



**NOTICE OF REGULAR MEETING AGENDA
LANCASTER CITY COUNCIL
MUNICIPAL CENTER CITY COUNCIL CHAMBERS
211 N. HENRY STREET, LANCASTER, TEXAS**

Monday, July 22, 2013 - 7:00 PM

CALL TO ORDER

INVOCATION: Ministerial Alliance

PLEDGE OF ALLEGIANCE: Councilmember Stanley Jaglowski

CITIZENS' COMMENTS:

At this time citizens who have pre-registered before the call to order will be allowed to speak on any matter other than personnel matters or matters under litigation, for a length of time not to exceed three minutes. No Council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.

CONSENT AGENDA:

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for separate discussion and action.

- C1. Consider approval of minutes from the City Council Regular Meeting held July 8, 2013.
- C2. Consider a resolution adopting the Lancaster City Council Rules and Procedures as amended.
- C3. Consider an ordinance amending the Code of Ordinances by amending Chapter 2, "Administration and Personnel", Article 2.02 "Code Of Ethics" by repealing Sections 2.02.006 "Employment with public utility corporation", 2.02.007 "Restrictions on contracting with city or providing representation of others", 2.02.008 "Forfeiture of employment when employee becomes candidate for office" and renumbering Section 2.02.009 as Section 2.02.006.
- C4. Consider various ordinances adopting the 2012 International Code Council (ICC) Code Series and 2011 National Electrical Code for construction and amending the Lancaster Code of Ordinances as follows:
 - A. an ordinance amending Chapter 6, Article 6.04, division 2, Building Code, section 6.04.051 to provide for the adoption of the "International Building Code", 2012 edition, and section 6.04.052 to provide for the exceptions and amendments thereto;
 - B. an ordinance amending Chapter 6, Article 6.04, division 3, Residential Code, section 6.04.101 to provide for the adoption of the "International Residential Code", 2012 edition, and section 6.04.102 to provide for the exceptions and amendments thereto;

- C. an ordinance amending Chapter 6, Article 6.04, division 4, Electrical Code, section 6.04.151 to provide for the adoption of the “National Electrical Code”, 2011 edition, and section 6.04.152 to provide for the exceptions and amendments thereto;
- D. an ordinance amending Chapter 6, Article 6.04, division 5, Plumbing Code, section 6.04.201 to provide for the adoption of the “International Plumbing Code”, 2012 edition, and section 6.04.202 to provide for the exceptions and amendments thereto;
- E. an ordinance amending Chapter 6, Article 6.04, division 6, Mechanical Code, section 6.04.251 to provide for the adoption of the “International Mechanical Code”, 2012 edition, and section 6.04.252 to provide for the exceptions and amendments thereto;
- F. an ordinance amending Chapter 6, Article 6.04, division 7, Property Maintenance Code, section 6.04.301 to provide for the adoption of the “International Property Maintenance Code”, 2012 edition, and section 6.04.302 to provide for the exceptions and amendments thereto;
- G. an ordinance amending Chapter 6, Article 6.04, Technical and Construction Codes and Standards, division 8, Existing Building Code, section 6.04.351 to provide for the adoption of the International Existing Building Code, 2012 edition, and section 6.04.352 to provide for the exceptions and amendments thereto;
- H. an ordinance amending Chapter 6, Article 6.04, division 9, Fuel Gas Code, section 6.04.401 to provide for the adoption of the “International Fuel Gas Code”, 2012 edition, and section 6.04.402 to provide for the exceptions and amendments thereto;
- I. an ordinance amending Chapter 6, Article 6.04, division 10, Energy Conservation Code, section 6.04.451 to provide for the adoption of the “International Energy Conservation Code”, 2012 edition, and section 6.04.452 to provide for the exceptions and amendments thereto;
- J. an ordinance amending Chapter 6, Article 6.04, Technical and Construction Codes and Standards, by adding division 11, “Swimming Pool and Spa Code”; by adopting section 6.04.501 to provide for the adoption of the "International Swimming Pool and Spa Code", 2012 edition, and section 6.04.502 to provide for the exceptions and amendments thereto;
- K. an ordinance amending Chapter 10, Article 10.04, Fire Code, section 10.04.001 to provide for the adoption of the “International Fire Code”, 2012 edition, and section 10.04.002 to provide for the exceptions and amendments thereto.

ACTION:

- 5. Consider a resolution approving funding of the Texas Department of Transportation Terminal Building project for fiscal year 2014 at Lancaster Regional Airport and authorizing the City Manager to execute said funding agreement.

ADJOURNMENT

EXECUTIVE SESSION: The Council reserves the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the TEXAS GOVERNMENT CODE to seek legal advice concerning such subject.

ACCESSIBILITY STATEMENT: The Municipal Center is wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on July 19, 2013 @ 10:15 a.m. and copies thereof were hand delivered to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Dolle K. Downe, TRMC
City Secretary

LANCASTER CITY COUNCIL

Agenda Communication

July 22, 2013

Item 1

Consider approval of minutes from the City Council Regular Meeting held July 8, 2013.

Background

Attached for your review and consideration are minutes from the:

- City Council Regular Meeting held July 8, 2013

Submitted by:

Dolle K. Downe, City Secretary

MINUTES

LANCASTER CITY COUNCIL MEETING OF JULY 8, 2013

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on July 8, 2013 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Carol Strain-Burk
Stanley Jaglowski
Marco Mejia
Mayor Pro Tem James Daniels
LaShonjia Harris
Deputy Mayor Pro Tem Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Aretha Adams, Assistant City Manager
Alicia Oyedele, Assistant to the City Manager
Thomas Griffith, Fire Chief
Rona Stringfellow, Managing Director Public Works / Development Services
Jim Brewer, Assistant Director Public Works / Development Services
Larry King, Building Official
Crystal Cloud, Utility Billing Manager
Dawn Berry, Purchasing Agent
Mark Divita, Airport Manager
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on July 8, 2013.

Invocation:

Pastor John Richardson with Zion Chapel gave the invocation.

Pledge of Allegiance:

Councilmember Strain-Burk led the pledge of allegiance.

Proclamation:

Mayor Knight read a proclamation proclaiming July 14 - 20, 2013 as Samia Nkrumah African Unity Celebration Week in the City of Lancaster acknowledging African immigrants and African Americans meeting for public discussions on areas of mutual interest and benefit. Dr. Kwame Nkrumah, the Honorable Samia Kkrumah and other members of the delegation accepted the proclamation thanking Mayor Knight and Deputy Mayor Pro Tem Morris.

Presentation:

LTC Purgerson was unable to attend the meeting.

Citizens Comments:

Debra Johnson, 1237 Roan Drive, stated that she had called to make sure her water payment had posted and waited an hour and five minutes to talk with someone; stated that would be a person's whole lunch hour; asked Council to please address the situation.

Consent Agenda:

City Secretary Downe read the consent agenda.

- C1. Consider approval of minutes from the City Council Special Meeting held May 28 & 29, 2013 and City Council Regular Meeting held June 24, 2013.**
- C2. Consider a resolution authorizing the award of Bid 2013-82, an annual contract, to Johnson Controls for maintenance and repair of City Heating and Air Conditioning units for an amount not to exceed \$71,311.04.**
- C3. Consider a resolution awarding the bid to Postal Pros, Inc. for printing, distribution, and online payment acceptance of utility bills for an amount not to exceed \$88,000.**
- C4. Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial lease from building 660 at the Lancaster Regional Airport.**
- C5. Consider a resolution authorizing Dallas County to resell 3712 Waters Street, a tax foreclosed property, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.**

Mayor Knight pulled consent item C3.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve consent items C1, C2, C4 and C5. The vote was cast 7 for, 0 against.

Mayor Knight asked City Manager Mauldin Robertson to comment regarding the upgrade to the utility billing system [item C3]. City Manager Mauldin Robertson indicated that using the interlocal with Duncanville saves the City about \$27,000 for printing/distribution services as well as providing upgrades to the automated payment and online billing and additional notifications prior to due dates. City Manager Mauldin Robertson noted this enhances customer service.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to approve a resolution awarding the bid to Postal Pros, Inc. for printing, distribution, and online payment acceptance of utility bills for an amount not to exceed \$88,000. The vote was cast 7 for, 0 against.

6. Consider a resolution adopting City Council Goals and Objectives contained in the May 2013 City Council Retreat Report.

City Manager Mauldin Robertson stated that this report, compiled by The Novak Consulting Group, outlines the City Council's goals and objectives for fiscal year 2013/14 as discussed and defined during strategic planning.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve a resolution adopting City Council Goals and Objectives contained in the May 2013 City Council Retreat Report. The vote was cast 7 for, 0 against.

7. Discuss and consider an ordinance amending Chapter 8 of the Lancaster Code of Ordinances, by adopting Article 8.17, Sections 8.17.001 through 8.17.045, "Hotel/Motel Property Regulations"; providing for Definitions; providing the Powers and Duties of the Building Official as the Designated Administrator; providing for minimum standards and for the responsibilities of the Property Owner/Manager; providing Guest Responsibilities; providing for Repair Duties; providing Notice Requirements; providing Affirmative Defenses; providing for a Rental Agreement, Disclosures and Administrative Responsibilities; providing requirements for Trade Name Registration; providing for Application, Place of Business, Issuance, Renewal and Expiration of License; providing for the establishment of a Hotel/Motel License Fee; providing for Display, Replacement and Transferability; and providing a penalty of fine not to exceed five hundred dollars (\$500.00).

Building Official King made a presentation outlining the hotel/motel property program which requires each hotel/motel property owner to register their complex annually and receive semi-annual inspections to ensure minimum standards are being met. Building Official King noted there are four hotel/motel complexes consisting of a total of 238 rental units.

Councilmember Mejia asked about furniture inspections. Building Official King commented that such inspection is primarily for maintenance purposes, such as the beds.

Councilmember Jaglowski asked about staff making the inspection. Building Official King noted that the inspection task force is comprised of the Fire Department and the Building Inspection Division.

Councilmember Strain-Burk asked about potential for improvements in the properties. Building Official King stated that the program can help improve the quality of a facility.

Deputy Mayor Pro Tem Morris stated she liked the idea and would like to see pictures from 2012. Building Official King stated there are no pictures from 2012.

Councilmember Jaglowski clarified that it takes about an hour to an hour and fifteen minutes for inspection.

Councilmember Mejia commented that the City should not be overzealous with the program and suggested possible abatement from the fee, but not from the inspection, for new hotels.

City Manager Mauldin Robertson indicated that it would be possible for the ordinance to provide for a new establishment not to pay the fee for a period of time.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk, to approve an ordinance amending Chapter 8 of the Lancaster Code of Ordinances, by adopting Article 8.17, Sections 8.17.001 through 8.17.045, "Hotel/Motel Property Regulations with a provision added that new hotels/motels would not be charged the fee for a period of five years, but would be subject to the inspections. The vote was cast 7 for, 0 against.

8. Discuss and consider a resolution amending the Master Fee Schedule, Article 3.000 Building Related Fees to provide an annual inspection fee for hotel/motel property rental units.

City Manager Mauldin Robertson stated that the proposed resolution establishes the fee at \$60 per rental unit.

Councilmember Mejia commented that the fee is too high and owners need to be able to absorb the fee into their budget. Councilmembers discussed various fees.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk, to approve a resolution amending the Master Fee Schedule, Article 3.000 Building Related Fees to provide an annual inspection fee for hotel/motel property rental units of \$50 per unit. The vote was cast 7 for, 0 against.

9. Discuss and consider designation of the City's voting representative to the North Central Texas Council of Governments.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Jaglowski, to designate Mayor Knight as the City's voting representative to the North Central Texas Council of Governments. The vote was cast 7 for, 0 against.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Jaglowski, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 8:11 p.m.

ATTEST:

APPROVED:

Dolle K. Downe, City Secretary

Marcus E. Knight, Mayor

LANCASTER CITY COUNCIL

Agenda Communication

July 22, 2013

Item 2

Consider a resolution adopting the Lancaster City Council Rules and Procedures as amended.

This request supports the City Council 2012-2013 Policy Agenda.

City Charter Requirement

Background

Section 3.14 of the City's Home Rule Charter requires the Council to determine its own rules of order and business ninety (90) days following the municipal elections. The City Council Rules and Procedures provide the framework in which the Council conducts its business.

Considerations

On May 28, 2013 during the strategic planning session, Council reviewed and discussed the City Council Rules and Procedures with City Attorney Bob Hager. At the July 15, 2013 work session, Council further reviewed the rules and procedures with the City Attorney, clarifying some language. A complete redlined copy is attached. Below is a summary of proposed revisions.

SECTION I

MAYOR - CITY COUNCIL RELATIONS

A. MAYORAL RESPONSIBILITIES

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3. The Mayor is the spokesperson for **and on behalf of** the Council on all matters unless absent, at which time a designee will assume the role.
4. The Mayor shall preserve order and decorum and is responsible for keeping the meetings orderly by recognizing each Member for discussion, limiting speaking time, encouraging debate among Members, and keeping discussion on the agenda items being considered **as required by these rules and in accordance with the TOMA.**

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D. CITY COUNCIL AGENDA PROCESS

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2. Parliamentary ~~Considerations~~ Procedures

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6. Any Councilmember may ask the Mayor to enforce the rules established by the Council. Should the Mayor fail to do so, a majority vote of the Council present ~~shall require the Mayor to do so~~ may override the Mayor and call for enforcement of the house rules.

- **Operational** - Amendment of the Council Rules and Procedures is by resolution. Adoption of the resolution incorporates the revisions and reaffirms the Council Rules and Procedures in its entirety, meeting the City Charter requirements for review.
- **Legal** – The City Attorney has reviewed and approved as to form the resolution.
- **Financial** – There is no financial impact in amendment of the Council’s Rules and Procedures.
- **Public Information** – There are no public information requirements.

Options/Alternatives

1. Council may adopt the resolution and amend the rules and procedures as presented.
2. Council may adopt the resolution with modifications to the rules and procedures.

Recommendation

Staff recommends adoption of the rules and procedures as discussed and in accordance with the City’s Home Rule Charter.

Attachments

- Resolution
- Redlined City Council Rules and Procedures

Submitted by:
Dolle K. Downe, City Secretary

RESOLUTION NO. 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, ADOPTING THE LANCASTER CITY COUNCIL RULES AND PROCEDURES, AS AMENDED, AS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES AS EXHIBIT "A"; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.14 of the City of Lancaster Home Rule Charter requires the City Council to review and determine its own rules of order and business not later than ninety (90) days following the municipal elections; and

WHEREAS, the City Council has reviewed and discussed the City Council Rules and Procedures at a strategic planning meeting held May 28, 2013 and at a work session on July 15, 2013; and

WHEREAS, after discussion and consideration, the City Council has determined that certain revisions to the Rules and Procedures are appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

Section 1. That the City Council Rules and Procedures, as amended, attached hereto and incorporated herein by reference as Exhibit "A", having been reviewed by the City Council of the City of Lancaster, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved and adopted.

Section 2. That any prior resolutions of the City of Lancaster, Texas, in conflict with the provisions of this resolution, except as noted herein, be, and the same are hereby, repealed and revoked.

Section 3. That this resolution shall take effect immediately from and after its adoption and it is accordingly so resolved.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 22nd day of July 2013.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

City of Lancaster
City Council
Rules and Procedures



As Amended
July 9, 2012 July 22, 2013

Last CC Review: ~~June 22, 2012~~ July 15, 2013

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STATEMENT OF MISSION

The City Council shall faithfully discharge all duties imposed upon it by the City Charter and the Constitution and laws of the State of Texas, independently and impartially deciding all matters brought before it with responsibility to the citizens and each other.

COUNCIL DUTIES AND RESPONSIBILITIES

The City Council is the governing body for the City of Lancaster and must bear responsibility for the integrity of governance. This policy intends to ensure effective and efficient governance.

The Council shall govern the City with a commitment to preserving the values and integrity of representative local government and democracy. The following statements will serve as a guide to that commitment:

1. The Council must strive for continual improvement of each member's personal knowledge and ability to serve in an atmosphere conducive to the responsible exchange of ideas.
2. The Council will keep the community informed on municipal affairs; encourage communication between the citizens and Council and strive for constructive relationships with Dallas County, neighboring communities, Lancaster Independent School District and other governmental bodies.
3. The Council will recognize and address the rights and privileges of the social, cultural, and physical characteristics of the community when setting policy.
4. The Council will seek to improve the quality and image of public service.
5. The Council will commit to improving the quality of life for the individual and the community by being dedicated to the faithful stewardship of the public trust.

SECTION I

MAYOR - CITY COUNCIL RELATIONS

A. MAYORAL RESPONSIBILITIES

1. The Mayor shall be the presiding officer at all meetings. The Mayor Pro Tem shall preside in the absence of the Mayor. The Deputy Mayor Pro Tem shall preside in the absence of both the Mayor and Mayor Pro Tem.
2. The Mayor shall have a voice and vote in all matters before the Council.

3. The Mayor is the spokesperson for **and on behalf** of the Council on all matters unless absent, at which time a designee will assume the role.
4. The Mayor shall preserve order and decorum and is responsible for keeping the meetings orderly by recognizing each Member for discussion, limiting speaking time, encouraging debate among Members, and keeping discussion on the agenda items being considered **as required by these rules and in accordance with the TOMA.**
5. Should a conflict arise among Councilmembers, the Mayor serves as mediator and arbiter.

B. COUNCILMEMBER RESPONSIBILITIES

1. Councilmembers shall know and observe the adopted rules and procedures governing their duties and responsibilities.
2. Councilmembers shall be prepared to discuss and act upon the posted agenda.
3. Councilmembers shall take the initiative to be informed about Council actions taken in their absence. When absent the individual Councilmember is responsible for obtaining relevant information prior to the Council meeting when said item is to be considered.
4. Councilmembers appointed to serve as liaison to a board, commission, or study group are responsible for keeping all Councilmembers informed of significant board, commission, or study group activities.

C. HOUSE RULES: CODE OF CONDUCT

1. Listen and understand before judging.
2. Focus on the Vision and goals;
no personal attacks or inferences.
3. Look for areas of agreement before differences.
4. Be on time; start on time; turn off all communication devices.

5. Once a decision is made,
support the City decision, but state your reservation.
6. Agree to disagree;
move on to the next issue.
7. Come prepared to discuss issues;
When possible ask questions of staff prior to the
meeting so that staff can be prepared.
8. Praise in public;
provide constructive feedback in private.
9. Participate in discussions and focus on the issue;
avoid side conversations. Need to be mindful that sidebar
conversations are disruptive.
10. Be courteous, honest and treat others with respect.
11. Communicate in an open, direct manner;
keep others informed.
12. If you have a problem with another member of Council, go to
that member directly and not to other council members, the
community or staff.
13. Be a positive ambassador for the City.

