sec. 3.06.002 Findings of fact

(a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by [uses] hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ordinance 07-014, art. 1, sec. B, adopted 12/11/07)

Sec. 3.06.003 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.

(Ordinance 07-014, art. 1, sec. C, adopted 12/11/07)

Sec. 3.06.004 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 07-014, art. 1, sec. D, adopted 12/11/07)

Sec. 3.06.005 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 zone 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 zone 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 man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

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

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.

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.

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.

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 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 man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from 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 non-elevation 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 National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

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] an 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 National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 07-014, art. 2, adopted 12/11/07)

Sec. 3.06.006 Lands to which this article applies

This article shall apply to all areas of special flood hazard within the jurisdiction of the city. (Ordinance 07-014, art. 3, sec. A, adopted 12/11/07)

Sec. 3.06.007 Basis for establishing 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, “Flood Insurance Study (FIS) for Brazoria County, Texas and incorporated areas” dated effective December 30, 2020, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated December 30, 2020 and any revisions thereto are hereby adopted by reference and declared to be a part of this article. (Ordinance 20-020, sec. 1, adopted 12/8/20)

Sec. 3.06.008 Establishment of development permit

A floodplain development permit shall be required to ensure conformance with the provisions of this article. (Ordinance 07-014, art. 3, sec. C, adopted 12/11/07)

Sec. 3.06.009 Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations. (Ordinance 07-014, art. 3, sec. D, adopted 12/11/07)

Sec. 3.06.010 Abrogation and greater restrictions

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ordinance 07-014, art. 3, sec. E, adopted 12/11/07)

Sec. 3.06.011 Interpretation

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

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

(Ordinance 07-014, art. 3, sec. F, adopted 12/11/07)

Sec. 3.06.012 Penalty

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ordinance 07-014, art. 5, sec. F, adopted 12/11/07)

Sec. 3.06.013 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 occur and flood heights may be increased by man-made 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 section 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 ordinance or any administrative decision lawfully made hereunder. (Ordinance 20-020, sec. 2, adopted 12/8/20)

Secs. 3.06.014–3.06.040 Reserved

Division 2. Administration

Sec. 3.06.041 Designation of floodplain administrator

The city manager or his/her designee is hereby appointed the floodplain administrator to administer and implement the provision of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance, National Flood Insurance Program regulations) pertaining to floodplain management. (Ordinance 20-020, sec. 3, adopted 12/8/20)

Sec. 3.06.042 Duties and responsibilities of floodplain administrator

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

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

(Ordinance 07-014, art. 4, sec. B, adopted 12/11/07)

(6) Notify, riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Agency. (Ordinance 20-020, sec. 4, adopted 12/8/20)

(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 3.06.007](#), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of [division 3](#) of this article.

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

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

(Ordinance 07-014, art. 4, sec. B, adopted 12/11/07)

Sec. 3.06.043 Permit procedures

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

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of [section 3.06.072\(2\)](#);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(5) Maintain a record of all such information in accordance with [section 3.06.042\(1\)](#).

(b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions, including

maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ordinance 07-014, art. 4, sec. C, adopted 12/11/07)

Sec. 3.06.044 Variance procedures

(a) The city council shall hear and render judgment on requests for variances from the requirements of this article.

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

(c) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.

(d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [section 3.06.043\(b\)](#) of this article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article ([section 3.06.003](#)).

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

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

(j) Prerequisites for granting variances:

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

(2) Variances shall only be issued upon:

(A) Showing a good and sufficient cause;

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

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

(3) Any applicant to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) The criteria outlined in this section are met; and
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 07-014, art. 4, sec. D, adopted 12/11/07; Ordinance adopting Code)

Sec. 3.06.045 Severability

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article. (Ordinance 20-020, sec. 5, adopted 12/8/20)

Secs. 3.06.046–3.06.070 Reserved

Division 3. Flood Hazard Reduction Standards

Sec. 3.06.071 General standards

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

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

(Ordinance 07-014, art. 5, sec. A, adopted 12/11/07)

Sec. 3.06.072 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in [section 3.06.007](#), [section 3.06.042](#)(8), or [section 3.06.073](#)(c), the following provisions are required:

- (1) **Residential construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including 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 3.06.043](#)(a)(1), is satisfied.
- (2) **Nonresidential construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction,

and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

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

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

(B) The bottom of all openings shall be no higher than 1 foot above grade.

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) 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 purpose 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 all manufactured homes that are placed or substantially improved within zones A1-30, AH and AE on the city'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 at 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 being placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (b)(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 thirty-six (36) inches in height above grade and is 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 3.06.043\(a\)](#) and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(Ordinance 07-014, art. 5, sec. B, adopted 12/11/07; Ordinance adopting Code)

Sec. 3.06.073 Standards for subdivision proposals

(a) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with [sections 3.06.002](#), [3.06.003](#), and [3.06.004](#) of this article.

(b) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain development permit requirements of [section 3.06.008](#) and

[section 3.06.043](#) and the provisions of this division.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to [section 3.06.007](#) or [section 3.06.042](#)(8) of this article.

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

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

(Ordinance 07-014, art. 5, sec. C, adopted 12/11/07)

Sec. 3.06.074 Standards for areas of shallow flooding (AO/AH zones)

Located within the areas of special flood hazard established in [section 3.06.007](#) are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or

(2) All new construction and substantial improvements of nonresidential structures:

(A) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

(B) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in [section 3.06.043](#), are satisfied.

(4) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ordinance 07-014, art. 5, sec. D, adopted 12/11/07)

ARTICLE 3.07 MOVING BUILDINGS

Sec. 3.07.001 Definitions

Hard surface road, alley or driveway. An asphalt or concrete road, alley or driveway.

Licensee. Any person licensed to operate and maintain a mobile home park or travel trailer park under the provisions of this article.

Mobile home. Any vehicle or similar portable structure having been originally constructed with wheels designed for use as a conveyance upon highways, and having no original foundation other than its own chassis, wheels, jacks, or skirting, and so designed or constructed as to permit long-term occupancy for dwelling and sleeping purposes. It may consist of one (1) or more units that can be telescoped when towed and expanded later for additional capacity or of two (2) or more units, separately towable but designed to be joined into one (1) integral dwelling unit. As used in this article, the term "mobile home" shall be interpreted to include HUD-code manufactured homes.