D. CITY COUNCIL AGENDA PROCESS

1. Agenda Items
 - a. The City Manager shall be responsible for the placement of agenda items.
 - b. Any member of the City Council shall have the unabridged right to place an item on the agenda of a duly convened meeting of the council and nothing contained in the Charter or these Rules and Procedures shall be construed to limit or circumscribe such right.
 - c. A Councilmember may place an item on the agenda by presenting same, in writing or verbally, to the City Manager not later than noon on the Friday one week before the Council meeting. The City Manager may discuss with the requesting Councilmember delay of the agenda

item one meeting due to time considerations. However, the Councilmember may choose to direct the City Manager to place the agenda item on the upcoming Council meeting without a one meeting delay. Such direction shall be noted in the agenda communication regarding the agenda item.

2. ~~Parliamentary Considerations~~ **Procedures**
 - a. Discussion on agenda items will be initiated following introduction by the Mayor, explanatory comments by staff, and a motion and a second for or against the proposal.
 - b. The Mayor will encourage all Councilmembers to participate in discussion and debate, ensuring all members the opportunity to speak, limiting each speaker to ensure efficient use of time as appropriate.
 - c. Generally accepted Parliamentary Procedure will determine the precedence of motions and the general conduct and composition of meetings except as otherwise provided herein or by State law.

3. **Citizens Comments**
 - a. When Citizens' Comments are listed on the posted agenda, the Mayor may enforce the three (3) minute rule. The Mayor, at his/her discretion, may adjust the length of time per speaker. All speakers shall be accorded the courtesy of the same time allowance. All citizens requesting to speak during Citizens' Comments must fill out a speaker card prior to the call to order of the meeting. *(Approved by motion at City Council meeting June 7, 1999)*
 - b. When Public Hearings are listed on the posted agenda, citizens wishing to speak during the Public Hearing will be asked to fill out a speaker card prior to the call to order of the meeting.
 - c. Public comment shall not be accepted during a Council work session. A councilmember may request that the Mayor recognize a person to

Speak during a work session if the councilmember believes the person has pertinent, factual information that is directly relevant to the Council's discussion. The Mayor, at his/her discretion, may ask the person to speak.

4. Minutes

- a. The City Secretary will keep Action Minutes for all City Council meetings where Council takes official action and description minutes for all citizens' comments and Public Hearings.
- b. The City Secretary shall maintain recordings of City Council meetings in accordance with the City's adopted Records Management Program ordinance and applicable state law.
- c. Any questions regarding minutes shall be directed to the City Secretary prior to the council meeting.

5. Any Councilmember may appeal to the Council as a whole from a ruling by the Mayor. If the appeal is seconded, the person making the appeal may make a brief statement and the Mayor may explain the Mayor's position, but no other Member may speak on the motion. The Mayor will then put the ruling to a vote of the Council.

6. Any Councilmember may ask the Mayor to enforce the rules established by the Council. Should the Mayor fail to do so, a majority vote of the Council present ~~shall require the Mayor to do so~~ **may override the Mayor and call for enforcement of the house rules.**

E. COUNCIL MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT

1. Council members are encouraged to attend at least one training event per year, and others as found beneficial to performance of their elective duties, subject to the availability of funds as appropriated in the annual budget for the Mayor and each council district.

2. Council shall appropriate an amount for Mayor and each council district. Travel and training funds appropriated for the Mayor and each council district shall not be available for transfer to another council district or the Mayor.
3. Selection of professional development events are at the discretion of each council member, but are limited to expenditures within the amount appropriated for mayor and each council district. Unexpended funds for each elective position are non-transferable and shall be returned to fund balance at the end of each fiscal year.
4. Council members are encouraged to select training events from the following providers:
 - Texas Municipal League
 - North Central Texas Council of Government
5. Additional expenditures from miscellaneous professional development funds, subject to annual appropriation, for the Mayor and/or a council member chosen to represent the council, may be made for special events as the need may arise. Such additional expenditures may be made only after having been placed on the agenda of a regular council meeting and acted upon by motion, second, and favorable majority vote. *(Resolution 46-99)*

SECTION II

COUNCIL - STAFF RELATIONS

The City Manager is the primary link between the Council and the professional staff. The Council's relationship with the staff shall be through the City Manager, subject only to the "inquiry" provision of the City Charter.

- A. AGENDA QUESTIONS.** Questions arising from Councilmembers after receiving their agenda information packet should be presented to the City Manager for staff consideration prior to the Council meeting. The additional information will be distributed to all Councilmembers.
- B. PRESENTATIONS TO COUNCIL.** The City Manager shall designate appropriate staff to address each agenda item and shall see that it is adequately prepared and presented to the Council. Presentation should be professional, timely, and allow for discussion of options for resolving the issue. Staff shall make it clear that no Council action is required, present the staff recommendation, or present the specific options for Council consideration.
- C. PROBLEM RESOLUTION.** If the City Manager or staff time is being dominated or misdirected by a Councilmember or in any conflict arising between staff and Council, the City Manager shall:
1. Visit with the Councilmember and discuss the problem and/or impact on City Manager or staff time;
 2. If unresolved, ask the Mayor to arbitrate a resolution to the issue;
 3. If still unresolved, ask the Mayor to present the concerns to the Council.
 4. If the unresolved issue is with the Mayor, ask the Mayor Pro Tem to arbitrate a resolution to the issue.
 5. If still unresolved issue involves the Mayor, ask the Mayor Pro Tem to present the concerns to the Council.
- D. STAFF CONDUCT AND TRAINING**
1. The City Manager is responsible for the professional and ethical behavior of the City Staff. All staff members shall show each other, Council, and the public respect and courtesy at all times.

2. The City Manager is responsible, within the constraints of the appropriated budget, for staff development.
- 3.

E. COUNCIL ORIENTATION. The City Manager will, in a timely manner, provide appropriate orientation services for new Councilmembers. Such services shall include, but not be limited to, the following:

1. Availability of Texas Municipal League conferences and seminars.
2. An individual meeting with new Members informing them about City facilities and procedures.
3. Printed documents and resource materials necessary to the performance of the office of Councilmember.

F. COUNCIL - MANAGER/STAFF RELATIONS

1. The rules and procedures governing Council right of inquiry shall apply only to the administrative staff reporting directly to the City Manager and shall not be in any way construed to limit the right of Council to direct access, verbal or written, with the City Manager, City Secretary, and City Attorney, unless otherwise specifically provided herein.
2. Inquiries: All administrative inquiries of staff may be made in writing and addressed to the person with a copy to the City Manager. Staff may respond in writing as soon as possible, but not later than five (5) business days, via the City Manager, as follows:
 - a. The full response to the inquiry.
 - b. Refer the inquiry to a more appropriate staff personnel with notice to the City Manager of the referral.
 - c. City Manager shall send a copy of all responses to all members of the Council.

3. Dispute Resolution
 - a. Visit with the Mayor and/or Councilmembers, and discuss abuse and/or impact on City Manager or staff time.
 - b. If unresolved, ask the Mayor to mediate a resolution to the issue; if the dispute is with the Mayor, the Mayor Pro-Tem shall mediate;
 - c. If still unresolved, the Council shall mediate a final resolution. (*Resolution 43-98, October 12, 1998*)

4. Communications with Staff
 - a. In order to make the most efficient use of council members and staff time and to facilitate responsiveness to both staff and constituents, Council members may, upon request and funding availability, be issued a cellular telephone and tablet with service plans.

5. Disclosure of Police or Code Offense Reports and Related Records
 - a. To protect the integrity of an investigation and prosecution of an offense, no Information regarding police or code enforcement matters, other than what may be made to the public or media generally, will be released verbally or in written form to any council member.
 - b. A Council member request for open records may be made through the City Secretary's office for personal subject matters. A council member may not use an Open Records Request to circumvent a copy of requested city documents being shared with other council members.

SECTION III
MEDIA RELATIONS

It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with print, radio, and television reports without infringing upon the First Amendment rights of the media.

The Council and the City Manager recognize the important link to the public provided by the media. It is the Council's desire to strengthen this link by establishing a professional working relationship to maintain a well-informed citizenry.

- A. Media Orientation. Since each government body conducts business differently, it is requested that all reporters new to City Council meetings meet with the City Manager, Mayor or the designated media relations representative prior to covering their first meeting for information on policies and procedures.
- B. Agenda Information. All reporters requesting same will receive an agenda package in advance and will be furnished support material needed for clarification for themselves or the general public.
- C. Chamber Seating. During the conduct of official business, the news media shall occupy the places designated for them or the general public.
- D. Conduct in Chambers. Representatives of the media are requested to refrain from conversing privately with others in the audience while Council is in session. Interviews with the public should be conducted outside the Council Chambers while Council is in session.
- E. Spokesperson for Staff. On administrative matters, the City Manager or his/her designee is the spokesperson to present staff information on the agenda.
- F. Spokesperson for City. The Mayor, or the Mayor's designee, is the primary spokesperson for the official position of the City on matters regarding policy decisions and Council information pertaining to issues on the agenda. Any clarifications requested by the media on the issues should be addressed after the meeting.

- G. Equal Access for Opposing Positions. The ethical burden for fair presentation of opposing positions on any issue falls upon the media. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. Interviews by the media should provide equitable representation from all Councilmembers.

SECTION IV

BOARDS/COMMISSIONS

All City Councilmembers, with the exception of the Mayor, will serve as Council liaisons to all the boards and commissions of the City *for a period of one year.*

- A. Councilmembers will select different boards and/or commissions to serve as liaisons after or around the completion of the boards and commissions appointments in July.
- B. Each Councilmember will be allowed to select the board or commission they would like to serve as liaisons to by order of seniority.
- C. Councilmembers are strongly encouraged, rather than required, to attend all meetings of their selected boards and/or commissions.
- D. Each Councilmember may submit a quarterly report to the entire council through the City Secretary on their respective board and/or commission's activity.

This Section was added after Res. No. 50-97 was adopted October 13, 1997. Item D was added after Res. 2007-09-105 was adopted on September 24, 2007.

CODE OF ETHICS

Since the office of elected official is one of trust and service to the citizens of Lancaster, certain ethical principles shall govern the conduct of Councilmembers, who shall:

- A. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships;
- B. Recognize that the primary function of local government is to serve the best interests of all the people;
- C. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- D. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Council;
- E. Not seek nor accept gifts or special favors and shall believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
- F. Recognize that public and political policy decisions are ultimately the responsibility of the City Council;
- G. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Lancaster in compliance with the City Charter and Texas Open Meetings Act;
- H. Avoid inappropriate reference to personalities, and refrain from impugning the integrity or motives of another;
- I. Demonstrate respect and courtesy to others;
- J. Refrain from rude and derogatory remarks and shall not belittle staff members, other Councilmembers and members of the public;
- K. Not condone any unethical or illegal activity.

CENSURE POLICY

1. Two or more City Councilmembers may file a written notice of censure against another City Councilmember with the City Secretary. The written notice shall set forth the allegation(s) of conduct and City Charter provisions which the accused Councilmember shall have allegedly violated. A copy shall be delivered to all Councilmembers. A written response to the allegation(s) may be filed by the accused Councilmember ten (10) days after receipt thereof. A copy of the notice of censure and response thereto shall be delivered to each Councilmember within two (2) days after the response is filed.

2. On the first regularly called meeting of the Council, which complies with the Texas Open Meetings Act, after the filing of the notice and response, the City Secretary shall formally read the notice and response into the public record. The Council, by majority vote, shall thereafter determine whether or not good cause shall exist to set a formal hearing on the merits of the notice of censure or dismiss the allegation(s). A public hearing shall be set on the allegation(s) by the City Council. A vote to hold a public hearing shall not be construed to be a vote of censure.

3. The accused City Councilmember has the right to be represented by legal counsel and present witnesses relative to the allegation(s).

4. A public hearing on the allegation(s) and response shall be held at either a regular or special called meeting of the City Council, which shall be open to the public.

CENSURE POLICY

(continued)

5. The City Council will hear evidence concerning the notice of censure. The City Councilmembers proffering the charges shall present evidence in support of the allegation(s) contained in the notice of censure. The Councilmember who is the subject of the censure shall have the opportunity to present evidence to support his or her position with respect to the notice of censure. After receiving evidence at an open public meeting, the City Council shall then take a roll-call vote, after motion duly made and seconded, a majority of five members of the City Council shall be required to sustain the censure of the Councilmember.

LANCASTER CITY COUNCIL

Agenda Communication

July 22, 2013

Item 3

Consider an ordinance amending the Code of Ordinances by amending Chapter 2, “Administration and Personnel”, Article 2.02 “Code Of Ethics” by repealing Sections 2.02.006 “Employment with public utility corporation”, 2.02.007 “Restrictions on contracting with city or providing representation of others”, 2.02.008 “Forfeiture of employment when employee becomes candidate for office” and renumbering Section 2.02.009 as Section 2.02.006.

This request supports the City Council 2012-2013 Policy Agenda.

City Charter Requirement

Background

At the May 28, 2013 strategic planning session, Council recognized the need to review the current Code of Ethics ordinance and directed staff to place it on a future work session. At the July 15, 2013 work session, Council reviewed and discussed the ethics ordinance. City Attorney Hager noted that since the ordinance’s original adoption in 2002, various state statutes have been enacted which govern subjects regarding employment with utility corporations, contracting with the city, and forfeiture of employment upon become a candidate for office. Three sections outlined in the current ordinance conflict with certain state law. In addition, there is an outdated reference to an article in the City’s Charter.

A redline of the current ordinance showing Sections 2.02.006, 2.02.007 and 2.02.008 as struck and the updated Charter reference in the renumbered section is attached. Remaining provisions of the ethics ordinance remain in full force and effect.

Considerations

- **Operational** – Updating the ethics ordinance helps avoid conflict with state law and/or confusion between its applicability and state law.
- **Legal** – The City Attorney has prepared the ordinance.
- **Financial** – There is no financial impact in updating this ordinance.
- **Public Information** – There are no public information requirements.

Options/Alternatives

1. Council may adopt the ordinance as presented.
2. Council may adopt the ordinance with changes.

Recommendation

Staff recommends adoption of the ethics ordinance as presented.

Attachments

- Ordinance
 - Redlined existing ethics ordinance
-

Submitted by:

Dolle K. Downe, City Secretary

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, “ADMINISTRATION AND PERSONNEL”, ARTICLE 2.02 “CODE OF ETHICS”, BY REPEALING SECTIONS 2.02.006 “EMPLOYMENT WITH PUBLIC UTILITY CORPORATION”, 2.02.007 “RESTRICTIONS ON CONTRACTING WITH CITY OR PROVIDING REPRESENTATION OF OTHERS”, 2.02.008 “FORFEITURE OF EMPLOYMENT WHEN EMPLOYEE BECOMES CANDIDATE FOR OFFICE”, AND RENUMBERING SECTION 2.02.009 AS SECTION 2.02.006; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has during its strategic planning reviewed the Code of Ethics which govern the ethical considerations by council, board member and employees; and,

WHEREAS, since the time of its original adoption in 2002, various state statutes have now been enacted which govern subjects regarding employment with utility corporations, contracting with the City, forfeiture of employment upon becoming a candidate for office are now governed by state law and certain state law would otherwise conflict with such ordinances; and,

WHEREAS, the City Council in order to avoid any conflict with state law or confusion between the applicability and state law and find that it is in the best interest to follow the state law and to amend the code of ordinances to reflect the changes by repealing certain sections and renumbering other sections of said Article.

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

SECTION 1. That the City Council hereby repeals the following sections in its entirety of Chapter 2, Article 2.02, Section 2.02.006 “Employment with public utility corporation”, Section 2.02.007 “Restrictions on contracting with city or providing representation of others, and Section 2.02.008 “Forfeiture of employment when employee becomes candidate for office”.

SECTION 2. As a result of the repeal of the sections as outlined in Section 1 of this ordinance, Chapter 2, Article 2.02 Code of Ethics is hereby amended by amending 2.02.009 “Enforcement; disciplinary actions; appeals” to renumber the Section as 2.02.006 to read as follows:

“ARTICLE 2.02 CODE OF ETHICS

Sec. 2.02.001 Definitions

.....

Sec. 2.02.006 Enforcement; Disciplinary actions; appeals

(a). The failure of any officer or employee to comply with this article, or the violation of one or more of the standards of conduct set forth in this article which apply to him/her, shall constitute grounds for expulsion, reprimand, removal from office or discharge. In the case of an employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the city charter and personnel rules and regulations. Where no specific appeal procedure is otherwise prescribed, the appeal shall be to the city council. In the case of a city councilmember, the matter shall be decided by a vote of two-thirds (2/3) of the entire membership of the city council in accordance with the city charter, Article III, Section 3.14, as established by council in its City Council Rules and Procedures. In the case of members of boards or commissions, the matters shall be decided by the city council. The decision of these bodies shall be final in the absence of bias, prejudice or fraud.

(b). If the city council determines that a person has violated this section, the city council may direct the city attorney to initiate whatever administrative or legal action is necessary to seek enforcement of its provisions.”

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other

provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinance of the City of Lancaster, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the 22nd day of July 2013

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/mpm)

ARTICLE 2.02 CODE OF ETHICS^t

Sec. 2.02.001 Definitions

Benefit. Anything reasonably regarded as economic gain or economic advantage, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution or expenditure made and reported in accordance with law.

Board. A board, commission or committee:

- (1) Which is established by city ordinance, charter, interlocal contract or state law; or
- (2) Which serves as the board of a nonprofit development corporation that acts as an instrumentality of the city; and
- (3) Any part of whose membership is appointed by the city council;

but does not include a board, commission or committee which is the governing body of a separate political subdivision of the state.

Employee. A person employed and paid a salary by the city, whether under civil service or not, including those individuals on a part-time basis, but does not include an independent contractor or city council member.

*Charter references—Form of government, sec. 1.01; powers of city, art. II; limitation of authority of council in dealing with city officers and employees, sec. 3.08; bond of municipal officers and employees, sec. 3.18; city manager, art. IV; other officers, art. V; nepotism, sec. 9.03.

State law reference—Authority of city to appoint, remove and prescribe duties for officers, V.T.C.A., Local Government Code, sec. 26.041.

t Charter references—Conflict of interest of councilmembers, sec. 112; nepotism, sec. 9.03.

State law references—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; public disclosure, V.T.C.A., Government Code, ch. 553.

Negotiating concerning prospective employment. A discussion between a city officer or employee and another employer concerning the possibility of the city officer or employee considering or accepting employment with the employer in which discussion the city officer or employee responds in a positive way.

Officer. A member of the city council and any member of a board who is appointed by the city council. For purposes of the city charter [this article], officer does not include a member of a board:

- (1) That functions only in an advisory or study capacity and which does not have the power to make findings as to the rights of specific parties; or
- (2) Of a nonprofit development corporation that acts as an instrumentality of the

city. (2002 Code, sec. 9,101)

Sec. 2.02.002 Policy

(a) It is hereby declared to be the policy of the city that the proper operation of democratic government requires that:

- (1) Public officials and employees be independent, impartial and responsible only to the people of the city;
- (2) Governmental decisions and policy be made using the proper procedures of the governmental structure;
- (3) No officer or employee have any financial interest, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest;
- (4) Public office not be used for personal gain; and
- (5) The city council at all times be maintained as a nonpartisan body.

(b) To implement this policy, the city council has determined that it is advisable to enact this code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

(c) Notwithstanding any other provision of this article, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

- (1) Own property within that reinvestment zone; and
- (2) Participate in discussions and voting on matters before the board of directors that may directly or indirectly affect the member's property within the reinvestment zone.

(2002 Code, sec. 9.102)

Sec. 2.02.003 Standards of conduct

(a) An officer or employee of the city shall not:

- (1) Accept or solicit a benefit that might reasonably tend to influence the officer or employee in the discharge of his official duties.
- (2) Use his official position to secure special privileges or exemptions for himself or others.
- (3) Grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the granting of fringe benefits to city employees as part of their contract of employment or as an added incentive to the securing or retaining of employees.
- (4) Disclose information that could adversely affect the property or affairs of the city, or directly or indirectly use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
- (5) Transact any business on behalf of the city in his official capacity with any business entity with which he is an officer, agent or member or in which he has a financial interest. In the event that such a circumstance should arise, then he shall make known his interest and:
 - (A) In the case of an officer, leave the room during debate or hearing, refrain from discussing the matter at any time with the members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or
 - (B) In the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.
- (6) Personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation or determination from the body or department of which the officer or employee is a member. This restriction does not apply to outside employment of an officer if the employment is the officer's primary source of income.
- (7) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the city or which might impair his independent judgment in the performance of his public duty.
- (8) Personally participate in a decision, approval, disapproval, recommendation, investigation or rendering of advice in a proceeding, application, request for ruling or determination, contract, claim or other matter under the jurisdiction of the city, if the officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by the city manager that a conflict of interest exists. If an officer or employee begins negotiation or enters

an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter in which the officer or employee has been participating, the officer or employee shall:

- (A) In the case of an employee, immediately notify the official responsible for appointment to his position of the nature of the negotiation or arrangement and, if the city manager determines that a conflict of interest exists, follow the instructions of the city manager with regard to further involvement in the matter; or
 - (B) In the case of a board member, immediately notify the board of which he is a member of the nature of the negotiation or arrangement and:
 - (i) Refrain from discussing the matter at any time with other board members or members of the city council if the city council will also consider the matter;
 - (ii) Leave the room during debate or hearing on the matter; and
 - (iii) Abstain from voting on the matter; or
 - (C) In the case of a member of the city council, file an affidavit with the city secretary describing the nature of the negotiation or arrangement and:
 - (i) Refrain from discussing the matter at any time with other councilmembers or members of a board that will consider the matter;
 - (ii) Leave the room during debate or hearing on the matter; and
 - (iii) Abstain from voting on the matter.
- (9) Receive any fee or compensation for his services as an officer or employee of the city from any source other than the city, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a public or private organization that he performs for the city if there is no conflict with his city duties and responsibilities.
- (10) (A) In the case of a member of the city council or an employee, personally represent or appear on behalf of the private interests of others:
 - (i) Before the city council or any city board or department;
 - (ii) In any proceeding involving the city; or
 - (iii) In any litigation to which the city is a party.
- (B) In the case of a board member, personally represent or appear on behalf of the private interests of others:
 - (i) Before the board of which he is a member;

- (ii) Before the city council;
 - (iii) Before a board which has appellate jurisdiction over the board of which he is a member; or
 - (iv) In litigation or a claim to which the city or an employee of the city is a party if the interests of the person being represented are adverse to the city or an employee of the city and the subject of the litigation or claim involves the board on which the board member is serving or the department providing support services to the board.
- (11) Use the prestige of his position with the city on behalf of a political party.
 - (12) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official city programs.
 - (13) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business.
 - (14) Engage in any dishonest or criminal act or other conduct prejudicial to the government of the city or that reflects discredit upon the government of the city.
- (b) The restrictions in this section do not apply to business associates of officers or employees, but only personally to the officers and employees themselves.
- (c) The restrictions and requirements of subsection (a)(5) above do not apply to an officer or employee of the city serving as a member of any board, commission or other entity when transacting business on behalf of the city in an official capacity with that board, commission or entity, if the officer or employee:
- (1) Was appointed by the mayor, city council or city manager to represent the city on the board, commission or entity; and
 - (2) Has no financial interest in the board, commission or entity or in the business being transacted.

(2002 Code, sec. 9.103)

Sec. 2.02.004 Financial interests

Any officer, whether elected or appointed, who has a financial interest in any matter that is pending before or that might be considered by the body of which the officer is a member shall:

- (1) Disclose such interest to the other members of the body;
- (2) Refrain from discussing the matter at any time with any other member of the body of which the officer is a member or with a member of any other body that might consider the matter;
- (3) Leave the room during debate or hearing; and

- (4) Refrain from voting on the matter.

(2002 Code, sec. 9.104)

Sec. 2.02.005 Political activities of officers

(a) In any election, a member of the city council may not:

- (1) Use the prestige of the member's position with the city on behalf of a candidate;
- (2) Solicit or receive contributions; or
- (3) Serve as the designated campaign treasurer for a candidate as required by chapter 252, Texas Election Code.

(2002 Code, sec. 9.105; Ordinance adopting Code)

(b) In any election, a member of a city board, commission or committee, whether governmental or advisory, may not;

- (1) Use the prestige of the member's position with the city on behalf of a candidate;
- (2) Serve as the designated campaign treasurer for a candidate as required by chapter 252, Texas Election Code; or
- (3) Personally solicit or receive contributions for a candidate. A member, however, is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.

(c) Subsections (a)(1) and (b)(1) do not prohibit a member of the city council or of a board from lending the member's name in support of a candidate so long as the office held with the city is not mentioned in connection with the endorsement.

(2002 Code, sec. 9.105)

~~Sec. 2.02.006 — Employment with public utility corporation~~

~~An employee of the city may accept employment from a public utility corporation enjoying the grant of a franchise, privilege or easement from the city if:~~

- ~~(1) The employee is to perform the duties of a security guard for the public utility corporation;~~
- ~~(2) The employment is approved by the employee's department head;~~
- ~~(3) The employment does not conflict with his duties as an employee of the city.~~

~~(2002 Code, sec. 9.106)~~

Sec. 2.02.007 — Restrictions on contracting with city or providing representation of others

~~(a) An officer or employee in a position that involves significant reporting, decision making, advisory, or supervisory responsibility who leaves the service or employment of the city may not, within twelve (12) months after leaving that service or employment, represent any other person or organization in any formal or informal appearance:~~

- ~~(1) Before the city concerning a project for which the person had responsibility as a city officer or employee; or~~
- ~~(2) Before any other agency on a project for which the person had responsibility as an officer or employee.~~

~~(b) A former officer or employee who is subject to the requirements of subsection (a) shall, during the twenty four (24) months after leaving the service or employment of the city, disclose the officer's or employee's previous position and responsibilities with the city when representing any other person or organization in any formal or informal appearance before a city agency.~~

~~(c) A member of the city council or an employee may not, within twelve (12) months after leaving the service or employment of the city, either individually or as the officer or principal of a private business entity:~~

- ~~(1) Submit a proposal, on behalf of the member or employee or on behalf of a private business entity, to make any city contract that is not required by state law to be competitively bid;~~
- ~~(2) Negotiate or enter into any city contract that is not required by state law to be competitively bid; or~~
- ~~(3) Have or acquire any financial interest, direct or indirect, in any city contract that is not required by state law to be competitively bid.~~

~~(2002 Code, sec. 9.107)~~

Sec. 2.02.008 — Forfeiture of employment when employee becomes candidate for office

~~An employee of the city immediately forfeits employment with the city if:~~

- ~~(1) The employee becomes a candidate for election to the city council;~~
- ~~(2) The employee becomes a candidate for nomination or election in a partisan election for public office within Dallas County or in a partisan election for a public office, the constituency of which includes all or part of Dallas County;~~
- ~~(3) The employee becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the city; or~~
- ~~(4) A managerial or supervisory exempt city employee becomes a candidate for nomination or election to an elective public office of an entity having contractual relations with the city that involve the employee's department.~~

~~(2002 code, Sec. 9.108)~~

~~Sec. 2.02.009~~ **Sec. 2.02.006 Enforcement; disciplinary actions; appeals**

(a) The failure of any officer or employee to comply with this article, or the violation of one or more of the standards of conduct set forth in this article which apply to him/~~her~~, shall constitute grounds for expulsion, reprimand, removal from office or discharge. In the case of an employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the city charter and personnel rules and regulations. Where no specific appeal procedure is otherwise prescribed, the appeal shall be to the city council. In the case of a city ~~councilman~~ **councilmember**, the matter shall be decided by a vote of two-thirds (2/3) of the entire membership of the city council in accordance with the city charter, ~~article IV, section 14~~ **Article III, Section 3.14, as established by council in its City Council Rules and Procedures**. In the case of members of boards or commissions, the matters shall be decided by the city council. The decision of these bodies shall be final in the absence of bias, prejudice or fraud.

Editor's note. The reference to article IV, section 14 of the charter is obsolete.

(b) If the city council determines that a person has violated this section, the city council may direct the city attorney to initiate administrative or legal action if necessary to seek enforcement of its provisions.

~~(2002 Code, sec. 9.109)~~

LANCASTER CITY COUNCIL

Agenda Communication

July 22, 2013

Item 4

Consider various ordinances adopting the 2012 International Code Council (ICC) Code Series and 2011 National Electrical Code for construction and amending the Lancaster Code of Ordinances as follows:

- A. an ordinance amending chapter 6, article 6.04, division 2, building code, section 6.04.051 to provide for the adoption of the “international building code”, 2012 edition, and section 6.04.052 to provide for the exceptions and amendments thereto;**
- B. an ordinance amending chapter 6, article 6.04, division 3, residential code, section 6.04.101 to provide for the adoption of the “international residential code”, 2012 edition, and section 6.04.102 to provide for the exceptions and amendments thereto;**
- C. an ordinance amending chapter 6, article 6.04, division 4, electrical code, section 6.04.151 to provide for the adoption of the “national electrical code”, 2011 edition, and section 6.04.152 to provide for the exceptions and amendments thereto;**
- D. an ordinance amending chapter 6, article 6.04, division 5, plumbing code, section 6.04.201 to provide for the adoption of the “international plumbing code”, 2012 edition, and section 6.04.202 to provide for the exceptions and amendments thereto;**
- E. an ordinance amending chapter 6, article 6.04, division 6, mechanical code, section 6.04.251 to provide for the adoption of the “international mechanical code”, 2012 edition, and section 6.04.252 to provide for the exceptions and amendments thereto;**
- F. an ordinance amending chapter 6, article 6.04, division 7, property maintenance code, section 6.04.301 to provide for the adoption of the “international property maintenance code”, 2012 edition, and section 6.04.302 to provide for the exceptions and amendments thereto;**
- G. an ordinance amending chapter 6, article 6.04, “technical and construction codes and standards”, division 8, “existing building code,” section 6.04.351 to provide for the adoption of the international existing building code, 2012 edition, and section 6.04.352 to provide for the exceptions and amendments thereto;**
- H. an ordinance amending chapter 6, article 6.04, division 9, fuel gas code, section 6.04.401 to provide for the adoption of the “international fuel gas code”, 2012 edition, and section 6.04.402 to provide for the exceptions and amendments thereto;**

- I. an ordinance amending chapter 6, article 6.04, division 10, energy conservation code, section 6.04.451 to provide for the adoption of the “international energy conservation code”, 2012 edition, and section 6.04.452 to provide for the exceptions and amendments thereto;
- J. an ordinance amending chapter 6, article 6.04, “technical and construction codes and standards,” by adding division 11, “swimming pool and spa code”; by adopting section 6.04.501 to provide for the adoption of the international swimming pool and spa code, 2012 edition, and section 6.04.502 to provide for the exceptions and amendments thereto;
- K. an ordinance amending chapter 10, article 10.04, fire code, section 10.04.001 to provide for the adoption of the “international fire code”, 2012 edition, and section 10.04.002 to provide for the exceptions and amendments thereto.

This request supports the City Council 2013-2014 Policy Agenda.

Goal: Quality Development

Background

At the July 15, 2013 City Council work session, staff presented to City Council the proposed code changes and discussed the adoption of the 2012 International Codes and 2011 National Electrical Code with amendments. The following brief background is on the previous model building codes and how they were codified into one model code known as the International Code.

The International Codes and National Electrical Code are construction codes published by The International Code Council (ICC). The ICC is a model code organization established in 1994 after three previous regional code agencies, Building Officials and Code Administrators International Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International Inc. (SBCCI) merged together to form the International Code Council.

The International Codes have been adopted by the State of Texas as the state code for Texas. The majority of municipalities within Texas and the nation have adopted the International Codes as their minimum construction standards. In an effort to facilitate regional consistency, the North Central Texas Council of Governments (NCTCOG) proposed amendments to most of the 2012 ICC codes. These amendments with some modifications, serve as the basis for the set of codes for the City of Lancaster.

Every three years the ICC prepares a series of new codes for each municipality to consider and adopt as their minimum construction standards. Currently, the 2006 International Codes, 2009 International Energy Conservation Code and the 2005 National Electrical Code are the adopted codes of the City of Lancaster.

The Swimming Pool/Spa Code is a new code developed this past year which is proposed for adoption to place minimum standards on the construction of both public and semi-public swimming pools and spas. This code regulates the design, construction, installation, quality of materials, location and maintenance of the pool or spa.

Considerations

- **Operational** - The adoption of more current construction and fire codes, along with regional amendments, allows the Building Inspections, Code Compliance Divisions as well as the Fire Department to remain aligned with the regional inspection community. The 2012 ICC codes have been adopted by the majority of municipalities within this region and the State. The adoption of the codes will also allow for more regionally consistent construction practices and construction/code compliance.
- **Legal** - The City Attorney has prepared and the approved the ordinances as to form.
- **Financial** - There are no financial implications. The Building Inspections and Code Compliance Divisions have historically implemented these codes, which is already accounted for the current and proposed budget.
- **Public Information** - There are no public information requirements other than the item being considered at a meeting of the City Council noticed in compliance with the Texas Open Meetings Act.

Options/Alternatives

1. City Council may approve the ordinances.
2. City Council may deny the ordinances and direct staff.

Recommendation

Staff recommends approval of the proposed ordinances as submitted.

Attachments

- Ordinances

Submitted by:
Larry King, Building Official

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 2, BUILDING CODE, SECTION 6.04.051 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND SECTION 6.04.052 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 2, Building Code, Section 6.04.051 to provide for the adoption of the International Building Code, 2012 Edition, and Section 6.04.052 to provide for the exceptions and amendments thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 2. Building Code

Sec. 6.04.051. Adoption of Building Code.

There is hereby adopted as the building code for the city for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of building and structures unfit for human occupancy and use and the demolition of such structure in the city the International Building Code, 2012 Edition, published by the International Code Council, Inc., as amended, and the same is hereby incorporated by reference herein the same as if fully copies, subject to the exceptions and amendments described in this article. That one copy of each volume of such code shall be kept at all times in the office of the city secretary, together with the exceptions and amendments.

Sec. 3.102. Exceptions and Amendments

The building code adopted in this article shall be subject to the exceptions and amendments to the International Building Code, 2012 Edition, as follows:

****Section 101.4; change to read as follows:**

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

****Section 101.4.7; add the following:**

101.4.7 Electrical. The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**** Section 103 and 103.1 amend to insert the Department Name**

SECTION 103

LANCASTER PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT

103.1 Creation of enforcement agency. The Lancaster Public Works and Development Services Department is hereby created and the official in charge thereof shall be known as the *building official*.

*****Section 105.2; under sub-title entitled "Building" delete items 1, 2,4,5,6,9, 10 and 11 and re-number as follows:**

Building:

- ~~1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).~~
- ~~2. Fences not over 7 feet (1829 mm) high.~~
- ~~3. 1. (Unchanged)~~
- ~~4. 2. (Unchanged)~~
- ~~5. 3. (Unchanged)~~
- ~~6. 4. (Unchanged)~~

7. 5. (Unchanged)

8. 6. (Unchanged)

9. 7. (Unchanged)

~~10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~

~~11.~~ 8. (Unchanged)

~~12.~~ 9. (Unchanged)

~~13.~~ 10. (Unchanged)

****Section 109; add Section 109.7 to read as follows:**

109.7 Re-inspection Fee. A fee as established by city council resolution may be charged when:

1. The inspection called for is not ready when the inspector arrives;
2. No building address or permit card is clearly posted;
3. City approved plans are not on the job site available to the inspector;
4. The building is locked or work otherwise not available for inspection when called;
5. The job site is red-tagged twice for the same item;
6. The original red tag has been removed from the job site.

76. Failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

****Section 109; add Section 109.8, 109.8.1, 109.8.2 and 109.9 to read as follows:**

109.8 Work without a permit.

109.8.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

109.9 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

109.10 Plan Review Fee. A plan review fee shall be assessed at 65% of the building permit fee. Plan review fees shall be paid for at time of permit application and construction plans are submitted for review.

*****Section 113, Board of Appeal, Delete section in its entirety and replace with new Section, Means of Appeal as attached.***

Board of Appeals

- (a) Any reason directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.
 - (1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.
 - (2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.
 - (3) Chairman. The board shall annually select one of its members to serve as chairman.
 - (4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

(d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

****Section 202; amend definition of Ambulatory Care Facility as follows:**

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

*****Section 202; add definition of Assisting Living Facilities to read as follows**

ASSISTED LIVING FACILITIES. *A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.*

****Section 202; change definition of "Atrium" as follows:**

ATRIUM. An opening connecting ~~two~~ three or more stories... *{Balance remains unchanged}*

****Section 202; amend definition to read as follows:**

HIGH-RISE BUILDING. A building having any floor used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

*****Section 303.1.3; add a sentence to read as follows:**

303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy, except when applying the assembly requirements of Chapter 10 and 11.

*****Section 304.1; add the following to the list of occupancies:**

Fire stations

Police stations with detention facilities for 5 or less

*****Section 307.1; add the following sentence to Exception 4:**

4. Cleaning establishments... *{text unchanged}* ...with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711 or both. See also IFC Chapter 12, Dry Cleaning Plant provisions.

**** Section 310.3.1 Residential R-1 Transient Living Occupancy: Add new section to read as follows:**

Section 310.3.1 Residential R-1 Transient Living Occupancy, No cooking appliances shall be stored or used within rental unit unless an approved fire sprinkler system is installed, approved

and operational.

****Section 403.1, Exception 3; change to read as follows:**

3. Open air portions of buildings ~~Buildings~~ with a Group A-5 occupancy in accordance with

Section 303.6.