Modular home. Any permanent single-family dwelling unit which has been fabricated or factory-constructed as a single unit, or in sections or modules, without wheels or a chassis of its own, and assembled at the factory or construction site, and moved on a flatbed or other trailer to a permanent location as a unit or in sections or modules as a permanent single-family dwelling unit placed on a permanent foundation at such site and connected

with all utility services.

Natural or artificial barrier. Any river, pond, canal, railroad, fence or tree or hedge which prohibits public view of and ease of access to a mobile home park or travel trailer park from the outside.

Nonconforming use. A building, structure or use of land lawfully occupied at the time of the effective date of this article, which does not conform to the plans and specifications and license requirements of this article for operating and maintaining a mobile home park or travel trailer park.

Park. Either a mobile home park or trailer park in the respective context.

Permittee. Any person to whom a permit is issued to maintain and operate a mobile home park or travel trailer park as a nonconforming use under the provisions of this article.

Person. Any natural individual, firm, trust, partnership, association or corporation.

Travel trailer. Any vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, and includes folding hardtop campers transported behind a motor vehicle, truck-mounted campers attached to and transported behind a motor vehicle or pickup, a camper, converted bus, tent trailer, tent or similar device used for temporary portable housing, or a similar type of temporary dwelling intended for short-term occupancy, travel, and/or recreation.

(1991 Code, sec. 8-101)

Sec. 3.07.002 Penalty

Every person, firm, association, corporation or entity, incorporated or otherwise, convicted of a violation of a provision of this article shall be punished by a fine not to exceed five hundred dollars (\$500.00). (1991 Code, sec. 8-106)

Sec. 3.07.003 Permit required

(a) No person, firm, association, corporation or entity, incorporated or otherwise, shall hereafter transport upon any of the streets or alleys within the city any house, barn or other building or partial building, whether the point of origin of said house, barn or other building or partial building should be within the city limits or out of the city limits, without first having obtained a written authorizing permit from the office of the city manager. Said permit shall describe the route to be taken over and across said streets and alleys. In the event said building is to be located within the city limits, an application shall be filed for a permit to locate inside the city limits.

(b) This section shall not apply to any structure of modular construction that is twelve feet (12') wide or less, and twenty-four feet (24') or less long, and that meets any one of the following requirements:

(1) The building will be placed on a lot or parcel of land on which there is an existing residential structure and the building will be used solely for storage by the occupant of the residence; or

(2) The building will be placed on property that does not have an existing residential structure and will be used solely as an office or for other commercial nonresidential use.

(c) Notwithstanding the above, this provision shall not apply to any house, trailer or mobile home transported under an oversize permit issued by the state department of transportation so long as the route traveled by the vehicle is entirely over highways maintained by the state.

(1991 Code, sec. 8-102)

Sec. 3.07.004 Application for permit; compliance with building code

(a) The application shall contain the name and address of the applicant and a legal description of the property upon which the home is to be located. In addition, the application shall show by plat the location of the building or home on the proposed site so as to conform with all building and setback requirements. Provided that all requirements of this article have been met, and the city manager deems that issuing the requested permit is in the best interest of the city, the city manager shall have the authority to issue the permit.

(b) Prior to being used or occupied, any building moved into the city shall be brought into compliance with the International Building Code in effect. The applicant shall submit a plan of renovations or repairs that will be contemplated to [be] completed on the structure. All repairs and renovations shall be completed within six months of the date the house is located inside the city limits unless the time is extended by the city council. Absent a showing of good cause, failure to complete renovations within the

time prescribed shall subject the owner of the structure to a fine not exceeding five hundred dollars (\$500.00) for each day the owner is in violation of this article.

(1991 Code, sec. 8-103; Ordinance adopting Code)

Sec. 3.07.005 Standards for transport

- (a) All structures must be moved on pneumatic tires.
- (b) All structures must be moved during daylight hours only.
- (c) An escort vehicle shall be provided for both the front and rear of the structure while being moved.
- (d) The applicant shall travel only at the times and on the routes specified in the permit.

(1991 Code, sec. 8-104)

Sec. 3.07.006 Bond

No permit to move any house or other building for location inside the city limits shall be issued until the applicant therefor shall have deposited a bond in the sum of two thousand dollars (\$2,000.00), which bond shall be signed by the applicant and two or more good and sufficient sureties or by the applicant and a surety company authorized to make surety bonds in this state. Such bond shall be conditioned so as to indemnify any and all persons and the city for any damage or loss to property or person or reasonable and necessary expenses caused to or incurred by any person as a result of the moving of any house or other building. The damage and loss covered by the bond shall be limited to incidents of physical damage or destruction of property and shall not include diminution of value caused solely by the fact that the structure was placed on the adjacent property. In the event the applicant is in the house moving business and contemplates moving more than one house or other building in the period of one (1) year, he may make a blanket bond in the sum of two thousand dollars (\$2,000.00), conditioned as stated above, but covering all buildings and houses for which he may obtain such permits during the year, and such bond shall be in force for a period of one (1) year and it shall apply to any and all houses or other buildings that may be moved by the applicant during such year. All such bonds shall be approved by the city council and shall be filed in the office of the city secretary. (1991 Code, sec. 8-105)

ARTICLE 3.08 MANUFACTURED HOMES, MOBILE HOMES AND RECREATIONAL VEHICLES*

Division 1. Generally

Secs. 3.08.001–3.08.030 Reserved

Division 2. Mobile Home Sites Outside Licensed Park

Sec. 3.08.031 Definitions

Hard surface road, alley or driveway. An asphalt or concrete road, alley or driveway.

Licensee. Any person licensed to operate and maintain a manufactured home park or travel trailer park under the provisions of this division.

Manufactured home. A manufactured home, formerly known as a mobile home, is a manufactured home built to the Manufactured Home Construction and Safety Standards (HUD Code) which displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transportable in one or more sections on a permanent chassis.

Modular home (industrialized housing). Industrialized housing is also known as modular housing, and is a residential structure that is (1) designed for the occupancy of one or more families, (2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site, and (3) designed to be used as permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. These structures are regulated in accordance with section 1202 of the Texas Occupations Code and are subject to the city's permit procedures applicable to all other residential housing built on a lot in the city. This definition is included to differentiate between a manufactured home and industrialized housing.

Natural or artificial barrier. Any river, pond, canal, railroad, fence or tree or hedge which prohibits public of and

ease of access to a manufactured home park or travel trailer park from the outside.

Nonconforming use. Any building or structure or use of land lawfully occupied at the time of the earliest effective date of this division, which does not conform to the plans and specifications and license requirements of this division for operating and maintaining a manufactured home park or travel trailer park.

Park. Either a manufactured home park or a travel trailer park in the respective context.

Permittee. Any person to whom a permit is issued to maintain and operate a manufactured home park or travel trailer park as a nonconforming use under the provisions of this division.

Person. Any natural individual, firm, trust, partnership, association or corporation.

Travel trailer. Any vehicular portable structure designed as a temporary dwelling for travel, recreational use and vacation uses, and includes folding hardtop campers transported behind a motor vehicle, truck mounted campers attached to and transported being a motor vehicle or pickup, a camper, converted bus, tent trailer, tent or similar devise used for temporary portable housing, or a similar type of temporary dwelling intended for short-term occupancy, travel and or recreation.

Sec. 3.08.032 Special use permit

It shall be unlawful for any person to locate within the limits of the city any manufactured home or travel trailer for dwelling purposes in other than a licensed park under provisions of this division, except an application is made and approved to locate a manufactured home on private property as hereinafter provided. If part of the property is in the county but same property has an area located in the city limits, then all of said property is considered to be inside the city limits for this issuance of this permit.

(1) Application for permit. Any person desiring to place a manufactured home for occupancy on a private lot, whether said lot or lots are vacant or have improvements thereon, shall file a written application for a special use permit with the city manager. The application shall contain the name and address of the applicant the size of the manufactured home, the year and model and original cost of the manufactured home, photographs taken from the front and rear of the manufactured home within ten days of the date of the application, proof of the date of manufacture with wind zone rating, documentation of ownership with title, and a legal description of the property upon which said manufactured home to be located. In addition, the applicant shall give assurance of ability to comply with existing building lines of adjacent conventional or residential properties. The completed application shall then be submitted by the city manager to the city council for consideration of approval at its next meeting.

(2) Written consent of adjacent property owners. Any person submitting an application for a special use permit to locate a manufactured home on a private lot outside of a manufactured home park shall notify all property-owners that own property adjacent or contiguous to the property. Rights of way are excluded and property which touches a corner of the property is contiguous. Each adjacent property owner must sign an approval to place the manufactured home on the property, with the name, address and phone number of each property owner. Approval is implied for any adjacent or contiguous property owner who currently has a manufactured home on his property. A special use permit cannot be issued without all adjacent property owners signing with approval to place the manufactured home on the property adjacent to them.

(3) Factors to be considered. The city council, in making its decision to approve or not to approve an application for a special use permit to locate a manufactured home on a private lot outside of a manufactured home park, shall consider such other factors as follows:

- (A) The location of the proposed manufactured home.
- (B) The existing type of development and land use in the immediate area.
- (C) The quality and type of the proposed manufactured home unit.
- (D) The utilization of land and air space.
- (E) The control of traffic and off-street parking.
- (F) The most appropriate use of land involved in the particular application so as not to create hardship for the applicant or owner or any property surrounding the area and to be in the public interest.
- (G) The current concepts and standards for manufactured homes.
- (H) The manufactured home cannot be more than ten (10) years old from its date of manufacture.

(4) Conditions for issuance. As a condition for the issuance of a special use permit, the city council will require:

(A) That the permit be granted for a limited time as long as the period of time is reasonable and not arbitrary and capricious.

(B) That the permit is nontransferable.

(C) That the manufactured home be converted in a permanent structure. Removal of tongue, wheels and axles shall be required along with placement of the manufactured home on a reinforced permanent concrete slab, or two reinforced concrete runners on which to place a manufactured home may be constructed having a minimum width of eighteen inches and having a maximum length equal to the steel frame. Each runner shall be at least six inches thick, construction of a minimum forty square foot porch built of either metal or treated wood and painted to match manufactured home. Skirting will be in one of the following materials, manufactured skirting with vent panels, corrugated steel sheets, galvanized steel sheets, plywood sheets with a 3/8-inch minimum thickness rated for exterior use by the manufacturer, brick or concrete blocks. Screen vents are required to be used with all skirting to allow for air circulation under the manufactured home.

(D) Tie downs shall be provided with each manufactured home. Each tie down shall be imbedded to a depth of four feet and shall be of the auger type. Such tie downs shall be spaced at a maximum of the foot intervals on each side of the manufactured home and at least two thousand five hundred pounds test capacity each.

(E) Storage facilities with a minimum capacity of one hundred fifty cubic feet per manufactured home shall be provided on the lot. Storage facilities shall be designed in a manner that will enhance the appearance of the manufactured home and shall be faced with masonry, baked enamel, steel or other material equal in fire resistance, durability and appearance and shall be securely affixed to the ground.

(F) Except as otherwise specifically provided, all sewer lines or laterals, and all individual manufactured home sewer line connections, fixtures and appurtenances, shall conform to and be designed, constructed, installed, tested, inspected and maintained in accordance with applicable ordinances or regulations of the city or statutes of the state. Connection shall be made to the public sewer system. Except as otherwise specifically provided, all water service lines, connections, fixtures and appurtenances shall conform to and be designed, constructed, installed, tested, inspected and maintained in accordance with applicable ordinances or regulations of the city or statutes of the state. Connection shall be made to the public water system.

(G) After the conditions in subsections (A) through (F) are met the city manager will be authorized to connect the manufactured home to city utilities.

(5) Manufactured homes or modular home size. All manufactured homes or modular homes must be at least eight hundred (800) square feet of living area.

(6) Permit fee. The city manager, at the direction of the city council, shall issue a special use permit upon payment of the fee of one hundred seventy-five dollars (\$175.00).

(7) Travel trailers. Travel trailers used in conjunction with construction shall be allowed with a special use permit provided the travel trailer is completely removed with three (3) months of placement on the property. The owner may be granted three (3) additional permits as long as adequate progress is being made on the permanent structure. In no case shall the travel trailer remain on the property longer than twelve (12) months. Any permitted travel trailer must have current registration and license tags.

(8) Setbacks. Setbacks shall be 20ft from the front and 10ft on sides and 20ft in the back.

Sec. 3.08.033 Existing permits or agreements

This division is not intended to abrogate or annul any permit issued or agreement made by the city council before the date of this first passage of this division with respect to the location of a manufactured home, travel trailer or park.