****Section 403.3, Exception; delete item 2.**

****Section 404.5; delete Exception.**

****Section 406.3.2; add item 3 to read as follows:**

3. A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).
-

****Section 406.8; add a second paragraph to read as follows:**

This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

****Section 502.3 Delete section in its entirety and add the new following new section.**

****Section 506.2.2; add a sentence to read as follows:**

506.2.2 Open Space Limits. Such open space shall be either on the same lot or dedicated for public use and shall be assessed from a street or approved fire lane. In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway from the street or approved fire lane shall be provided for hose lay measurement pathway requirements.)

****Section 712.1.8, change item 5 to read as follows:**

5. Is not open to a corridor in Group I and ~~R~~ H occupancies.
-

****Section 713.14.1 Elevator Lobby. Exceptions: 4.3 change to read as follows:**

Section 713.14.1; Exception 4.3 Elevators serving floor levels over ~~75~~ 55 feet (~~22 860 mm~~) (16 764 mm) above the lowest level of fire department vehicle access in high rise buildings.

****Section 903.1.1; change to read as follows:**

[F] 903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of addition to automatic sprinkler protection where recognized by the applicable standard ~~and~~, or as approved by the fire code official.

****Section 903.2; add the following:**

[F] **903.2 Where required.** *Approved automatic sprinkler systems* in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

*****Section 903.2; delete the exception.**

****Section 903.2.9; add Section 903.2.9.3 to read as follows:**

[F] **903.2.9.3 Self-service storage facility.** An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment.

**** Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:**

903.2.11.3 Buildings 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 of the *International Building Code*, having an occupant load of 30 or more that is located 55 35 feet (16 764 10 668mm) or more above the lowest level of fire department vehicle access.

Exceptions:

- ~~1. Airport control towers.~~
- ~~2. Open parking structures in compliance with Section 406.5 of the *International Building Code*.~~
- ~~3. Occupancies in Group F-2.~~

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see IFC Chapter 32 to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

~~**903.2.11.9 Buildings Over 6,000 sq.ft.** An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 sq.ft. For the purpose of this provision, fire walls shall not define separate buildings.~~

Exception: Open parking garages in compliance with Section 406.5 of the *International Building Code*.

*****Section 903.3.1.1.1; change to read as follows:**

[F] 903.3.1.1.1 Exempt locations. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such ...{text unchanged}... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
 2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.
 3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
 4. ~~In rooms or areas that are of noncombustible construction with wholly noncombustible contents.~~
 5. ~~Fire service access~~ Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
 6. {Delete.}
-

*****Section 903.3.1.2.2; add the following:**

[F]Section 903.3.1.2.2 Attics, Open Breezeways, and Attached Garages. Sprinkler protection is required in attic spaces of such buildings two or more stories in height, open breezeways, and attached garages.

****Section 903.3.1.3; add the following:**

[F] 903.3.1.3 NFPA 13D sprinkler systems. *Automatic sprinkler systems* installed in one- and two-family *dwelling*s, Group R-3 and R-4 congregate living facilities and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

****Section 903.3.5 Water Supplies; add a second paragraph to read as follows:**

[F] Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor. Reference Section IFC 507.4 for additional design requirements.

****Section 903.4 Sprinkler system supervision and alarms; add a second paragraph after the exceptions to read as follows:**

[F] Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

****Section 903.4.2 Alarms; add second paragraph to read as follows:**

[F] The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

****Section 905.2 Installation standard; change to read as follows:**

[F] 905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

*****Add Section 905.3.9 and exception to read as follows:**

[F] 905.3.9 Building area. In buildings exceeding 10,000 square feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exception: Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.

****Section 905.4, item 5; change to read as follows:**

[F] 5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way a-hose connection shall be located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

****Section 905.4 Location of Class I standpipe hose connections; add the following item 7:**

[F] 7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter.

****Section 905.9 Valve supervision; add a second paragraph after the exceptions to read as follows:**

[F] Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

****Add Section 907.1.4 to read as follows:**

[F] 907.1.4 Design standards. All alarm systems new or replacement shall be addressable.

Alarm systems serving more than 20 smoke detectors shall be analog addressable.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within 18 months of permit application.

****Section 907.2.1; change to read as follows:**

[F] 907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with new Section 907.6 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.9 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {unchanged.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
 2. Stop any conflicting or confusing sounds and visual distractions.
-

****Section 907.2.3; change to read as follows:**

[F] **907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

****Section 907.2.3; add exception 1.1 to read as follows:**

[F] Exceptions:

1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of 30 or less when provided with an approved automatic sprinkler system.
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)
-

***** Section 907.4.2 Manual fire alarm boxes to read as follows:**

[F] {Text unchanged}Sections 907.4.2.1 through 907.4.2. 6. 7

*****Add Section 907.4.2.7 to read as follows:**

[F] 907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

****Add Section 907.6.1.1 to read as follows:**

[F] 907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from an addressable input (monitor) module may be wired Class B, provided the distance from the addressable module to the initiating device is ten feet or less.

****Add Section 907.6.5.3 to read as follows:**

[F] 907.6.5.3 Communication requirements. All alarm systems, new or replacement, shall transmit alarm, supervisory and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the correct device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.

****Section 910.1; change Exception 2 to read as follows:**

[F] 2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, ~~automatic-only manual~~ smoke and heat vents shall ~~not~~ be required within these areas. Automatic smoke and heat vents are prohibited.

~~**Section 910.2 Where required to read as follows:~~

[F] {Text unchanged}Sections 910.2.1 ~~and through~~ 910.2.2 4

****Add subsections 910.2.3 with exceptions to read as follows:**

[F] 910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

****Add subsections 910.2.4 to read as follows:**

[F] 910.2.4 Exit access travel distance increase. Buildings and portions thereof used as a Group F-1 or S-1 occupancy where the maximum exit access travel distance is increased in accordance with Section 1016.2.2.

****Table 910.3; Change the title of the first row of the table from “Group F-1 and S-1” to include “Group H” and to read as follows:**

Group H, F-1 and S-1

****Add Section 912.2.3 to read as follows:**

[F] 912.2.3 Hydrant distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

****Section 913.1; add second paragraph and exception to read as follows:**

[F] When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by IFC Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by IFC Section 506.1.

****Section 1004.1.2; delete exception:**

1004.1.2 Areas without fixed seating. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.2. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant load factor assigned to the function of the space as set forth in Table 1004.1.2. Where an intended function is not listed in Table 1004.1.2, the building official shall establish a function based on a listed function that most nearly resembles the intended function.

Exception: ~~Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load.~~

****Section 1007.1; add the following Exception 4:**

Exceptions:

{previous exceptions unchanged}

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1007.

***** Section 1007.5; Platform lifts, amend to read as follows:**

1007.5 Platform lifts. Platform (wheelchair) lifts . . . required *accessible route* in Section 1109.7 8, Items 1 through 9 10. Standby power . . {remainder unchanged}

*****Section 1008.1.9.4; amend exceptions 3 and 4 as follows:**

Exceptions:

3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy. {*Remainder unchanged*}
4. Where a pair of doors serves a Group A, B, F, M or S occupancy. {*Remainder unchanged*}

****Section 1008.1.9.9; change to read as follows:**

1008.1.9.9 Electromagnetically locked egress doors. Doors in the *means of egress* in buildings with an occupancy in Group A, B, E, I-1, I-2, M, R-1 or R-2 and doors to tenant spaces in Group A, B, E, I-1, I-2, M, R-1 or R-2 shall be permitted to be electromagnetically locked if equipped with *listed* hardware that incorporates a built-in switch and meet the requirements below: {*remaining text unchanged*}

****Section 1015; add new section 1015.7 to read as follows:**

1015.7 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

*****Section 1016; add new section 1016.2.2 to read as follows:**

1016.2.2 Group F-1 and S-1 increase. The maximum exit access travel distance shall be 400 feet (122 m) in Group F-1 or S-1 occupancies where all of the following are met:

1. The portion of the building classified as Group F-1 or S-1 is limited to one story in height;

2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm); and

3. The building is equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

*****Section 1018.1; add exception 6 to read as follows:**

{previous text unchanged}

6. In Group B office buildings, corridor walls and ceilings within single tenant spaces need not be of fire-resistive construction when the tenant space corridor is provided with system smoke detectors tied to an approved automatic fire alarm. The actuation of any detector shall activate alarms audible in all areas served by the corridor.

****Section 1018.6; amend to read as follows:**

1018.6, Corridor Continuity. ~~Fire-Resistance-Rated~~ All corridors shall be continuous from the point of entry to an *exit*, and shall not be interrupted by intervening rooms. *{Remainder unchanged}*

{Exception unchanged}

****Section 1026.6; amend exception 4 to read as follows:**

Exceptions: *{Exceptions 1 through 3 unchanged}*

4. Separation from the ~~interior~~ open-ended corridors of the building... *{remaining text unchanged}*

*****Section 1028.1.1.1; delete.**

*****Section 1029.1; amend to read as follows:**

1029.1 General. In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group R and I-1 ~~Group R-2~~ occupancies ~~in accordance with Tables 1021.2(1) and 1021.2(2) and Group R-3 occupancies.~~ *{Remainder unchanged}*

Exceptions:

{Exceptions 1 through 3 unchanged.}

4. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

****Section 1101.2; Add exception to read as follows:**

Exceptions: Projects registered with the Architectural Barriers Division of the Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this Chapter.

*****Section 1203.1; amend to read as follows:**

*****1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

Where air infiltration rate in a *dwelling unit* is ~~less than~~ 5 air changes or less per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the *International Energy Conservation Code*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the *International Mechanical Code*.

~~***Table 1505.1, delete footnote 1 and replace footnote 1 with the following.~~

b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq. ft. of protected roof area. When exceeding 120 sq. ft. of protected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

e. [delete]

~~**Section 1505.7, delete the section~~

****Section 1510.1; add a sentence to read as follows:**

1510.1 General. Materials and methods of applications used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15. All individual replacement shingles or shakes shall be in compliance with the rating required by Table 1505.1.

{text of exception unchanged}

****Section 2901.1; add a sentence to read as follows:**

[P] 2901.1 Scope. *{existing text to remain}* The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any

conflicts arise between the two chapters, the Building Official shall determine which provision applies.

****Section 2902.1; add a second paragraph to read as follows:**

In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

****Table 2902.1; change footnote f to read as follows:**

f. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

*****Section 2902.1.3; add new Section 2902.1.3 to read as follows:**

2902.1.3 Additional fixtures for food preparation facilities. In addition to the fixtures required in this Chapter, all food service facilities shall be provided with additional fixtures set out in this section.

2902.1.3.1 Hand washing lavatory. At least one hand washing lavatory shall be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

2902.1.3.2 Service sink. In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the City of Lancaster's health department.

****Section 3006.1; change to read as follows:**

3006.1, General. Access Elevator machine rooms shall be provided. *{Remainder unchanged.}*

****Section 3006.4 {3006.5 if previous amendment adopted}; add a sentence to read as follows and delete exceptions 1 and 2:**

[F] 3006.4. Machine Rooms and Machinery Spaces: *{text unchanged}*... Storage shall not be allowed within the elevator machine room. Provide approved signage at each entry door to the elevator machine room stating “Elevator Machinery – No Storage Allowed.”

****Section 3109.1; change to read as follows:*

3109.1 General. Swimming pools shall comply with the requirements of sections 3109.2 through 3109.5 and other applicable sections of this code and complying with applicable state laws.

*****Section 3401.6 5 Alternative Compliance.** Work performed in accordance with the *International Existing Building Code* shall be deemed to comply with the provisions of this chapter with prior approval from the *Building Official*.

*****Section 3401.5 6 Dangerous Conditions.** *{Remainder unchanged.}*”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said

ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 3, RESIDENTIAL CODE, SECTION 6.04.101 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND SECTION 6.04.102 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 3, Residential Code, Section 6.04.101 to provide for the adoption of the International Residential Code, 2012 Edition, and Section 6.04.102 to provide for the exceptions and amendments thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 3. Residential Code

Sec. 6.04.101. Adoption

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Residential Code, 2012 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the residential code of the city for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms of said residential code 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 article, with the additions, insertions, deletions and changes, if any, prescribed in Section 6.04.102 of this article.

Sec. 6.04.102. Exceptions and Amendments

The Residential Code adopted in this article shall be subject to the exceptions and amendments to the International Residential Code, 2012 Edition, as follows:

****Section R102.4; change to read as follows:**

R102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the *Electrical Code* shall mean the Electrical Code as adopted.

Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement . . . *{remainder of exception unchanged.}* . . .

****Section R105.2, Work exempt from permits; Delete section in its entirety.**

****Section 109.5 “Work without a permit” Add new section in its entirety:**

109.5 Work without a permit.

109.5.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

109.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

****Section 109.6 “Unauthorized cover up fee” Add new section in its entirety:**

109.6 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 105 shall be assessed a fee as established by the city fee schedule.

****Section R110 (R110.1 through R110.5); delete.**

****Section R112, Board of Appeals, Delete section in its entirety and replace with new section R112 as follows:**

Board of Appeals

- (a) Any reason directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.
 - (1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.
 - (2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.
 - (3) Chairman. The board shall annually select one of its members to serve as chairman.
 - (4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
- (d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.
- (e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and

improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

- (1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.
- (2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

****Section R112.2.1 & R112.2.4 delete.**

*****Section R202; add the following definition:**

HOMEOWNERS PERMIT. A homeowner permit is a permit applied for by the property owner of record that owns and resides at the address the applicant is making a permit application for, to perform a particular construction project.

****Section R202; change definition of "Townhouse" to read as follows:**

TOWNHOUSE. A single-family dwelling unit constructed in a group of ~~three or more~~ attached units separated by property lines in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

*****Table R301.2(1); fill in as follows:**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY _f
	SPEED _a (mph)	Topographic Effects _k	
<u>5 lb/ft²</u>	<u>90 (3-sec-gust)/76 fastest mile</u>	<u>No</u>	<u>A</u>

SUBJECT TO DAMAGE FROM		
Weathering ^a	Frost line depth ^b	Termite ^c
moderate	6"	very heavy

WINTER DESIGN TEMP ^e	ICE SHIELD UNDER-LAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j

22°F	No	local code	150	64.9°F
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No change to footnotes

****Section R302.1; add exception #6 to read as follows:**

Exceptions: {previous exceptions unchanged}

6. Open non-combustible carport structures may be constructed when also approved within adopted ordinances.

****Section R302.2, Exception; change to read as follows:**

Exception: A common two-hour fire-resistance-rated wall assembly, or one-hour fire-resistance-rated wall assembly when equipped with a sprinkler system... {remainder unchanged}

****Section R302.2.4, Exception 5; change to read as follows:**

Exception: {previous exceptions unchanged}

5. Townhouses separated by a common ~~1-hour~~ fire-resistance-rated wall as provided in Section R302.2.

****Section R302.3; add Exception #3 to read as follows:**

Exceptions:

1. {existing text unchanged}

2. {existing text unchanged}

3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

****Section R302.5.1; change to read as follows:**

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors ~~equipped with a self-closing device.~~

****Section R303.3, Exception; amend to read as follows:**

Exception: The glazed areas {remainder unchanged} unless the space contains only a water closet, a lavatory, or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

****R303.4 Mechanical Ventilation;** change to read as follows:

Where the air infiltration rate of a dwelling unit is ~~less than~~ 5 air changes per hour ~~or less~~ when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.

*****Section R315.3, amend and add exceptions as follows:**

Where required in existing dwellings. Where work requiring a permit for an addition or an alteration that occurs in existing dwellings, that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1:

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
 2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.
-

****Section R401.2, amended by adding a new paragraph following the existing paragraph to read as follows.**

Section R401.2. Requirements. *{existing text unchanged}* ...

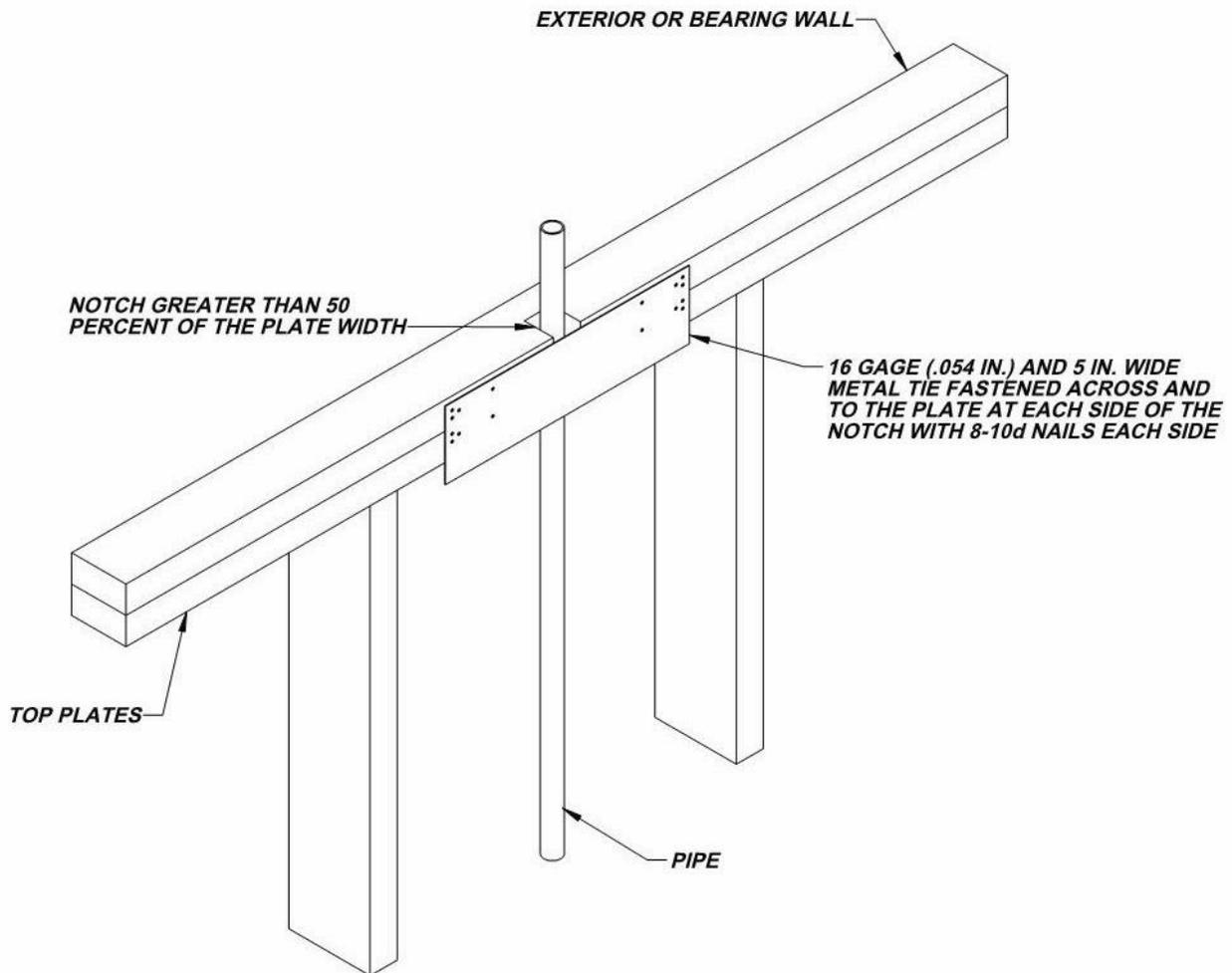
Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.