Sec. 3.08.034 Mobile homes prohibited

It shall be unlawful to place any mobile home, as specifically distinguished from a HUD-code manufactured home, within the city. Manufactured homes shall be allowed upon compliance with the terms of this article and other ordinances of the city. Mobile homes present in the city at the time of the first passage of this article shall be unaffected by this section but may not be relocated with the city.

Division 3. Parks

Sec. 3.08.061 Definitions

City. The City of Brazoria, Brazoria County, Texas.

City council. The city council of the City of Brazoria.

Driveway. A minor entrance way off the common access route within the park, into an off-street parking area serving one or more HUD-code manufactured mobile homes.

Hard surface road alley or driveway. Asphalt, concrete or stabilized material road, alley or driveway.

HUD-code manufactured mobile home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight feet (8) or more in width or forty (40) body feet in length, or when erected on site, is 320 or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. Anything less than the length and/or width specified in this paragraph shall not be allowed in a HUD-code manufactured mobile home park. The term does not include a travel trailer.

Park. Either HUD-code manufactured mobile home park or recreational vehicle park in respective context.

Permittee. Any person to whom a permit is issued to maintain and operate HUD-code manufactured mobile home park or recreational vehicle park.

Person. Any natural individual, firm, trust, partnership, association or corporation.

Privacy fence. A wooden fence six (6) feet in height on all sides of public street frontage.

Recreational vehicle. A motor vehicle or trailer primarily designed as temporary living quarters for recreational camping or travel use, which is generally less than 320 square feet. Travel trailer, camping trailer and motor home.

Sec. 3.08.062 Permit

It shall be unlawful for any person to locate within the limits of the city or the extraterritorial jurisdiction of the city any HUD-code manufactured mobile home park or recreational vehicle park except application is made and approved to locate within the city limits or the extraterritorial jurisdiction of the city as hereinafter provided:

(1) Application for special use permit. Any person desiring to place a HUD-code manufactured mobile home park or recreational vehicle park shall file a written application for a special use permit with the city manager. That application shall contain the person's name, the legal and street address of the property to be located on. A preliminary site plan of the layout of the HUD-code manufactured home park or recreational vehicle park with lot layouts, utilities, and proposed streets. Plans and specifications for water supply and refuse and sewage disposal facilities. Plans and specifications for all buildings to be constructed within the park. The location and details of lighting and electrical systems. The completed application shall be submitted to the city manager with the permit fee. The completed application shall then be submitted by the city manager to the city council for consideration of final approval.

(2) Special use permit fee. The special use permit fee shall be \$500.00 (five hundred dollars) which shall be collected at time application for the special use permit is presented to the city for approval. The permit fee is no refundable.

(3) Factors to be considered for approval of special use permit. The city council, in making its decision to approve or not to approve an application for special use permit to locate a HUD-code manufactured mobile home park or recreational vehicle park shall consider such other factors as follows:

(A) The location of the proposed HUD-code manufactured mobile home park or recreational vehicle park;

(B) The existing type of development and land use in the immediate area;

(C) The quality and type of proposed HUD-code manufactured mobile home park or recreational

vehicle park;

(D) The utilization of land and air space;

(E) The control of traffic and off-street parking;

(F) The most appropriate use of land involved in the particular application so as not to create hardship for the applicant or owner of any property surrounding the area and to be in the best public interest;

(G) The current concepts and standards for HUD-code manufactured mobile home parks and recreational vehicle parks.

(H) The date of manufacturer cannot be more than 10 (ten) years from date of permit request.

Sec. 3.08.063 General requirements for HUD-code manufactured mobile homes

The following requirements, in addition to the other requirements of this division or ordinances applicable hereto, in general, the owner to whom a permit is issued for a HUD-code manufactured mobile home park shall be responsible for operation of such park in compliance with the provisions of this division and any other ordinances. Park shall be maintained, kept in good repair and clean and sanitary conditions.

(1) All HUD-code manufactured dwellings installed within the HUD-code manufactured mobile home park must meet the wind zone II requirements specified in V.T.C.A. Texas Occupation Code. section 1201.256.

(2) Owner is obligated to extend all utilities, water, sewer, natural gas and electricity throughout the HUD-code manufactured mobile home park conforming to or exceeding existing city ordinances and regulations.

(3) Must provide a minimum of two (2) off-street parking spaces per HUD-code manufactured mobile home lot in park.

(4) Driveway and street right-of-way must be a minimum of twenty-seven (27) feet wide hard surfaced with a minimum of compacted gravel, limestone, and crush concrete or concrete streets. Street surfaces shall be maintained free of dust, cracks, holes and other hazards.

(5) HUD-code manufactured mobile home shall be tied down in accordance with minimum tie-down requirements adopted by the state commissioner of licensing and regulation pursuant to Vernon's Ann. Civ. St. art. 5221F, section 4.

(6) Every HUD-code manufactured mobile home shall be skirted in one of the following materials, manufactured skirting with vent panels, corrugated steel sheets, galvanized steel sheets, aluminum sheets, plywood sheets with a 3/8 inch minimum thickness, rated for exterior use by the manufacturer, brick or concrete blocks, or oriented strand board with a minimum thickness of 3/8 inches rated for exterior use by the manufacturer. Screened vents are required to be used with all skirting to allow for air circulation under mobile home.

(7) Each HUD-code manufactured mobile home in the park must have a minimum forty (40) square foot porch. Constructed of either metal or treated wood and painted to match the HUD-code manufactured home.

(8) Storage facilities with a minimum capacity of one hundred fifty (150) cubic feet per HUD-code manufactured mobile home.

(9) The HUD-code manufactured mobile home park must have a privacy fence on all sides abutting a public dedicated street. This privacy fence must be wooden and at least six feet (6) in height.

(10) It shall be the responsibility of the HUD-code manufactured mobile home park owner, his agents, or employees, to notify the office of the building official when any manufactured mobile home is to be connected to the available utilities in the park.

(11) Must be built up above flood elevation.

(12) Setbacks of 20 feet from the front property line, 10 feet from side property line and 20 feet from rear of property line.

(13) A dumpster must be supplied for use by all residents of the HUD-code manufactured home park with fencing enclosing the dumpster.

(14) Street lighting for the HUD manufactured mobile home park shall be provided at the entry way and along all interior streets, and shall conform to or exceed existing ordinance and regulations of the city.

Sec. 3.08.064 Same-Recreational vehicle parks

The following requirements, in addition to the other requirements of this division or ordinances applicable hereto, in general, the owner to whom a permit is issued for a recreational vehicle park shall be responsible for operation of such park in compliance with the provisions of this division and any other ordinances. Park shall be maintained, kept in good repair and clean and sanitary conditions.

- (1) Each space within the recreational vehicle park shall be at least 60 feet in length and 30 feet in width.
- (2) Setbacks shall be 20 feet from the front of the property line, 10 feet from the side property, and 20 feet from the rear of the property line.
- (3) A dumpster must be supplied for the use by all residents of the recreational vehicle park with fencing enclosing the dumpster.
- (4) Owner is obligated to extend hook ups at each space for city water and sewer system. Water, sewer and electrical hook-ups shall conform to or exceed existing city ordinances and regulations.
- (5) Each recreational vehicle space shall have adequate off street parking for each space, and additional for extra vehicles.
- (6) The recreational vehicle park must have privacy fence on all sides abutting a public dedicated street. This privacy fence must be wooden and at least six feet (6) in height.
- (7) Must be built up above flood elevation.
- (8) Street lighting for the recreational vehicle park shall be provided at the entry way and along all interior streets, and shall conform to or exceed existing ordinance and regulations of the city.
- (9) Driveway and street right-of-way must be minimum of a twenty-seven (27) feet wide hard surfaced with a minimum of compacted gravel, limestone, and crush concrete or concrete streets. Driveway and street surfaces shall be maintained free of dust, cracks, holes and other hazards.
- (10) Each space within the recreational vehicle park shall be hard surfaced with a minimum of compacted gravel, limestone, or crush concrete or concrete surface.

Sec. 3.08.065 Unoccupied and unsafe HUD-code manufactured mobile home or recreational vehicle

A HUD-code manufactured mobile home or recreational vehicle that becomes rundown, dilapidate, unsafe, or a fire hazard shall be considered to be in violation of this division. The city manager, fire marshal, or building inspector may cite the operator of the HUD-code manufactured mobile home park, recreational vehicle park owner or the owner or renter that becomes rundown, dilapidated, unsafe, a fire hazard, or a nuisance to the welfare of the HUD-code manufactured mobile home park, recreational vehicle, or city in general.

Sec. 3.08.066 Existing manufactured mobile home parks and recreational vehicle parks

This division does not make unlawful any manufactured mobile home park or recreational vehicle park which is already in place with all laws at the date of this division becomes in effect. It further provided that if a manufactured mobile home is removed from a space in an existing manufactured mobile home park in order to replace it with another mobile home it must comply with [section 3.08.063\(6\)](#), [section 3.08.063\(7\)](#), and [section 3.08.063\(8\)](#). All parks will still comply with [section 3.08.063\(9\)](#).

Sec. 3.08.067 Penalty

Any person, firm or corporation who commits any of the following shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more that \$500.00;

- (1) Any violation of this division, or
- (2) Providing false information to a city official concerning licensing or permitting under this division or compliance herewith. Each day or portion of a day during which any violation occurs or continues shall be a separate offence.

(Ordinance 20-007 adopted 4/14/20)

ARTICLE 3.09 TENTS, CANOPIES AND SIMILAR PORTABLE STRUCTURES

Sec. 3.09.001 Permit required

It shall be unlawful to erect, have, lease or otherwise maintain or occupy a tent, canopy or other portable building or structure, for other than private use, hereinafter collectively referred to as "structure," within the city, without first obtaining and maintaining a permit therefor. (1991 Code, sec. 9-61)

Sec. 3.09.002 Application for permit

Applications for a permit required by this article shall be made in writing to the city secretary, addressed to the city council, stating:

- (1) The name or names and mailing address of the owner, lessee, if any, operator, if any, and tenant, if any, of the proposed structure.
- (2) The manner of construction and materials used in such structure.
- (3) The location of the structure within the city.
- (4) The use of the structure.
- (5) The anticipated date of erection or placement of the structure.
- (6) How long such structure will remain at such location.
- (7) A statement that the applicant will be responsible for faithful compliance with the terms of this article with respect to such structure.

(1991 Code, sec. 9-62)

Sec. 3.09.003 Inspection

Prior to any action on an application under this article by the city council, the structure, together with its layout, materials and proposed location, shall be inspected by the fire marshal for compliance with the fire code adopted by the city and with this article. The fire marshal, together with any other city officials designated by the city council from time to time, shall present and report recommendations for the approval or disapproval of the application to the city council. (1991 Code, sec. 9-63)

Sec. 3.09.004 Issuance of permit; fee; duration

The city council shall consider each application for a permit required under this article no later than the first regular city council meeting next following the expiration of ten (10) days after the filing of such application with the city secretary. If such application should be approved, then, upon payment by the applicant of a permit fee of fifty dollars (\$50.00), the city secretary shall issue a permit for the proposed structure for a period not to exceed ninety (90) days from the date on which the permit is issued. (1991 Code, sec. 9-64)

Sec. 3.09.005 Renewal of permit

A permit issued under this article can be extended in intervals not to exceed ninety (90) days from the expiration of the original permit or any extensions thereof by the filing of a written application for extension, with the city secretary, indicating the length of the extension requested and any changes, if any, in the information contained in the original application or any extension applications. Such application for extension must be filed no later than ten (10) days prior to the expiration of the current permit if no lapse is to occur in the validity of such permit. The fire marshal and any other designated city officials as described above shall inspect the structure, and, if the application is approved by the fire marshal, an extension permit shall be issued upon the payment of a twenty-dollar extended permit fee. (1991 Code, sec. 9-65)

Sec. 3.09.006 Appeals

If an application for an extension permit is disapproved by the fire marshal, the applicant shall have the right of appeal to the city council by giving written notice of same to the city secretary. Any appeal shall be heard at the first regular meeting of the city council next following the delivery of the written notice of appeal, provided that delivery of such notice prior to the expiration of ten (10) days after the fire marshal's disapproval is filed with the city secretary shall operate to extend such permit until the appeal is heard and acted upon by the city council. (1991 Code, sec. 9-66)

Sec. 3.09.007 Miscellaneous standards and restrictions

In addition to the foregoing provisions of this article, all structures for which a permit is granted hereunder shall be

operated and maintained in compliance with the following:

- (1) No structure shall be placed or erected within four hundred (400) feet of a private residence.
- (2) No permit shall be issued to a person who is not of good moral character, nor to a corporation or organization which is not represented in the city by a person of good moral character, it being the duty of the chief of police to make or cause to be made an investigation into the character of each applicant and report the results of such investigation at any hearings held hereunder.
- (3) It shall be unlawful to permit any improper conduct at any public structure, and it shall be unlawful to permit any music at any public structure after the hour of 11:00 p.m.
- (4) Any permit issued hereunder shall not be transferable to another person or corporation.
- (5) Each structure must have adequate ventilation and exits and in any event shall have at least two (2) exits of four (4) feet or more in width.