****Section 602.6.1; amend the following:**

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054

inch thick (1.37 mm) (16 Ga) and ~~1½ inches (38 mm)~~ 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {remainder unchanged}

****Figure R602.6.1; delete the figure and insert the following figure:**



*****Section R703.7.4.1; add a second paragraph to read as follows:**

In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or

2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

****Section R902.1; Amend and add exception #3 to read as follows:**

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed ~~in areas designated by law as requiring their use or when the edge of the roof is less than 3 feet from a lot line.~~ *{remainder unchanged}*

Exceptions:

1. *{text unchanged}*
2. *{text unchanged}*
3. *{text unchanged}*
4. Non-classified roof coverings shall be permitted on one-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed (area defined by jurisdiction).

Part IV – Energy Efficiency - Chapter 11. Delete entire Chapter 11 as stated and comply with presently adopted and amended 2009 International Residential Code, Chapter 11, Energy Efficiency. All 2009 design standards are to be observed until further date when State of Texas officially adopted the 2012 International Residential Code as the adopted State code.

*****Section M1305.1.3; change to read as follows:**

M1305.1.3 Appliances in attics. *Attics* containing *appliances* requiring access shall be provided . . . *{bulk of paragraph unchanged}* . . . sides of the *appliance* where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest *appliance*. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for *access* to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An *access* door from an upper floor level.
4. ~~Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.~~

Exceptions:

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.

2. Where the passageway is unobstructed...*{remaining text unchanged}*

****Section M1411.3; change to read as follows:**

M1411.3 Condensate disposal. Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to ~~an approved place of disposal~~ a sanitary sewer through a trap, by means of a direct or indirect drain. *{remaining text unchanged}*

****Section M1411.3.1, Items 3 and 4; add text to read as follows:**

M1411.3.1 Auxiliary and secondary drain systems. *{bulk of paragraph unchanged}*

1. *{text unchanged}*

2. *{text unchanged}*

3. An auxiliary drain pan... *{bulk of text unchanged}*... with Item 1 of this section. A water level detection device may be installed only with prior approval of the building official.

4. A water level detection device... *{bulk of text unchanged}*... overflow rim of such pan. A water level detection device may be installed only with prior approval of the building official.

****Section M1411.3.1.1; add text to read as follows:**

M1411.3.1.1 Water-level monitoring devices. On down-flow units ...*{bulk of text unchanged}*... installed in the drain line. A water level detection device may be installed only with prior approval of the building official.

*****M1503.4 Makeup Air Required Amend and add exception as follows:**

M1503.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Exception: Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute (0.28 m³/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m³/s) shall be provided with a makeup air at a rate approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute.

****Section M2005.2; change to read as follows:**

M2005.2 Prohibited locations. Fuel-fired water heaters shall not be installed in a room used as a storage closet or installed in any attic unless approved by the Building Official. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that *combustion air* will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an *approved* self-closing device. Installation of direct-vent water heaters within an enclosure is not required.

****Section G2408.3 (305.5); delete.**

****Section G2415.2.1 (404.2.1); add a second paragraph to read as follows:**

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an *approved* tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING
1/2 to 5 psi gas pressure
Do Not Remove"

****Section G2415.2.2 (404.2.2); add an exception to read as follows:**

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EDH).

****Section G2415.12 (404.12); change to read as follows:**

G2415.12 (404.12) Minimum burial depth. Underground *piping systems* shall be installed a minimum depth of ~~12 inches (305 mm)~~ 18 inches (457 mm) below grade, except as provided for in Section G2415.12.1.

*****Section G2415.12.1 (404.12.1); change to read as follows:**

G2415.12.1) Individual outside appliances. Individual lines to outside lights, grills or other appliances shall be installed a minimum of 8 12 inches (203 mm) below finished grade.... Rest unchanged.

****Section G2417.1 (406.1); change to read as follows:**

G2417.1 (406.1) General. Prior to acceptance and initial operation, all *pipng* installations shall be inspected and *pressure tested* to determine that the materials, design, fabrication, and installation practices comply with the requirements of this *code*. The permit holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the building official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

****Section G2417.4; change to read as follows:**

G2417.4 (406.4) Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the *pressure test* period. The source of pressure shall be isolated before the *pressure tests* are made. ~~Mechanical-gauges~~ Gauges used to measure... {remainder unchanged}

****Section G2417.4.1; change to read as follows:**

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be not less than ~~one and one half times the proposed maximum working pressure, but not less than~~ 3 psig (20 kPa gauge), or at the discretion of the *Building Official*, the *pipng* and *valves* may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge, ~~irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig, mechanical-gauges used to measure test pressures shall utilize a dial with a minimum diaphragm diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, mechanical-diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. have a range such that the highest end of the scale is not greater than five times the test pressure.~~

For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

~~**Section G2417.4.2, change to read as follows.~~

G2417.4.2 (406.4.2) Test duration. The test duration shall be held for a length of time satisfactory to the Building Official, but in no case for be not less than 10 fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than thirty (30) minutes.

****Section G2420.1 (406.1); add Section G2420.1.4 to read as follows:**

G2420.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

*****Section G2420.5.1 (409.5.1); add text to read as follows:**

G2420.5.1 (409.5.1) Located within the same room. The shutoff valve ... {bulk of paragraph unchanged} ... in accordance with the appliance manufacturer's instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

****Section G2421.1 (410.1); add text and Exception to read as follows:**

G2421.1 (410.1) Pressure regulators. A line pressure regulator shall be ... {bulk of paragraph unchanged} ... approved for outdoor installation. Access to regulators shall comply with the requirements for access to appliances as specified in Section M1305.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

****Section G2422.1.2.3 (411.1.3.3); delete Exception 1 and Exception 4.**

****Section G2445.2 (621.2); add Exception to read as follows:**

G2445.2 (621.2) Prohibited use. One or more *unvented room heaters* shall not be used as the sole source of comfort heating in a *dwelling unit*.

Exception: Existing *approved unvented room heaters* may continue to be used in *dwelling units*, in accordance with the *code* provisions in effect when installed, when *approved by the Building Official* unless an *unsafe condition* is determined to exist as described in *International Fuel Gas Code* Section 108.7 of the Fuel Gas Code.

****Section G2448.1.1 (624.1.1); change to read as follows:**

G2448.1.1 (624.1.1) Installation requirements. The requirements for *water heaters* relative to access, sizing, *relief valves*, drain pans and scald protection shall be in accordance with this *code*.

****Section P2801.6; add Exception to read as follows:**

Exceptions:

1. Electric Water Heater.
-

****Section P2902.5.3; change to read as follows:**

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

****Section P3005.2.6; change to read as follows:**

P3005.2.6 ~~Base of stacks~~ Upper Terminal. ~~A cleanout shall be provided at the base of each waste or soil stack.~~ Each horizontal drain shall be provided with a cleanout at its upper terminal.

Exception: Cleanouts may be omitted on a horizontal drain less than five (5) feet (1524 mm) in length unless such line is serving sinks or urinals.

****Section P3111; delete.**

****Section P3112.2; delete and replace with the following:**

P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drainboard shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

**** Section 3114: Air Admittance Valve: Delete section in its entirety.”**

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said

ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 4, ELECTRICAL CODE, SECTION 6.04.151 TO PROVIDE FOR THE ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2011 EDITION, AND SECTION 6.04.152 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 4, Electrical Code, Section 6.04.151 to provide for the adoption of the National Electrical Code, 2011 Edition, and Section 6.04.152 to provide for the exceptions and amendments thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 4. Electrical Code

Sec. 6.04.151. Adoption

There is hereby adopted as the electrical code for the city for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing system the 2011 National Electrical Code, subject to the exceptions and amendments provided in Section 6.04.152, and the same are incorporated by reference herein as if fully copied. One copy of each such code, together with the exceptions and amendments thereto, shall be kept at all times in the office of the city secretary.

Sec. 6.04.152. Exceptions and Amendments

The Electrical Code adopted in this article shall be subject to the exceptions and amendments to the 2011 National Electrical Code, as follows:

*****Article 100, Part I; amend the following definition:**

Intersystem Bonding Termination. A device that provides a means for connecting bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system.

*****Article 110.2; change the following to read as follows:**

110.2 Approval. The conductors and equipment required or permitted by this *Code* shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency approved by the AHJ.

Manufacturer's self-certification of any equipment shall not be used as a basis for approval by the AHJ.

Informational Note: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of *Approved, Identified, Labeled, and Listed*.

****Article 230.71(A); add the following exception:**

Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

*****Article 240.91; delete the Article.**

****Article 300.11; add the following exception:**

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size 1/2").

****Article 310.15(B)(7); change to read as follows:**

(7) 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. For dwelling units, conductors, as listed in Table 310.15(B)(7), shall be...*{text unchanged}*...provided the

requirements of 215.2, 220.61, and 230.42 are met. This Article shall not be used in conjunction with 220.82.

****Article 310.106(b) Amend by deleting the section in its entirety and adding a new section 310.106 (b) to read as follows:**

Conductor material, Conductors in this article shall be of copper or aluminum. Use of aluminum shall be limited to sizes 4/0 or larger and limited to service entrance and feeder conductors and allowed for commercial services only.

Section 334.10 Amend by deleting the section in its entirety and adding a new section 332.10 to read as follows:

Uses permitted. The use of on-metallic sheathed cable shall be limited to use in single family, duplexes and multifamily dwellings. Commercial buildings with wood frame construction types IV or V and with occupant loads of less than 100, may utilize non-metallic sheathed cable in sizes not exceeding #10 gauge.

****Article 500.8(A)(3); change to read as follows:**

500.8 Equipment. Articles 500 through 504 require equipment construction and installation standards that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C (-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (1) Equipment listing or labeling
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an ~~owner's~~ engineering judgment signed and sealed by a qualified Licensed Professional Engineer.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information. Guidelines for certificates may be found in ANSI/ISA 12.00.02, *Certificate Standard for AEx Equipment for Hazardous (Classified) Locations*.

****Article 505.7(A) changed to read as follows:**

505.7 Special Precaution. Article 505 requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a qualified persons Licensed Professional Engineer.

*****Article 680.25(A) changed to read as follows:**

680.25 Feeders. These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

(A) Wiring Methods.

(1) Feeders. Feeders shall be installed in rigid metal conduit or intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquidtight flexible nonmetallic conduit
- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or within a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC cable where installed within a building and if not subject to corrosive environment
- (7) Nonmetallic-sheathed cable
- (8) Type SE cable

Exception: An existing feeder between an existing remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A)(5).”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day
of _____, 2013

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 5, PLUMBING CODE, SECTION 6.04.201 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL PLUMBING CODE, 2012 EDITION, AND SECTION 6.04.202 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 5, Plumbing Code, Section 6.04.201 to provide for the adoption of the International Plumbing Code, 2012 Edition, and Section 6.04.202 to provide for the exceptions and amendments thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 5. Plumbing Code

Sec. 6.04.201. Adoption of Plumbing Code.

There is hereby adopted as the plumbing code for the city for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing system the International Plumbing Code, 2012 Edition, including appendix, as published by the International Code Council, subject to the exceptions, amendments and interpretations described in this article, and the same are incorporated by reference herein as if fully copied. One copy of each such code, together with the exceptions and amendments thereto, shall be kept at all times in the office of the city secretary.

Sec. 6.04.202. Exceptions and Amendments

The Plumbing Code adopted in this article shall be subject to the exceptions and amendments to the International Plumbing Code, 2012 Edition, as follows:

****Table of Contents, Chapter 7, Section 714; change to read as follows:**

Section 714 Engineered Computerized Drainage Design **67**

****Section 102.8; change to read as follows:**

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 13 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the *Electrical Code* as adopted.

*****Section 106.2, Exempt Work; delete section in its entirety.**

*****Sections 106.6.2 and 106.6.3; change to read as follows:**

106.6.2 Fee schedule. The fees for all plumbing work shall be as ~~indicated in the following schedule: (JURISDICTION TO INSERT APPROPRIATE SCHEDULE)~~ adopted by resolution of the governing body of the jurisdiction.

106.6.3 Fee Refunds. The code official shall establish a policy for authorize-authorizing the refunding of fees as follows. {Delete balance of section}

**** Section 106.6.4, 106.6.5, 106.6.6 Added to read as follows:**

106.6.4 Work without a permit.

106.6.5 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

106.6.6 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

**** Section 106.7 Added to read as follows:**

106.7 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

******Section 109; Delete entire section and replace with new Section, Board of Appeal as follows:***

Section 109, Board of Appeals

- (a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.
 - (1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.
 - (2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.
 - (3) Chairman. The board shall annually select one of its members to serve as chairman.
 - (4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
- (d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

****Section 305.4.1; change to read as follows:**

305.4.1 Sewer depth. ~~Building sewers that connect to private sewage disposal systems shall be a minimum of [number] inches (mm) below finished grade at the point of septic tank connection.~~ Building sewers shall be a minimum of 12 inches (304 mm) below grade.

****Section 305.7; change to read as follows:**

305.7 Protection of components of plumbing system. Components of a plumbing system installed within 3 feet along alleyways, driveways, parking garages or other locations in a manner in which they would be exposed to damage shall be recessed into the wall or otherwise protected in an approved manner.

****Section 314.2.1; change to read as follows:**

314.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. {text unchanged} ... Condensate shall not discharge into a street, alley, sidewalk, rooftop, or other areas so as to cause a nuisance.

*****Section 314.2.2; change to read as follows:**

314.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC, or schedule 80 PVC pipe or tubing when exposed to ultra violet light. All components shall be selected for the pressure, ~~and~~ temperature and exposure rating of the installation. Condensate waste and drain line size shall not be less than $\frac{3}{4}$ -inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate

drainage, the pipe or tubing shall be sized in accordance with Table 314.2.2. All horizontal sections of drain piping shall be installed in uniform alignment at a uniform slope.

****Section 401.1; add a sentence at the end to read as follows:**

The provisions of this Chapter are meant to work in coordination with the provisions of the Building Code. Should any conflicts arise between the two chapters, the Code Official shall determine which provision applies.

****Section 403.1; change to read as follows:**

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as follows:

1. Assembly Occupancies: At least one drinking fountain shall be provided at each floor level in an *approved* location.
2. Groups A, B, F, H, I, M and S Occupancies: Buildings or portions thereof where persons are employed shall be provided with at least one water closet for each sex except as provided for in Section 403.2.
3. Group E Occupancies: Shall be provided with fixtures as shown in Table 403.1.
4. Group R Occupancies: Shall be provided with fixtures as shown in Table 403.1.

It is recommended, but not required, that the minimum number of fixtures provided also comply with the number shown in Table 403.1. Types of occupancies not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the *International Building Code*. Occupancy classification shall be determined in accordance with the *International Building Code*.

****Section 405.6; delete.**

****Section 409.2; change to read as follows:**

409.2 Water connection. The water supply to a commercial dishwashing machine shall be protected against backflow by an air gap or backflow preventer in accordance with Section 608.

****Section 412.4; change to read as follows:**

412.4 Required location ~~Public laundries and central washing facilities.~~ Floor drains shall be installed in the following areas.

1. In public coin-operated laundries and in the central washing facilities of multiple family dwellings, the rooms containing automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area. Such drains shall have a minimum outlet of not less than 3 inches (76 mm) in diameter.
2. Commercial kitchens. (In lieu of floor drains in commercial kitchens, the code official may

accept floor sinks.)

3. Public restrooms.

****Section 419.3; change to read as follows:**

419.3 Surrounding material. Wall and floor space to a point 2 feet (610 mm) in front of a urinal lip and 4 feet (1219 mm) above the floor and at least 2 feet (610 mm) to each side of the urinal shall be waterproofed with a smooth, readily cleanable, hard, nonabsorbent material.

****Section 502.3; change to read as follows:**

502.3 Water heater locations prohibited.

Water heaters shall not be permitted to be installed in any attic unless approved by the Building Official.

****Section 502.6; Add Section 502.6 to read as follows:**

502.6 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

502.6.1 Illumination and convenience outlet. Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 502.1.

*****Section 504.6; change to read as follows:**

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap. ~~located in the same room as the water heater.~~
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufactures installation instructions and installed with those instruction..

5. Discharge ~~to the floor,~~ to an indirect waste receptor or to the outdoors. Where discharging to the outdoors in areas subject to freezing, discharge piping shall be first piped to an indirect waste receptor through an air gap located in a conditioned area.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate less than 6 inches or more than 24 inches (152 mm) above grade ~~the floor or~~ nor more than 6 inches above the waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.

*****Add Section 604.4.1 to read as follows:***

604.4.1 State maximum flow rate. Where the State mandated maximum flow rate is more restrictive than those of this section, the State flow rate shall take precedence.

******Section 604.8; add Section 604.8.3 to read as follows:***

604.8.3 Thermal expansion control. An expansion tank or approved device shall be installed for the water heater with the addition of a pressure reducing valve or regulator creating a closed system.

*****Section 606.1; delete items #4 and #5.***

*****Section 606.2; change to read as follows:***

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture other than bathtubs and showers in one- and two-family residential occupancies, and other than in individual sleeping units that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. ~~On the water supply pipe to each sillcock.~~
3. 2 On the water supply pipe to each appliance or mechanical equipment.

*****Section 608.1; change to read as follows:**

608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to applicable local regulations, Table 608.1, ~~except~~ and as specifically stated in Sections 608.2 through 608.16.10.

*****Section 608.16.5; change to read as follows:**

608.16.5 Connections to lawn irrigation systems.

The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

****Section 608.17; change to read as follows:**

608.17 Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. Installation shall be in accordance with Sections 608.17.1 through 608.17.8.

*****Section 610.1; add exception to read as follows:**

610.1 General. New or repaired potable water systems shall be purged of deleterious matter and disinfected prior to utilization. The method to be followed shall be that prescribed by the health authority or water purveyor having jurisdiction or, in the absence of a prescribed method, the procedure described in either AWWA C651 or AWWA C652, or as described in this section. This requirement shall apply to “on-site” or “inplant” fabrication of a system or to a modular portion of a system.

1. The pipe system shall be flushed with clean, potable water until dirty water does not appear at the points of outlet.
2. The system or part thereof shall be filled with a water/chlorine solution containing at least 50 parts per million (50 mg/L) of chlorine, and the system or part thereof shall be valved off and allowed to stand for 24 hours; or the system or part thereof shall be filled with a water/chlorine solution containing at least 200 parts per million (200 mg/L) of chlorine and allowed to stand for 3 hours.

3. Following the required standing time, the system shall be flushed with clean potable water until the chlorine is purged from the system.
4. The procedure shall be repeated where shown by a bacteriological examination that contamination remains present in the system.

Exception: With prior approval the Code Official may wave this requirement when deemed un-necessary by the Code Official.

*****Section 712; change to read as follows:**

712.3.3.1 Materials. Pipe and fitting materials shall be constructed of brass, copper, CPVC, ductile iron, stainless steel, galvanized iron, PE, or PVC.

****Add Section 712.5 to read as follows:**

712.5 Dual Pump System. All sumps shall be automatically discharged and, when in any “public use” occupancy where the sump serves more than 10 fixture units, shall be provided with dual pumps or ejectors arranged to function independently in case of overload or mechanical failure. For storm drainage sumps and pumping systems, see Section 1113.

****Section 714, 714.1; change to read as follows:**

SECTION 714

ENGINEERED COMPUTERIZED DRAINAGE DESIGN

714.1 Design of drainage system. The sizing, design and layout of the drainage system shall be permitted to be designed by *approved computer* design methods.

****Section 802.4; add a sentence to read as follows:**

No standpipe shall be installed below the ground.

****Section 903.1; changed to read as follows:**

903.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least six (6) inches (152 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

****Section 917, Single stack vent systems; delete section in its entirety.**

****Section 1002.10; delete.**

**** Section 1003.3.4.1 Delete entire section and replace with the following:**

Section 1003.3.4.1 Grease Interceptor Capacity. Grease interceptors shall have a minimum capacity of 750 pounds of storage area or be an approved Engineered design. On grease interceptor there shall be a sample well installed inline.

*****Section 1101.8; change to read as follows:**

1101.8 Cleanouts required. Cleanouts or manholes shall be installed in the building storm drainage system and shall comply with the provisions of this code for sanitary drainage pipe cleanouts.

~~**Exception:** Subsurface drainage system~~

****Section 1106.1; change to read as follows:**

1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour ~~the 100-year hourly rainfall rate indicated in Figure 1106.1 or on other rainfall rates determined from approved local weather data.~~

****Section 1107.3; change to read as follows:**

1107.3 Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106 ~~based on the rainfall rate for which the primary system is sized in Tables 1106.2, 1106.3 and 1106.6.~~ Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

*****Section 1202.1; delete Exception 2.**

Chapters 1-14 of the International Private Sewage Disposal Code, delete these chapters in their entirety.

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two

Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 6, MECHANICAL CODE, SECTION 6.04.251 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND SECTION 6.04.252 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 6, Mechanical Code, Section 6.04.251 to provide for the adoption of the International Mechanical Code, 2012 Edition, and Section 6.04.252 to provide for the exceptions and amendments thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 6. Mechanical Code

Sec. 6.04.251. Adoption

There is hereby adopted as the mechanical code for the city for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city the International Mechanical Code, 2012 Edition, subject to the exceptions and amendments provided in Section 3.602, and the same are incorporated by reference herein as if fully copied. One copy of each such code, together with the exceptions and amendments thereto, shall be kept at all times in the office of the city secretary.

Sec. 6.04.252. Exceptions and Amendments

The International Mechanical Code, 2012 Edition, adopted in this article shall be subject to the exceptions and amendments which are as follows:

****Section 102.8; change to read as follows:**

102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

****Section “106.2, “Permit Not Required” Delete section in its entirety and amend section 106.5.4 as follows:**

106.5.4 Work without a permit.

106.5.4.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

106.5.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

****Section 106.6; change to read as follows:**

106.6 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

****Section 109 Means of Appeal, Delete section in its entirety and replace with new section Means of Appeal as attached.**

Board of Appeals

- (a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An

application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.

(1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.

(2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.

(3) Chairman. The board shall annually select one of its members to serve as chairman.

(4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

(d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

**Section 304.6; delete.

****Section 306.3; change to read as follows:**

306.3 Appliances in attics. Attics containing appliances requiring access shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. No hot water heater shall be installed in any attic unless approved by the Building Official. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed... *{remainder of section unchanged}*

****Section 306.5; change to read as follows:**

306.5 Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a an aggregate height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, ~~the extent of which shall be from~~ Permanent exterior ladders providing roof access need not extend closer than 12 feet (3038 mm) to the finish grade or floor level below and shall extend to the equipment and appliance's level service space. Such access shall . . . {bulk of section to read the same}. . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope).

*****Section 306.5.1; change to read as follows:**

306.5.1 Sloped roofs. Where appliances, equipment, fans or other components that require service are installed ~~on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater~~ on roofs having slopes greater than 4 units vertical in 12 units horizontal and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be

constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

****Add Section 306.6 to read as follows:**

306.6 Water heaters above ground or floor. When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder. No hot water heater shall be installed in any attic unless approved by the Building Official.

306.6.1 Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 306.3.1.

*****Section 307.2.2; change to read as follows:**

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or schedule 80 PVC pipe or tubing when exposed to ultra violet light. All components shall be selected for the pressure, ~~and~~ temperature, and exposure rating of the installation. {Remainder unchanged}

*****Section 307.2.3; amend # 2 to read as follows:**

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

****Section 403.2.1; add an item #5 to read as follows:**

5. Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

*****Section 501.2; add an exception to read as follows:**

501.2 Exhaust discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and not less than the distances specified in Section 501.2.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawl space.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.
3. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

****Section 607.5.1; change to read as follows:**

607.5.1 Fire Walls. Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 IMC.”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 7, PROPERTY MAINTENANCE CODE, SECTION 6.04.301 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND SECTION 6.04.302 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 7, Property Maintenance Code, Section 6.04.301 to provide for the adoption of the International Property Maintenance Code, 2012 Edition, and Section 6.04.302 to provide for the exceptions and amendments thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 7. Property Maintenance Code

Sec. 6.04.301. Adoption

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Property Maintenance Code, 2012 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code 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 article, with the additions, insertions, deletions and changes, if any, prescribed in Section 6.04.302 of this Article.

Sec. 6.04.302. Exceptions and Amendments

The Property Maintenance Code adopted in this article shall be subject to the exceptions and amendments to the International Property Maintenance Code, 2012 Edition, as follows:

****Section 201.3 Terms defined in other codes.** Delete reference to ICC Electrical Code and replace with reference to Adopted Electrical Code.

****Section 202 Definitions,** Insert definition for Junked Vehicle to read as follows;

Junk Vehicle means a vehicle that is self propelled and does not have lawfully attached to it;

- (A) an unexpired license plate; and
- (B) a valid motor vehicle inspection certificate; and is

- (A) wrecked, dismantled or partially dismantled, or discarded; or
- (B) inoperable and has remained inoperable for more than 72 hours, if the vehicle is on public property; or 30 consecutive days, if the vehicle is on private property.

****Section 107.1 Notice to person responsible,** Delete entire section and change to read as follows:

Section 107.1, Notice to person responsible,

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 107.2 and 107.3 herein to the person responsible for the violation as specified in this code. In the notice herein provided for the City shall have the right to inform the property owner or agent having charge that if he or she commits another violation of the same kind or nature any time within one year from original notice, the City may institute the appropriate proceedings at law or to correct or abate such violation without further notice at the owner's expense and assess the expense against the property. Exception to this section, weeds in excess of **48** inches in height that are a danger to the health, life or safety of any person, may be immediately abated without notice. Notice shall be not later than the tenth day after the City causes the work to be done under this section, the City shall give notice to the property owner in the manner required by this section.

****Section 111.2, Board of Appeal, Delete section in its entirety and replace with new Section, Board of Appeal as follows:**

Board of Appeals

- (a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the "Board", provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An

application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.

(1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.

(2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.

(3) Chairman. The board shall annually select one of its members to serve as chairman.

(4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

(d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

****Section 302.3 Sidewalks and driveways.** Add the additional sentence to the section as follows;

Repairs and maintenance shall be the responsibility of the property owner to maintain free from obstructions, trip hazards or dilapidated conditions from the edge of street or alley pavement.

****Section 302.4 Weeds,** Amend the first sentence to read as follows; All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height.

****Section 302.4.1 Trees, Scrubs, Vegetation,** Add new section 302.4.1 to read as follows;

It shall be unlawful for any person, firm, or corporation owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate city limits to permit bushes, trees, shrubs, vegetation or plant substances(s) or any part(s) thereof, whether living or not, that has its roots on said real property, to hang, overhang, grow into or grow over any street, alleyway within the City, if said growth is overhanging below fourteen (14) feet from a point on a vertical line with the starting point on a horizontal plane of the street or alleyway and no plant or tree growth be allowed within twelve (12) inches of the edge of any street or alleyway. Sidewalks shall have a clearance of eight (8) feet from a point on a vertical line with a starting point at the horizontal plane of the sidewalk. When such growth exists it shall be deemed a nuisance and a danger to public safety. It shall be the duty of the person named as owner of the property to abate the nuisance so that the overhang is not below the set minimum(s) clearances as stated above.

****Section 302.8 Motor Vehicles,** amend to read as follows:

302.8 Motor Vehicles. Except as provided for in other regulations no inoperative, unlicensed, or unregistered motor vehicle, or any motor vehicle not bearing current inspection shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of disassembly, disrepair, or in the process of being stripped or dismantled. Painting of the vehicles is prohibited unless conducted inside an approved paint spray booth and within the zoning district where spray painting of vehicles is an allowed use.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. Work on vehicles at a residence can only be conducted on those vehicles legally registered in the resident's name and no others. Any noise that disturbs the adjacent residential environment would not be allowed to continue.

****Section 302.10 Other exterior property conditions,** Add the following new section 302.10 to read as follows; Unless authorized within a zoning district and under conditions thereof, or within the extraterritorial jurisdiction of the City, it shall be unlawful of any person to allow permit, conduct or maintain objectionable, unsightly or unsanitary conditions, items, situations or

events on any portion of a lot or tract, outside of an enclosed or covered patio or other projecting overhang that includes, but is not limited to:

- 1) Furniture, appliance and other items left outside that were or are not intended for outdoor use that includes broken or damaged lawn furniture, outdoor structure(s), lawn and garden accessories and sculpture.
- 2) Building materials or any item by itself used in construction that is not serving its intended purpose where there is not an active building permit.
- 3) Clothing, papers, broken glass, scrap materials, pipe, barrels, piles or stacks of unused brick or stone, uninstalled fence and or fence materials.
- 4) Brush, trash, wood piles, fallen trees or large parts of trees such as the trunk or main branches, dead trees or other dead vegetation.
- 5) Lawn equipment in whole or in part where such is kept outside and unprotected from the elements.
- 6) Unlicensed and or inoperable trailers.
- 7) Boats not on trailers for longer than 30 days.
- 8) Any condition, situation, event or action as described herein where items are covered by tarpaulin(s) or other such cover including the tarpaulin(s) or other such cover.
- 9) Parts typically associated with trucks, cars, motorcycles, boats, farm equipment, construction equipment or other vehicle that includes but is not limited to body parts, tires, wheels, batteries, upholstered items, engines, drive train components, plows, disks, rakes and other such items.
- 10) A boat on a trailer, car, truck, trailers or other vehicle with axle(s) not currently licensed and or registered.
- 11) Any vehicle elevated up off the ground for a period of more than 72 hours.
- 12) Cargo containers placed on any residential property and cargo containers placed on any commercial property without an active building permit is prohibited.
- 13) Semi Trucks and or trailers or parts thereof on a property or in front of a property used as or zoned for residential use, located on property used or zoned for nonresidential use, other than where permitted within the approved zoning district and subject to items and conditions thereof where such is not conducting business or has not conducted business for more than 24 hours.
- 14) Commercial vehicles, as that term is used and under conditions and or terms established under Ordinance 2004-12-43 parked on a property or in front of a property used as or zoned for residential use or where located anywhere where such vehicle is not conducting work at the time related to the vehicle other than where permitted within the approved zoning district and subject to terms and conditions thereof.

- 15) Construction equipment in whole or in part where the equipment is not being used for its intended purpose on the property where parked or stored unless otherwise allowed within that zoning district subject to terms and conditions thereof.
- 16) Where outdoor storage and or display is allowed, accumulation of trash and or debris and items or material that is not orderly stacked.
- 17) Vehicles may only be parked on those approved surfaces as outlined in Ordinance 2009-06-15 Minimum Parking Standards.
- 18) Signs of all types not included within the approved Sign Ordinance 2009-08-20.
- 19) Any vehicular sign used as a source of advertising for a business within City limits not in compliance with Ordinance 2009-08-20.
- 20) The placing or accumulation of any material or item in any area of a property that does or could provide nesting, harborage or feeding for vermin or pest, or that could negatively affect the environment's ecological system from runoff, areas emitting an odor or odors for longer than 24 hours that a person of reasonable sensibilities may distinguish from ambient odors, seepage of fuels, oils, chemical or organic compounds into the soils and similar such events.
- 21) The accumulation of materials that emit any gases, noxious fumes, or odors to such extent that the same or any of them shall by reason of such offensive odors become a source of endangerment to the health, safety and welfare to immediate surrounding property or to persons living or passing in the vicinity within the city.
- 22) Other situations as determined by the Director of Development Services or their designee.
- 23) Any trailer, boat or recreational vehicle left parked on any public street or right of way not connected to a legally registered motor vehicle will be considered in violation.

****Section 303.2, Enclosures,** Amend the section to read as follows:

Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 72 inches in height above the finished ground level measured on the side of the barrier away from the pool. Horizontal members shall not be constructed in such a manner to create a ladder effect. All such door openings directly into such enclosure shall be equipped with self closing and latching devices designed to keep and capable of keeping doors securely closed at all times when not actually in use. It shall be unlawful to maintain a swimming pool, spa or hot tub in the city limits of Lancaster that is not properly fenced.

**** Section 304 Premises Identification,** Amend the section by adding the following sentence:

Section 304.3 Premises Identification. Building shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and visible from the rear alley. (remainder of section remains the same) ”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day
of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS," DIVISION 8, "EXISTING BUILDING CODE," SECTION 6.04.351 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION, AND SECTION 6.04.352 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Technical and Construction Codes and Standards, Division 8, Existing Building Code, Section 6.04.351 to provide for the adoption of the International Existing Building Code, 2012 Edition, and Section 6.04.352 to provide for the exceptions and amendments thereto, which shall read as follows:

"ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 8. Existing Building Code

Sec. 6.04.351. Adoption of Existing Building Code.

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Existing Building Code, 2012 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the existing building code of the city. Each and all of the regulations, provisions, penalties, conditions and terms of said existing building code 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 article, with the additions, insertions, deletions and changes, if any, prescribed in Section 6.04.352 of this Article.

Sec. 6.04.352. Exceptions and Amendments

The Existing Building Code adopted in this article shall be subject to the exceptions and amendments to the International Existing Building Code, 2012 Edition, as follows:

*****Section 112, Board of Appeal, Delete section in its entirety and replace with new Section, Means of Appeal as attached.***

Board of Appeals

- (a) Any reason directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.
 - (1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.
 - (2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.
 - (3) Chairman. The board shall annually select one of its members to serve as chairman.
 - (4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
- (d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.
- (e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and

improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 9, FUEL GAS CODE, SECTION 6.04.401 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL GAS FUEL CODE, 2012 EDITION, AND SECTION 6.04.402 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 9, Fuel Gas Code, Section 6.04.401 to provide for the adoption of the International Fuel Gas Code, 2012 Edition, and Section 6.04.402 to provide for the exceptions and amendments thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 9. Fuel Gas Code

Sec. 6.04.401. Adoption of Fuel Gas Code.

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Fuel Gas Code, 2012 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the fuel gas code of the city, for the purpose of regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in Section 6.04.402 of this Article.

Sec. 6.04.402. Exceptions and Amendments

The Fuel Gas Code adopted in this article shall be subject to the exceptions and amendments to the International Fuel Gas Code, 2012 Edition, as follows:

****Section 102.2; add an exception to read as follows:**

Exception: Existing dwelling units shall comply with Section 621.2.

****Section 102.8; change to read as follows:**

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the *Electrical Code* as adopted.

*****Section 106.2, *Permits not Required, Delete section in its entirety.***

**** Section 106.6.4 Added to read as follows:**

106.6.4 Work without a permit.

106.6.4.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

106.6.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

**** Section 106.7 Added to read as follows:**

106.7 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

*****Section 109, Means of Appeal, Delete entire section and replace with new section 109 to read as follows:**

Board of Appeals

- (a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.
 - (1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.
 - (2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.
 - (3) Chairman. The board shall annually select one of its members to serve as chairman.
 - (4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
- (d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.
- (e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

- (1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.
- (2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

*****Section 304.10; change to read as follows:**

304.10 Louvers and grilles. The required size of openings for combustion, ventilation and dilution air shall be based on the net free area of each opening. Where the free area through a design of louver, grille or screen is known, it shall be used in calculating the size opening required to provide the free area specified. Where the design and free area of louvers and grilles are not known, it shall be assumed that wood louvers will have 25-percent free area and metal louvers and grilles will have ~~75~~-50-percent free area. Screens shall have a mesh size not smaller than ¼ inch (6.4 mm). Nonmotorized louvers and grilles shall be fixed in the open position. Motorized louvers shall be interlocked with the appliance so that they are proven to be in the full open position prior to main burner ignition and during main burner operation. Means shall be provided to prevent the main burner from igniting if the louvers fail to open during burner start-up and to shut down the main burner if the louvers close during operation.

*****Section 304.11; change #8 to read as follows:**

304.11 Combustion air ducts.

Combustion air ducts shall comply with all of the following:

1. Ducts shall be constructed of galvanized steel complying with Chapter 6 of the International Mechanical Code or of a material having equivalent corrosion resistance, strength and rigidity.

Exception: Within dwellings units, unobstructed stud and joist spaces shall not be prohibited from conveying combustion air, provided that not more than one required fireblock is removed.
2. Ducts shall terminate in an unobstructed space allowing free movement of combustion air to the appliances.
3. Ducts shall serve a single enclosure.
4. Ducts shall not serve both upper and lower combustion air openings where both such openings are used. The separation between ducts serving upper and lower combustion air openings shall be maintained to the source of combustion air.
5. Ducts shall not be screened where terminating in an attic space.

6. Horizontal upper combustion air ducts shall not slope downward toward the source of combustion air.
7. The remaining space surrounding a chimney liner, gas vent, special gas vent or plastic piping installed within a masonry, metal or factory-built chimney shall not be used to supply combustion air.

Exception: Direct-vent gas-fired appliances designed for installation in a solid fuel-burning fireplace where installed in accordance with the manufacturer's instructions.

8. Combustion air intake openings located on the exterior of a building shall have the lowest side of such openings located not less than 12 inches (305 mm) vertically from the adjoining grade level or the manufacturer's recommendation, whichever is more stringent.