(1991 Code, sec. 9-67)

Sec. 3.09.008 Revocation of permit

Any permit issued under this article may be revoked by the city council upon ten (10) days' written notice to permit holder, deliverable by posting such notice on the structure with respect to which the permit is held or by mail, for flagrant or repeated violation of this article or regulations established by reference herein. (1991 Code, sec. 9-68)

ARTICLE 3.10 SIGNS^{*}

Sec. 3.10.001 Purpose

The purpose of this article is to restrict and regulate signs and outdoor displays in their location, erection, construction, reconstruction, alteration and maintenance. To promote the safety of persons and property by providing that signs:

- (1) Do not create traffic hazards by confusing or distracting motorist, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs; do not create a hazard due to collapse, fire, collision, decay or abandonment.
- (2) To promote the efficient transfer of information in sign messages by providing that business and service may identify themselves; customers and other persons may locate a business or service.
- (3) Landscape quality and preservation to protect the public welfare and to enhance the appearance and value of the landscape.

Sec. 3.10.002 Definitions

Abandon sign. A sign that advertises or directs persons to any business, commercial transaction or activity, goods, products, or services that were once, but are no longer, offered, available or located at the advertised premises.

Advertising. To seek the attraction of or to direct the attention of the public to any goods, service or merchandise whatsoever.

Billboard. Any sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises where such sign appears. If such business, commodity, service, or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed a billboard.

Brazoria or city. The City of Brazoria, Brazoria County, Texas an incorporated municipality.

Business establishment. A project or undertaking which involves the use of any property, building or structure, permanent or temporary, for the primary purpose of conducting on the property a legitimate commercial enterprise, or other nonresidential use, in compliance with all of the ordinances and regulations of the city. Multiple services and/or goods offered by a business establishment shall be considered one business establishment for purposes of this article.

Changeable electronic variable message sign (CEVMS). Which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign

does not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic-Control Devices (MUTCD) approved by the federal highway administrator as the national standard.

Frontage. That portion of any tract of land which abuts a public street right-of-way.

Garage sale and estate sale. The sale of items by a resident or group of residents conducted from a residence, garage, yard or driveway.

Glare. Emitted light which exceeds 50 footcandles.

Grand opening. The formal offering of a new business of its good, wares, merchandise, service, entertainment, or activity.

Off-premises sign. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-premises sign. A sign displaying advertising a business, person, or activity, and installed and maintained on the same premises as the business, person or activity.

Person. An individual, company, corporation, partnership, association, or any other entity howsoever designated.

Premises. A lot or tract of land or a series of contiguous lots or tracts of land owned by the same person.

Public right-of-way. Any part of a right-of-way not privately owned or controlled and which is the responsibility of the city or other public agency to maintain, including the surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, easement or similar property.

Public street. The entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, and over which the city or other similar public entity has legislative jurisdiction under its police power.

Portable sign. Any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable hereunder.

Roofline. The height above finished grade of the upper beam, rafter, ridge or purline of any building.

Shopping center or integrated development. A development of two or more interconnected business establishments using common driveways and on-site parking facilities.

Sign. Any structure, part thereof, or device or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structures, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, work, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, or corporation.

Sign structure. Any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure. Where any goods or service for sale or other advertisement is displayed on the structure, then said structure shall be counted as part of the sign area.

Temporary sign. Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign.

Sec. 3.10.003 Exemptions for certain types of signs

The following are exempt from regulation under this article:

- (1) Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building.
- (2) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a freestanding monument sign, when placed or approved by a governmental entity, historical society, religious organization or other nonprofit entity to commemorate a person, event or other matter of historical interest.
- (3) Any sign installed or required to be installed by any governmental entity or public utility to give

information, directions or warnings to the general public, regardless of the sign's location on public or private property.

(4) Temporary signs with the intended use of identifying seasonal, occasional or special community, educational, charitable and civic events, facilities, activities or social events, and of identifying newly opened businesses.

Sec. 3.10.004 Prohibited

(a) Billboards and off-premises changeable electronic variable message (CEVMS) format sign that is larger than eight (8) feet by sixteen (16) feet.

(b) Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.

(c) Signs placed on or attached to any utility pole or pedestal or operating facilities mounted on the pole or pedestal.

(d) Signs located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign shall constitute a nuisance.

(e) Signs that block vehicle or pedestrian views and/or safe sight distances at any intersection, curve or corner. This includes located on private property. Any such sign shall constitute a nuisance.

(f) Abandoned signs.

Sec. 3.10.005 Signs allowed without a permit

(a) Signs which advertise the sale or lease of real property.

(b) Contractor identification signs. Such temporary sign shall be allowed for each contractor only during the period that the contractor is engaged in active construction, repair or maintenance of the premises.

(c) Signs or markers giving information about the location of underground electric transmission lines, telegraph, or telephone properties and facilities, pipelines, public sewers or sewer lines, or water lines or other public utilities.

(d) Signs erected by an agency of the state or political subdivision or the state, which may or may not be located on public property.

(Ordinance 18-007 adopted 7/10/18)

(e) Political signs may be placed up to ninety (90) days prior to a primary, runoff or general election and up to ten (10) days after the primary, runoff or general election for which posted. Political signs may not be allowed on public property, in the right-of-way of any street, utility poles or attached to trees or shrubs. Any such signs located on public property, utility poles or attached to trees or shrubs, shall be immediately seized and impounded by the city. The owner of such signs shall not be entitled to notice or hearing. (Ordinance 20-003 adopted 3/10/20)

(f) Temporary signs advertising occasional noncommercial sales, including, but not limited to, garage sales, estate sales, provided that such signs shall be removed within one day following the sale. Signs shall not be placed or located on public property or utility poles. Any such signs shall be immediately seized and impounded by the city. The owner of such signs shall not be entitled to notice or hearing.