****Section 305.5 Private garages; delete.**

****Section 306.3; change to read as follows:**

306.3 Appliances in attics. Attics containing appliances requiring access shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. No hot water heaters shall be installed in any attic unless approved by the Building Official. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than . . . *{bulk of section to read the same}*.

****Section 306.5; change to read as follows:**

[M] 306.5 Equipment and appliances on roofs or elevated structures. Where *equipment* requiring *access* or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, ~~an~~ a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than—8— 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such

access shall . . . *{bulk of section to read the same}*. . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). . . *{bulk of section to read the same}*.

*****Section 306.5.1; change to read as follows:**

306.5.1 Sloped roofs. Where appliances, equipment, fans or other components that require service are installed ~~on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater~~ on roofs having slopes greater than 4 units vertical in 12 units horizontal and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

****Add Section 306.7 to read as follows:**

306.7 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder. No hot water heater shall be installed in any attic unless approved by the Building Official.

306.7.1. Illumination and convenience outlet. Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 306.3.1.

****Section 401.5; add a second paragraph to read as follows:**

Both ends of each section of medium pressure corrugated stainless steel tubing (CSST) shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING
1/2 to 5 psi gas pressure
Do Not Remove"

****Section 402.3; add an exception to read as follows:**

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EHD).

****Section 404.12; change to read as follows:**

404.12. Minimum burial depth. Underground piping systems shall be installed a minimum depth of ~~12~~ 18 inches (305 ~~458~~ mm) top of pipe below grade, ~~except as provided for in Section 404.9.1.~~

*****Section 404.12.1; change to read as follows:**

404.12.1 Individual outside appliances. Individual lines to outside lights, grills or other appliances shall be installed a minimum of ~~8~~ 12 inches (203 mm) top of pipe below finished grade, provided that such installation is approved and is installed in locations not susceptible to physical damage.

*****Section 406.1; change to read as follows:**

406.1 General. Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 406.1.1 through 406.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

*****Section 406.4; change to read as follows:**

406.4 Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~

*****Section 406.4.1; change to read as follows:**

406.4.1 Test pressure. The test pressure to be used shall be not less than ~~one and one-half times the proposed maximum working pressure, but not less than 3~~ 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig,

~~mechanical diaphragm gauges used to measure test pressures shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, mechanical diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. have a range such that the highest end of the scale is not greater than five times the test pressure. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.~~

*****Section 406.4.2; change to read as follows:**

406.4.2 Test duration. Test duration shall be held for a length of time satisfactory to the Code Official, but in no case for ~~not~~ less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than thirty (30) minutes. (Delete remainder of section.)

****Add Section 409.1.4 to read as follows:**

409.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

****Section 410.1; add a second paragraph and exception to read as follows:**

Access to regulators shall comply with the requirements for access to appliances as specified in Section 306.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

****Section 621.2; add exception as follows:**

621.2 Prohibited use. One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.

****Section 624.1.1; change to read as follows:**

624.1.1 Installation requirements. The requirements for water heaters relative to access, sizing, relief valves, drain pans and scald protection shall be in accordance with the *International Plumbing Code.*”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day
of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 10, ENERGY CONSERVATION CODE, SECTION 6.04.451 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION, AND SECTION 6.04.452 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS TO THERETO; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 10, Energy Conservation Code, Section 6.04.451 to provide for the adoption of the International Energy Conservation Code, 2012 Edition, and Section 6.04.452 to provide for the exceptions and amendments to thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 10. Energy Conservation Code

Sec. 6.04.451 Adoption

For the purpose of regulating and controlling conditions hazardous to public health, safety and welfare from the installation of energy efficient mechanical lighting and power systems the International Energy Conservation Code, 2012 Edition, as amended herein, and the same is hereby incorporated by reference as if fully copied, subject to the exceptions and amendments described in Section 6.04.452 of this Article. That one copy of each volume of such code shall be kept at all times in the office of the city secretary, together with the exceptions and amendments.

Sec. 6.04.452. Exceptions and Amendments

The energy conservation code adopted in this article shall be subject to the exceptions and amendments to the International Energy Conservation Code, 2012 Edition, as follows:

****Section C101.4.2 and R101.4.2; change to read as follows:**

C101.4.2/R101.4.2 Historic Buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer of the Keeper of the National Register of Historic Places, are exempt from this code.

Exception: Whenever a provision or provisions shall invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted..”

****Section C102/R102; add Section C102.1.2 and R102.1.2 to read as follows:**

C102.1.2/R102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

****Section C107.6 Work without a permit, Add new section to read as follows,**

C107.6 Work without a permit.

C107.6.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

C107.6.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

****Section C107.7 Unauthorized cover up fee, added as a new section, to read as follows:**

C107.7 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

****Section C109, Board of Appeal, Delete section in its entirety and replace with new Section, Board of Appeal as follows:**

Section C109 Board of Appeals;

- (a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.
 - (1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.
 - (2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.
 - (3) Chairman. The board shall annually select one of its members to serve as chairman.
 - (4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
- (d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

****Section C202 and R202; add the following definition:**

GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

*****Section R402.2.2; amend the section to read as follows:**

R402.2.2 Ceilings without attic spaces. Where Section R402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section R402.1.1 shall be limited to 500 square feet (46 m²) ~~or 20 percent of the total insulated ceiling area, whichever is less.~~ This reduction shall not apply to the U-factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

**** Table R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; Amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:**

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***** Table R402.1.3 EQUIVALENT U-FACTORS; Amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:**

*****R402.4.1.2 Testing; Add a last paragraph to read as follows:**

Testing may only be performed by individuals that are certified HERS Raters or Rating Field Inspectors by RESNET or Performance Verification Technicians certified by Texas HERO, or other certifications as may be approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

*****Section R402.4.1.2 Testing; modify the first paragraph to read as follows:**

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in ~~Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8.~~ {Remainder of text unchanged}

*****R403.2.2 Sealing (Mandatory); Add a last paragraph to read as follows:**

Testing may only be performed by individuals that are certified HERS Raters or Rating Field Inspectors by RESNET or Performance Verification Technicians certified by Texas HERO, or other certifications as may be approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that installed the duct system.

***** Section R403.2.2; Amend to read as follows:**

R403.2.3 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts and plenums. Building framing wall cavities in the exterior thermal envelope shall not be used as return ducts

*****Section C402.2.9/R402.2; Add Section C402.2.9 and R402.2.13 to read as follows:**

Section C402.2.9/R402.2 Insulation installed in walls. To insure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

*****Section R405.6.2; add the following sentence to the end of paragraph:**

Acceptable performance software simulation tools may include, but are not limited to, REM RateTM, Energy Gauge and IC3. Other performance software programs accredited by RESNET

BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

******Section C101.4.3 Additions, alterations, renovations or repairs; add exception #9 to read as follows:***

9. Replacement of existing fenestration, provided, however, that the area of the replacement fenestration does not exceed 25% of the total fenestration area of an existing building and that the U-factor and SHGC will be equal to or lower than before the fenestration replacement.”

SECTION 2. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. Providing for a penalty for violation of this ordinance not to exceed the sum of five hundred dollars (\$500.00) except however, where a different penalty has been established by law for such offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day
of _____, 201__

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS," BY ADDING DIVISION 11, "SWIMMING POOL AND SPA CODE"; BY ADOPTING SECTION 6.04.501 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2012 EDITION, AND SECTION 6.04.502 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Technical and Construction Codes and Standards, Division 11, Swimming Pool and Spa Code, Section 6.04.501 to provide for the adoption of the International Swimming Pool and Spa Code, 2012 Edition, and Section 6.04.502 to provide for the exceptions and amendments thereto, which shall read as follows:

"ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 11. Swimming Pool and Spa Code

Sec. 6.04.501. Adoption

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Swimming Pool and Spa Code, 2012 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the existing building code of the city. Each and all of the regulations, provisions, penalties, conditions and terms of said existing building code 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 article, with the additions, insertions, deletions and changes, if any, prescribed in Section 6.04.502 of this Article.

Sec. 6.04.502. Exceptions and Amendments

The Swimming Pool and Spa Code adopted in this article shall be subject to the exceptions and amendments to the International Swimming Pool and Spa Code, 2012 Edition, as follows:

Section 105.6.4 shall be added and shall read as follows:

105.6.4 Work without a permit.

105.6.5 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

106.6.6 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

Section 106.7 shall be added and shall read as follows:

106.7 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

Section 106.8 shall be added and shall read as follows:

106.8 Plan Review Fee. A plan review fee shall be assessed at 65% of the building permit fee. Plan review fees shall be paid for at time of permit application and construction plans are submitted for review.

Section 108, “Means of Appeal”, is deleted in its entirety and replaced with new Section, “Board of Appeal” as follows:

Section 108. Board of Appeals

- (a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the “Board”, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.

- (1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.
- (2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.
- (3) Chairman. The board shall annually select one of its members to serve as chairman.
- (4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

(d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

- (1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.
- (2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

Secs. 6.04.503-6.04.550 Reserved”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day
of _____, 2013

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10, ARTICLE 10.04, FIRE CODE, SECTION 10.04.001 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND SECTION 10.04.002 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 10 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 10.04, Fire Code, Section 10.04.001 to provide for the adoption of the International Fire Code, 2012 Edition, and Section 10.04.002 to provide for the exceptions and amendments thereto, which shall read as follows:

ARTICLE 10.04 FIRE CODE

Sec. 10.04.001. Adoption of Fire Code

There is hereby adopted for the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code and standards known as the International Fire Code, 2012 edition, including appendix chapters, as published by the International Code Council, and the same are incorporated by reference herein as is fully copied. One copy of each volume of such code shall be at all times in the office of the City Secretary.

Sec. 10.04.002. Exceptions and Amendments

The fire code adopted in this article shall be subject to the exceptions and amendments to the International Fire Code, 2012 Edition, as follows:

Section 101.1; change to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Lancaster, Texas hereinafter referred to as “this code.”

Section 102.1; change #3 to read as follows:

3. Existing structures, facilities and conditions when required in Chapter 11 or in specific sections of this code.

Section 102.7; change to read as follows:

102.7 Referenced Codes and Standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.7.2 Provisions in Referenced Codes and Standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code and any adopted amendments, the provisions of this code and any adopted amendments, as applicable, shall take precedence over the provisions in the referenced code or standard.

Section 105.3.3; change to read as follows:

105.3.3 Occupancy Prohibited before Approval. The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.

Section 105.6.; add Section 105.6.47 to read as follows:

105.6.47 Day Care Operations. An operational permit is required for **Daycare** operations of more than three unrelated persons.

Section 105.6.; add Section 105.6.48 to read as follows:

105.6.48 Foster Home Operations. An operational permit is required for **Foster Home** operations of more than three unrelated persons.

Section 105.6.; add Section 105.6.49 to read as follows:

105.6.49 Group Home Operations. An operational permit is required for **Group Home** operations of more than three unrelated persons.

Section 105.6.; add Section 105.6.50 to read as follows:

105.6.50 Assisted Living Operations. An operational permit is required for **Assisted Living operations of unrelated persons.**

Section 105.6.; add Section 105.6.51 to read as follows:

105.6.51 Halfway Home Operations. An operational permit is required for **Halfway Home operations.**

Section 105.7; add Section 105.7.17 to read as follows:

105.7.17 Smoke Control or Exhaust Systems. Construction permits are required for smoke control or exhaust systems as specified in Section 909 and Section 910, respectively. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 105.7; add Section 105.7.18 to read as follows:

105.7.18 Electronic Access Control Systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Section 503 and Section 1008. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 109.4; to read as follows:

109.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor, punishable by a fine of not more than \$2,000.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 202; amend and add definitions to read as follows:

[B] AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers

- Sedation dentistry

- Surgery centers

- Colonic centers

- Psychiatric centers

[B] ATRIUM. An opening connecting ~~two~~ three or more stories... *{remaining text unchanged}*.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the Fire Department.

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, *deflagration*, ~~or detonation~~, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein. ...*{remainder of text unchanged}*...

HIGH-PILED COMBUSTIBLE STORAGE: Add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 12,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STAND-BY PERSONNEL. Qualified personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

Section 307.1.1; change to read as follows:

307.1.1 Prohibited Open Burning. Open burning shall be prohibited that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Exception: {No change.}

Section 307.2; change to read as follows:

307.2 Permit Required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.
 2. State, County, or Local temporary or permanent bans on open burning.
 3. Local written policies as established by the *fire code official*.
-

Section 307.3; change to read as follows:

307.3 Extinguishment Authority. ~~When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.~~ The fire code official or Incident Commander is authorized to order the extinguishment by the permit holder, another person responsible or the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.

Section 307.4; change to read as follows:

307.4 Location. The location for open burning shall not be less than ~~50~~ 300 feet (~~15-240~~ 91 440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within ~~50~~ 300 feet (~~15-240~~ 91 440 mm) of any structure.

Exceptions: {No change.}

Section 307.4.3, Exceptions: Add Exception #2 to read as follows:

Exceptions:

2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system.

Section 307.4.4 and 5; add section 307.4.4 and 307.4.5 to read as follows:

307.4.4 Permanent Outdoor Firepit. Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the International Building Code.

307.4.5 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

Section 307.5; change to read as follows:

307.5 Attendance. *Open burning, trench burns, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the... {remainder of section unchanged}.*

Section 308.1.1; add sentence to read as follows:

Unmanned free-floating devices containing an open flame or other heat source, such as but not limited to sky lanterns shall be prohibited.

Section 308.1.4; change to read as follows:

308.1.4 Open-flame Cooking Devices. ~~Charcoal burners and other~~ Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be operated located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 lbs (5 containers).
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs (2 containers).
3. {No change.}

Section 308.1.6.2, Exception #3; change to read as follows:

Exceptions:

3. Torches or flame-producing devices in accordance with Section ~~308.4~~ 308.1.3.

Section 311.5; change to read as follows:

311.5 Placards. ~~Any~~ The fire code official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, shall be marked as required by Sections 311.5.1 through 311.5.5.

Section 401.9; add Section 401.9 to read as follows:

401.9 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

Section 403.3; change Section 403.3 and add Sections 403.3.1 and 403.3.2 to read as follows:

403.3 Crowd Managers. Trained crowd managers shall be provided for facilities or events where ~~more than 1,000~~ 250 or more persons congregate. The minimum number of crowd managers shall be established at a ratio of one crowd manager to every 250 persons. ~~Where approved by the fire code official, the ratio of crowd managers shall be permitted to be reduced where the facility is equipped throughout with an approved automatic sprinkler system or based upon the nature of the event.~~

Exceptions:

1. The number of crowd managers may be reduced by up to fifty percent when, in the opinion of the code official, the fire protection provided by the facility and the nature of the event warrant a reduction.
2. Assembly occupancies used exclusively for religious worship with an occupant load not exceeding 1,000.

403.3.1 Training. Training for crowd managers shall be approved and shall be based upon a valid job task analysis.

403.3.2 Duties. The duties of crowd managers shall include:

- a. An inspection of the area of responsibility to identify and address any egress barriers.
- b. An inspection of the area of responsibility to identify and mitigate any fire hazards.
- c. Ensure compliance with all permit conditions, including those governing pyrotechnics and other special effects.
- d. To direct and assist the event attendees in evacuation during an emergency.

- e. Assist emergency response personnel if requested.
- f. Other duties outlined by the Fire Code Official.
- g. Other duties outlined in the Emergency Plan.

Section 501.4; change to read as follows:

501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure. ~~, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.~~

Section 503.2.1; change to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than ~~20~~ 24 feet (~~6096 mm~~ 7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than ~~13 feet 6 inches (4115 mm)~~ 14 feet (4267 mm).

Exception: Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

Section 503.2.2; change to read as follows:

503.2.2 Authority. The *fire code official* shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

Section 503.3; change to read as follows:

503.3 Marking. ~~Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING — FIRE LANE~~ Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch

(4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or "FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

Section 503.4; change to read as follows:

503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 505.1; change to read as follows:

505.1 Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of ~~4 inches (101.6 mm)~~ 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address numbers shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

Section 507.4; change to read as follows:

507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 “Recommended Practice for Fire Flow Testing and Marking of Hydrants” and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test.

Water supply tests shall be witnessed by the *fire code official*, as required or approved documentation of the test shall be provided to the *fire code official* prior to final approval of the water supply system. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the *fire code official*. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, Fire Department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The Fire Department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 509.1.2; add new Section 509.1.2 to read as follows:

509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as approved by the *fire code official*. The letters shall be of a color that contrasts with the background.

Section 603.3.2.1, Exception; change Exception to read as follows:

Exception: The aggregate capacity limit shall be permitted to be increased to 3,000 gallons (11,356 L) in accordance with all requirements of Chapter 57. ~~of Class II or III liquid for storage in protected above-ground tanks... {Delete remainder of Exception.}~~

Section 603.3.2.2; change to read as follows:

603.3.2.2 Restricted Use and Connection. Tanks installed in accordance with Section 603.3.2 shall be used only to supply fuel oil to fuel-burning ~~or generator~~ equipment installed in accordance with Section 603.3.2.4. Connections between tanks and equipment supplied by such tanks shall be made using closed piping systems.

Section 604; change to read as follows:

SECTION 604 EMERGENCY AND STANDBY POWER SYSTEMS

604.1 Installation. Emergency and standby power systems required by this code or the *International Building Code* shall be installed in accordance with this code, NFPA 110 and 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

604.1.1 Stationary Generators. Stationary emergency and standby power generators required by this code shall be *listed* in accordance with UL 2200.

604.1.2 Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

604.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 604.2.1 through ~~604.2.18.4~~ 604.2.24 or elsewhere identified in this code or any other referenced code.

604.2.1 ~~Group A Occupancies.~~ Emergency Voice/Alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in ~~Group A~~ the following occupancies, or as specified elsewhere in this code, in accordance with Section 907.5.2.2.5 ~~907.2.1.1~~.

Covered and Open Malls, Section 604.2.13

Group A Occupancies, Sections 907.2.1.1 and 907.5.2.2.4

Special Amusement Buildings, Section 907.2.12.3

High Rise Buildings, Section 907.2.13

Atriums, Section 907.2.14

Deep Underground Buildings, Section 907.2.19

604.2.2 Smoke Control Systems. Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, in accordance with Section 909.11:

Covered Mall Building, *International Building Code*, Section 404.5

Atriums, *International Building Code*, Section 404.7

Underground Buildings, *International Building Code*, Section 405.5

Group I-3, *International Building Code*, Section 408.9

Stages, *International Building Code*, Section 410.3.7.2

Special Amusement Buildings (as applicable to Group A's), *International Building Code*, Section 411.1

Smoke Protected Seating, Section 1028.6.2.1

604.2.3 Exit Signs. Emergency power shall be provided for *exit* signs in accordance with Section 1011.6.3. (90 minutes)

604.2.4 Means of Egress Illumination. Emergency power shall be provided for *means of egress* illumination in accordance with Section 1006.3. (90 minutes)

604.2.5 Accessible Means of Egress Elevators. Standby power shall be provided for elevators that are part of an *accessible means of egress* in accordance with Section 1007.4.