(g) Signs erected by the city as a public service announcement or greeting, public information signs and signs promoting economic development and providing directional information.

(h) Event signs that are on site, placed to advertise or mark the location of an occasional event on the same site other than a business event at an establishment, such as civic or other noncommercial ceremony, an event for the members of an organization, or an event at a residence such as a private party. Signs may not be placed more than 14 days prior to the event, and it must be removed within one day after the conclusion of the event.

(i) Signs to advertise grand opening celebrations for an individual business establishment shall be allowed but not to exceed sixty (60) days. Such sixty (60) days shall begin on the date of erection of the signs, and the signs shall be totally removed on the expiration of the sixtieth (60th) day. Such signage may consist of banners, balloons, streamers or similar attention-getting devices; provided that such signage shall not impede the flow of vehicular or pedestrian traffic on or off site.

Sec. 3.10.006 Sign requiring permits

(a) Wall signs.

(1) Size. A wall sign shall not exceed a total sign area of 32 square feet or exceed a total sign area of one and one half (1-1/2) square feet of signage for each linear building frontage.

(2) Location and height. A wall sign may not project above the roofline of a building. All permanent structural supports shall be covered from view. Wall signs may be placed on the front or sides of a building, but not at the rear of the building; however, directional signs may be placed on the rear of the building.

(3) Projecting wall signs. Shall have a minimum clearance of eight feet above the pavement or finished grade.

(b) Monument signs.

(1) Size. A monument sign shall be constructed so that the top of the monument sign shall not exceed six (6) feet in height as measured from the ground level to the top of the sign. The maximum total sign area of the sign shall not exceed thirty-two (32) square feet. The sign area shall be computed as including the entire area within a regular geometric form comprising all the display area of the sign, including all elements of the display and including the frame, if applicable. The sign area of a monument sign shall be centered within the frame and base shall be proportional to the sign area.

(2) Location. Monument signage may be located anywhere on the property, provided it shall be set back a minimum of ten (10) feet.

(3) Materials. The sign base and frame of a monument sign shall be constructed so that the sign base and frame shall be complementary in material and design to the principal building.

(4) Landscaping. Landscaping is encouraged to be placed adjacent to each monument sign in an amount equal to or greater than fifty (50) percent of the area of such monument sign. The landscaping should consist of bushes, shrubs, annual and perennial flowering plants, and appropriate vegetative ground cover, or a combination thereof.

(c) Ground signs.

(1) Size. The maximum allowable total sign area shall be thirty-two (32) square feet. The surface area shall be computed to include the entire area with a regular geometric form comprising all the display area of the sign and the frame. Supporting structural members not bearing advertising matter, identifying color, symbols, or pictures shall not be included in computation of the surface area.

(2) Height. The maximum height, including any part of the structure, shall not exceed forty (40) feet from the ground level to the top of the sign.

(3) Location setback. A ground sign shall be set back a minimum of ten (10) feet from the street frontage, and no part of such sign overhangs public property or Ariel [aerial] easements.

(4) Canopy signs. Canopy signs must be flush mounted on the canopy and shall not project above or below the face of the canopy or extend laterally from the canopy. Signs allowed on canopies shall not be of a height greater than twenty (20) feet above finished grade.

(d) Subdivision signs. Temporary signage shall be permitted upon approval of a sign plan for a residential subdivision. The sign plan shall be submitted with the builder's, or developer's application for a sign permit. The guidelines which follow shall dictate the size and location of the residential subdivision signage. Signs shown in the plan should conform to the following guidelines for entrance signs.

(1) Number and location. A maximum of two (2) temporary real estate subdivision signs may be located at the main entrances of any new residential subdivision.

(2) Size. The sign facing for each such temporary real estate subdivision sign shall not exceed two hundred (200) square feet in sign area and shall not exceed the maximum height of forty (40) feet measured from the ground level to the top of the sign.

(3) Duration. Such temporary signs shall be removed twenty-four (24) months from the date the sign permit is issued or when eighty (80) percent of the total lots in that section have homes constructed on them, whichever comes first.

(e) Portable signs.

- (1) Portable signs must be securely anchored to the ground by cables, ground supports, or other approved methods in order to prevent overturning in winds.
- (2) Restrictions against obstructing doors, windows or fire escapes. No portable sign shall be allowed to remain in a location which would prevent free ingress to or egress from any door, window, or impede access to a fire escape or fire hydrant.
- (3) Sign area, height and letter screen. The sign area of a portable sign shall not exceed thirty-two (32) square feet. A portable sign shall not have more than two advertising faces. The faces of each portable sign must be covered with screen or other adequate covering to protect and secure the letters on the portable sign. The height of a portable sign shall not exceed six (6) feet from the ground level to the top of the sign.
- (4) No portable sign may be illuminated unless it fully complies with the electrical code. Extension cords, if approved for use, shall not be laid across sidewalks, driveways or line of traffic. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property from fifty (50) feet away.
- (5) Abandoned portable signs shall be immediately seized and impounded by the city. The owner of such signs shall not be entitled to notice or hearing. The sign shall not be allowed to be placed or replaced within the city.

(f) Illuminated signs.

- (1) All illuminated signs shall require an electrical permit in addition to a sign permit.
- (2) No sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard. Any such sign shall constitute a nuisance.

Sec. 3.10.007 Application for permit

All applications for sign permits shall be accompanied by a plan or plans, drawn which shall include the following:

- (1) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached, as well as the dimensions of the sign's supporting members.
- (2) The maximum and minimum height of the sign.
- (3) The proposed location of the sign in relation to the boundaries of the lot or parcel of land upon which it is to be situated.
- (4) The location of all electrical transmission lines within thirty (30) feet or any part of such proposed sign structure.
- (5) If applicable, plans and specifications for electrical system of the sign.
- (6) The dimensions and location of all existing and future signs including window signs on the premises.
- (7) Name and signature of the sign owner, landowner and sign erector.
- (8) The area of the sign face.
- (9) A description of the materials the proposed sign is made of and a description of the materials to be used to erect the sign.
- (10) The position of the sign in relation to nearby buildings or structures and all streets, curblines and sidewalks.
- (11) Such other information deemed necessary by the city to show compliance with this article.

Sec. 3.10.008 Permits

Failure to erect, reconstruct, alter, rebuild or move a permitted sign within 180 days of the granting of the permit shall mean the applicant must reapply for a new permit. The permit shall only be used by the person to whom it is issued and shall be valid only on the sign for which it is issued. The applicant shall pay a nonrefundable permit fee at the time that the application is submitted. If the application for a permit is denied the permit fee is nonrefundable.

(1) All illuminated signs (electric): \$100.00.

(2) All nonilluminated signs: \$50.00.

Sec. 3.10.009 Issuance of permit

Upon filing of an application for a sign permit, the application shall be examined by the city inspector. If it appears that such proposed sign is in compliance with the requirements of this article, the city's building code and other laws of the city and of the state, the city inspector shall approve the application and a permit shall be issued by the city. The city inspector may, at his discretion, submit the application of a sign permit to the city engineer for approval. The applicant will be responsible to pay to the city all costs incurred for the city engineer's services pertaining to the applicants sign. All costs for the city engineer's services must be paid by the applicant before a permit shall be granted.

Sec. 3.10.010 Penalty

Any person violating any provision of this article shall be guilty of a misdemeanor. Each day or portion of a day that a violation continues shall be a separate offence. If a sign violates any provision of any ordinance, the owner, lessee, permittee, and licensee of the sign and the premises where the sign is located shall be guilty of a misdemeanor. Each offense under this article shall be punishable by a fine of not more than five hundred (\$500.00) dollars.

Sec. 3.10.011 Inspection

A sign inspection shall be required before any sign is erected or installed in the city. The applicant shall require arranging such inspection in advance of the date the sign is to be erected by contacting the city inspector. The city inspector and/or designee shall administer and enforce the terms and conditions of this article and all provisions of law relating to signs. Inspection hours for the city inspector will be between 8:00 a.m. and 5:00 p.m. to enter any building, structure, or other premises or property for the purpose of inspecting and investigating signs or sign structure; provided, however that in case of emergency where extreme hazards are known to exist which may involve imminent injury to person, loss of life or severe property damage, and where the owner, agent or tenant in charge of the property is not available after the city inspector has made good faith effort to locate same, the city inspector may enter the aforementioned structures and premises at any time to inspect.

Sec. 3.10.012 Enforcement

The city inspector's authority to administer and enforce the conditions of this article shall include, but not be limited to, the following specific enumerated powers:

(1) The approval of an application for a sign permit.

(2) Inspection and approval and/or rejection of signs.

(3) Initiation of revocation proceedings.

(4) All powers not specifically enumerated herein necessary to enforce compliance with this article.

(5) Issuance of stop-work orders. The city inspector shall have the authority to issue stop-work orders in cases where a sign is being installed or constructed in violation of this article or any other ordinance of this city. Upon issuance of a stop-work order from the city inspector, work on any sign that is being installed shall immediately cease. Such stop-work order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Following the issuance of a stop-work order, the city inspector shall initiate proceedings to revoke any permit issued for the work covered by such stop-work order, consistent with the provision of this article, unless the cause for the stop-work order is resolved to the city inspector's satisfaction. Issuance of a sign permit shall not constitute a waiver of the city inspector's right to issue a stop-work order.

(6) Sign removal and revocation procedures. In case any sign is installed, erected or maintained in violation of any term of this article, in addition to the issuance of a citation, and other rights and remedies provided herein, the city inspector shall give written notice of the violation to the owner; permittee or agent of the owner or permittee. Such notice shall order compliance with this article or removal of the sign. Written notice shall be given by certified mail or personally served upon the owner, permittee or owner's or permittee's agent. If the order is not complied with within 30 days of receipt of the notice, the city inspector shall initiate proceedings to revoke the permit and/or remove the sign at the expense of the owner or permittee.

Sec. 3.10.013 Existing signs

This article does not make unlawful signs which are already in place with all laws at the date of this article becomes in effect. It further provides that any sign that shall be removed and replaced after the adoption of this article will then must come in compliance with this article [sic].

(Ordinance 18-007 adopted 7/10/18)

ARTICLE 3.11 TRENCH SAFETY SYSTEMS^{*}

Sec. 3.11.001 Plans required

In all construction projects under a contract to which the city is a party, and in which trench excavation will exceed a depth of five (5) feet, the bid documents and the contract must include detailed plans and specifications for trench safety systems that meet federal Occupational Safety and Health Administration standards. These plans and specifications must include a pay item for these same safety systems, subject to exceptions set forth in [section 3.11.002](#). (1991 Code, sec. 4-396)

Sec. 3.11.002 Applicability

(a) Notwithstanding any provision contained herein or within the building code adopted in [section 3.03.051](#) to the contrary, on all construction projects governed by the code adopted in [section 3.03.051](#) in which trench excavation will exceed a depth of five (5) feet, the bid documents and the contract must include detailed plans and specifications for trench safety systems that meet federal Occupational Safety and Health Administration standards. These plans and specifications must include a pay item for these same safety systems.

(b) The requirements of this section do not apply to a contract entered into by a person subject to the safety standards adopted under and the administrative penalty provisions of Subchapter E, Chapter 121 of the Texas Utilities Code.

(1991 Code, sec. 4-397)

Sec. 3.11.003 Enforcement

Any provision for punishment of any violator of this article by fine is not intended, nor shall it be construed, as being cumulative of all remedies available to the city, but rather shall be independent of any such remedies as may be provided for by law or pursuant to the building code adopted in [section 3.03.051](#) and the imposition of other penalties and/or remedies available to the city for violations of this article. (1991 Code, sec. 4-398)

ARTICLE 3.12 STREETS AND SIDEWALKS[†]

Division 1. Generally

Secs. 3.12.001–3.12.030 Reserved

Division 2. Excavations^{*}

Sec. 3.12.031 Safety measures for protection of public

It shall be unlawful for any person having charge of work being done on or in any of the streets or alleys of the city to leave any hole, ditch or excavation of any kind in the surface of the earth in or adjoining any public square, street, alley, sidewalk or other public place, without guarding or covering same in such manner as to protect persons and animals from injury. (1991 Code, sec. 13-26)

Sec. 3.12.032 Restoration of street after making sewer connection

Where sewers have been connected, all portions of the street disturbed must be restored to their former condition. The street must be thoroughly rammed and filled in forty-eight (48) hours after making connections or repairs and, in case it shall be necessary to leave the trench open, the public shall be warned by red lights at night, and other proper means in the daytime. (1991 Code, sec. 13-27)