604.2.6 Accessible Means of Egress Platform Lifts. Standby power in accordance with this section or ASME A18.1 shall be provided for platform lifts that are part of an *accessible means of egress* in accordance with Section 1007.5.

604.2.7 Horizontal Sliding Doors. Standby power shall be provided for horizontal sliding doors in accordance with Section 1008.1.4.3.

604.2.8 Semiconductor Fabrication Facilities. Emergency power shall be provided for semiconductor fabrication facilities in accordance with Section 2703.15.

604.2.9 Membrane Structures. Emergency power shall be provided for *exit* signs in temporary tents and membrane structures in accordance with Section 3103.12.6.1. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with the *International Building Code*. (4 hours)

604.2.10 Hazardous Materials. Emergency or standby power shall be provided in occupancies with hazardous materials in accordance with Sections 5004.7 and 5005.1.5.

604.2.11 Highly Toxic and Toxic Materials. Emergency power shall be provided for occupancies with highly *toxic* or *toxic* materials in accordance with Sections 6004.2.2.8 and 6004.3.4.2.

604.2.12 Organic Peroxides. Standby power shall be provided for occupancies with organic peroxides in accordance with Section 6204.1.11.

604.2.13 Covered and Open Mall Buildings. (No change.)

604.2.14 High-rise Buildings. (No change.)

604.2.15 Underground Buildings. (No change.)

604.2.16 Group I-3 Occupancies. (No change.)

604.2.17 Airport Traffic Control Towers. (No change.)

604.2.18 Elevators. (No change.)

604.2.19 Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the *International Building Code*, Section 909.20.6.2.

604.2.20 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

604.2.21 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the *International Building Code*, Section 717.5.3, Exception 2.3.

604.2.22 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the *International Mechanical Code* Section 504.8, item 7.

604.2.23 Hydrogen Cutoff Rooms. Standby power shall be provided for mechanical ventilation and gas detection systems of Hydrogen Cutoff Rooms in accordance with the *International Building Code*, Section 421.8.

604.2.24 Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for *means of egress* illumination in accordance with Sections 1104.5 and 1104.5.1 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

604.3 Energy Time Duration. Unless a time limit is specified by the fire code official, in this chapter or elsewhere in this code, or in any other referenced code or standard, the emergency and standby power system shall be supplied with enough fuel or energy storage capacity for not less than 2-hour full-demand operation of the system.

Exception: Where the system is supplied with natural gas from a utility provider and is approved.

604.3 4 Maintenance. (No change.)

604.4 5 Operational Inspection and Testing. (No change.)

604.5 6 Emergency Lighting Equipment. (No change.)

604.6 7 Supervision of Maintenance and Testing. (No change.)

Section 704.1; change to read as follows:

704.1 Enclosure. Interior vertical shafts, including but not limited to *stairways*, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as required in Chapter 11. New floor openings in existing buildings shall comply with the *International Building Code*.

Section 807.4.3.2; change to read as follows:

807.4.3.2 Artwork. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area and on the walls of classrooms to not more than 50 percent of each wall area. Such materials shall not be continuous from floor to ceiling or wall to wall.

Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

Section 807.4.4.2; change to read as follows:

807.4.4.2 Artwork. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area and on the walls of classrooms to not more than 50 percent of each wall area. Such materials shall not be continuous from floor to ceiling or wall to wall.

Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

Section 901.4.3; change to read as follows:

901.4.3 Fire Areas. {First part of section unchanged} ...determined in accordance with Section 707.3.910 of the *International Building Code*.

Section 901.6.1; add Section 901.6.1.1 to read as follows:

901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire

hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.

3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the *fire code official*.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service [ITM] Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

Section 901.7; change to read as follows:

901.7 Systems Out of Service. Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the Fire Department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved fire watch* shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service. ...{remaining text unchanged}.

Section 901.9; change Section 901.9 to read as follows:

901.9 Discontinuation or Change Termination of Monitoring of Service. ~~For fire alarm systems required to be monitored by this code,~~ Notice shall be made to the fire code official whenever contracted alarm monitoring services for monitoring of any fire alarm system are terminated for any reason, or a change in alarm monitoring provider occurs. Notice shall be made in writing to the *fire code official* by the building owner and monitoring service provider prior to the service being terminated.

Section 903.1.1; change to read as follows:

903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted ~~in lieu of~~ in addition to automatic sprinkler protection where recognized by the applicable standard ~~and, or as~~ approved by the *fire code official*.

Section 903.2; add paragraph to read as follows:

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

Section 903.2; delete the Exception.

Section 903.2.9; add Section 903.2.9.3 to read as follows:

903.2.9.3 Self-service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment.

Section 903.2.11; change 903.2.11.3, and add 903.2.11.7 and 903.2.11.8 as follows:

903.2.11.3 Buildings 35 Feet or More in Height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 of the *International Building Code*, having an occupant load of 30 or more that is located 35 feet or more above the lowest level of Fire Department vehicle access.

Exceptions:

1. Airport control towers.

2. Open parking structures in compliance with Section 406.5 of the *International Building Code*.
3. Occupancies in Group F-2.

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Exception: Open parking garages in compliance with Section 406.5 of the *International Building Code*.

Section 903.3.1.1.1; change to read as follows:

903.3.1.1.1 Exempt Locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such ... {text unchanged} ... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. In rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Fire service access elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
6. {Delete.}

Section 903.3.1.2.2; add section to read as follows:

903.3.1.2.2 Attics, Open Breezeways, and Attached Garages. Sprinkler protection is required in attic spaces of such buildings two or more stories in height, open breezeways, and attached garages.

Section 903.3.1.3; change to read as follows:

903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two-family dwellings, Groups R-3 and R-4 congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

Section 903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.4; add a second paragraph after the Exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for Fire Department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the Fire Department connection.

Section 905.2; change to read as follows:

905.2 Installation Standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.3; add Section 905.3.9 and Exception to read as follows:

905.3.9 Building Area. In buildings exceeding 10,000 square feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exception: Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.

Section 905.4, Item 5; change to read as follows:

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way a hose connection shall be located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

Section 905.4; add the following Item 7:

7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

Section 905.9; add a second paragraph after the Exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for Fire Department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 907.1; add Section 907.1.4 to read as follows:

907.1.4 Design Standards. All alarm systems new or replacement shall be addressable. Alarm systems serving more than 20 smoke detectors shall be analog addressable.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within 18 months of permit application.

Section 907.2.1; change to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with new Section 907.6 shall be installed in Group A occupancies where having an occupant load due to the assembly occupancy is of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.910 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3; change to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Section 907.2.3; change Exception 1. to read as follows:

Exceptions:

1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of less than 30 or less when provided with an approved automatic sprinkler system.
 - 1.1. Residential in-home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

Section 907.2.13, Exception 3; change to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

Section 907.4.2; add Section 907.4.2.7 to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.6.1; add Section 907.6.1.1 to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from an addressable input (monitor) module may be wired Class B, provided the distance from the addressable module to the initiating device is ten feet or less.

Section 907.6.5; add Section 907.6.5.3 to read as follows:

907.6.5.3 Communication Requirements. All alarm systems, new or replacement, shall transmit alarm, supervisory and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the correct device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.

Section 910.1; change Exception 2 to read as follows:

2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, automatic only manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall not be required within these areas. Automatic smoke and heat vents are prohibited.

Section 910.2; add subsections 910.2.3 with Exceptions and 910.2.4 to read as follows:

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.
Exception: Buildings of noncombustible construction containing only noncombustible materials.
2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.
Exception: Buildings of noncombustible construction containing only noncombustible materials.

Table 910.3; Change the title of the first row of the table from “Group F-1 and S-1” to include “Group H” and to read as follows:

Group H, F-1 and S-1.

Section 910.3; *replace Sections 910.3.1 through 910.3.3, and add second paragraph to Section 910.3.2.2 as follow:*

910.3.1 Design. Smoke and heat vents shall be listed and labeled to indicate compliance with UL 793.

910.3.2 Vent Operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

910.3.2.1 Gravity-operated Drop Out Vents. Automatic smoke and heat vents containing heat-sensitive glazing designed to shrink and drop out of the vent opening when exposed to fire shall fully open within 5 minutes after the vent cavity is exposed to a simulated fire represented by a time-temperature gradient that reaches an air temperature of 500°F (260°C) within 5 minutes.

910.3.2.2 Sprinklered Buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100°F (approximately 38°C) greater than the temperature rating of the sprinklers installed.

910.3.2.3 Nonsprinklered Buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Gravity-operated drop out vents complying with Section 910.3.2.1.

910.3.3 Vent Dimensions. The effective venting area shall not be less than 16 square feet (1.5 m²) with no dimension less than 4 feet (1219 mm), excluding ribs or gutters having a total width not exceeding 6 inches (152 mm).

Section 912.2; *add Section 912.2.3 to read as follows:*

912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the Fire Department connection as the fire hose lays along an unobstructed path.

Section 913.1; add second paragraph and Exception to read as follows:

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior Fire Department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

Chapter 10: Sections 1001 through 1029; replace all references to “fire code official” with “building official”.

Section 1004.1.2; delete Exception; to read as follows:

1004.1.2 Areas Without Fixed Seating. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.2. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant load factor assigned to the function of the space as set forth in Table 1004.1.2. Where an intended function is not listed in Table 1004.1.2, the building official shall establish a function based on a listed function that most nearly resembles the intended function.

Exception: Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load.

Section 1007.1; add the following Exception 4:

Exceptions:

{Previous exceptions unchanged.}

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1007.

Section 1007.5; Platform Lifts, amend to read as follows:

1007.5 Platform Lifts. Platform (wheelchair) lifts . . . required accessible route in Section 1109.7 8, Items 1 through 9 10. Standby power . . . {remainder unchanged}.

Section 1008.1.9.4; amend Exceptions 3 and 4 as follows:

Exceptions:

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. {Remainder unchanged.}
4. Where a pair of doors serves a Group A, B, F, M or S occupancy. {Remainder unchanged.}

Section 1008.1.9.9; change to read as follows:

1008.1.9.9 Electromagnetically Locked Egress Doors. Doors in the means of egress in buildings with an occupancy in Groups A, B, E, I-1, I-2, M, R-1 or R-2 and doors to tenant spaces in Groups A, B, E, I-1, I-2, M, R-1 or R-2 shall be permitted to be electromagnetically locked if equipped with listed hardware that incorporates a built-in switch and meet the requirements below: {Remaining text unchanged.}

Section 1015; add new Section 1015.7 to read as follows:

1015.7 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

Section 1016; add new Section 1016.2.2 to read as follows:

1016.2.2 Groups F-1 and S-1 Increase. The maximum exit access travel distance shall be 400 feet (122 m) in Group F-1 or S-1 occupancies where all of the following are met:

1. The portion of the building classified as Group F-1 or S-1 is limited to one story in height;
2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm); and
3. The building is equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

Section 1018.1; add Exception 6 to read as follows:

{Previous text unchanged.}

6. In Group B office buildings, corridor walls and ceilings within single tenant spaces need not be of fire-resistive construction when the tenant space corridor is provided with

system smoke detectors tied to an approved automatic fire alarm. The actuation of any detector shall activate alarms audible in all areas served by the corridor.

Section 1018.6; amend to read as follows:

1018.6 Corridor Continuity. Fire-Resistance-Rated. All corridors shall be continuous from the point of entry to an exit, and shall not be interrupted by intervening rooms. {Remainder unchanged.}

{**Exception:** Unchanged.}

Section 1026.6; amend Exception 4 to read as follows:

Exceptions: {Exceptions 1 through 3 unchanged.}

4. Separation from the interior open-ended corridors of the building... {remaining text unchanged}.

Section 1028.1.1.1; delete.

Section 1029.1; amend to read as follows:

1029.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Groups R and I-1, Group R-2 occupancies in accordance with Tables 1021.2(1) and 1021.2(2) and Group R-3 occupancies. {Remainder unchanged.}

Exceptions: {Exceptions 1 through 3 unchanged.}

4. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Section 1030.2; change to read as follows:

1030.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments for full instant use in the case of fire or other emergency when the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

Section 1103.3; add sentence to end of paragraph as follows:

Provide emergency signage as required by Section 607.2.

Section 1103.5; add Section 1103.5.3 to read as follows:

1103.5.3 Spray Booths and Rooms. Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

Section 2304.1; change to read as follows:

2304.1 Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be conducted by a qualified attendant or shall be under the supervision of a qualified attendant at all times or shall be in accordance with Section 2204.3 per the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2304.3.

At any time the qualified attendant of Item Number 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

Section 2401.2; delete this section.

Table 3206.2, Footnote j; change text to read as follows:

- j. Not required when storage areas are protected by early suppression fast-response (ESFR) sprinkler systems installed in accordance with NFPA 13 sprinklers, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.
-

Section 3310.1; add sentence to end of paragraph to read as follows:

When fire apparatus access roads are required to be installed for any structure or development, they shall be approved prior to the time construction has progressed beyond completion of the foundation of any structure.

Section 5601.1.3; change to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as allowed in Section 5604 and 5608.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
- 3.2. The use of fireworks for approved fireworks displays as allowed in Section 5608.
4. The possession, storage, sale... {delete remainder of text.}

Section 5703.6; add a sentence to read as follows:

5703.6 Piping Systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.9.5; change Section 5704.2.9.5 and add Section 5704.2.9.5.3 to read as follows:

5704.2.9.5 Aboveground Tanks Inside of Buildings. Above-ground tanks inside of buildings shall comply with Sections 5704.2.9.5.1 and 5704.2.9.5.2 through 5704.2.9.5.3.

5704.2.9.5.1 {No change.}

5704.2.9.5.2 {No change.}

5704.2.9.5.3 Combustible liquid storage tanks inside of buildings. The maximum aggregate allowable quantity limit shall be 3,000 gallons (11 356 L) of Class II or III combustible liquid for storage in protected aboveground tanks complying with Section 5704.2.9.7 when all of the following conditions are met:

1. The entire 3,000 gallon (11 356 L) quantity shall be stored in protected aboveground tanks;
2. The 3,000 gallon (11 356 L) capacity shall be permitted to be stored in a single tank or multiple smaller tanks;
3. The tanks shall be located in a room protected by an automatic sprinkler system complying with Section 903.3.1.1; and

4. Tanks shall be connected to fuel-burning equipment, including generators, utilizing an approved closed piping system.

The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 5003.1.1(1), and such tanks shall not be required to be located in a controlled area. Such tanks shall not be located more than two stories below grade.

Section 5704.2.11.5; add a sentence to read as follows:

5704.2.11.5 Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.5.1 and 5704.2.11.5.2 through 5704.2.11.5.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.11.5.2; change to read as follows:

5704.2.11.5.2 Leak Detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.5.3.

Section 5704.2.11.5; add Section 5704.2.11.5.3 to read as follows:

5704.2.11.5.3 Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers; a minimum of two are required.

Section 5706.5.4; delete Section 5706.5.4.5 and replace with the following:

5706.5.4.5 Commercial, Industrial, Governmental or Manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 5706.5.4.5.1 through 5706.5.4.5.3.

5706.5.4.5.1 Site Requirements.

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.

2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
 - a. All buildings, structures, and appurtenances on site and their use or function;
 - b. All uses adjacent to the property lines of the site;
 - c. The locations of all storm drain openings, adjacent waterways or wetlands;
 - d. Information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and,
 - e. The scale of the site plan.
3. The Code Official is authorized to impose limits upon: The times and/or days during which mobile fueling operations are allowed to take place and specific locations on a site where fueling is permitted.
4. Mobile fueling operations shall be conducted in areas not generally accessible to the public.
5. Mobile fueling shall not take place within 15 feet (4.572 m) of buildings, property lines, or combustible storage.

5706.5.4.5.2 Refueling Operator Requirements.

1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.
2. The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.
3. Signs prohibiting smoking or open flames within 25 feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on 3 sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than 100 feet (30.48m) in length.

7. Absorbent materials, non-water absorbent pads, a 10 foot (3.048 m) long containment boom, an approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum 5-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1893 L) between resetting of the limit switch.
Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.
9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the fire code official upon request.
10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.

5706.5.4.5.3 Operational Requirements.

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Night time fueling operations shall only take place in adequately lighted areas.
5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
7. Motor vehicle fuel tanks shall not be topped off.
8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
9. The Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

Section 6103.2.1; add Section 6103.2.1.8 to read as follows:

6103.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

Section 6104.2, Exception; add an Exception 2 to read as follows:

Exceptions:

1. {Existing text unchanged.}
2. Except as permitted in 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

Section 6104.3; add Section 6104.3.2 to read as follows:

6104.3.2 Spas, Pool Heaters and Other Listed Devices. Where natural gas service is not available, an LP-Gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

Exception: Lots where LP can be off loaded wholly on the property where the tank is located may install 500 gallon aboveground or 1,000 gallon underground approved containers.

SECTION 2. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the _____ day of _____, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)

LANCASTER CITY COUNCIL

Agenda Communication

July 22, 2013

Item 5

Consider a resolution approving funding of the Texas Department of Transportation Terminal Building project for fiscal year 2014 at Lancaster Regional Airport and authorizing the City Manager to execute said funding agreement.

This request supports the City Council 2012-2013 Policy Agenda.

Goal: Sound Infrastructure

Background

The design and construction of a new terminal building with associated auto parking and entrance road is a part of the Airport Master Plan. This project has been included for consideration in the Capital Improvement Program (CIP) and coincides with the planned construction of the recently finalized design and engineering of a new aircraft parking apron with connecting taxiway, helicopter landing circles, and 12,000 gallon self-serve fuel farm.

The terminal building project will boost the Lancaster Regional Airport in the market and gain a competitive edge in attracting more turbine (larger) aircraft and associated businesses. Turbine aircraft operations produce much higher revenue due in part to volume of fuel sold per aircraft and services provided. The Texas Department of Transportation Aviation Division has requested confirmation of the City's commitment to our share of project cost.

Considerations

- **Operational** – The construction of a new terminal building was identified in the Airport Master Plan and has been approved for consideration by the Texas Department of Transportation Aviation Division. A new terminal building will enhance operations and the Lancaster Regional Airport and add a competitive advantage to similar operations in the North Texas Region.
- **Legal** - The resolution has been reviewed by the City Attorney.
- **Financial** – The design, engineering, and construction for a new terminal building with associated auto parking has an estimated cost of \$1,130,000. This project is a 50/50 cost share with TxDOT-Aviation will cover 50% of the cost. The City of Lancaster share will be \$565,000 due in the beginning of FY2014. The resolution authorizes sponsor funding.
- **Public Information** - There are no public information requirements.

Options/Alternatives

1. Council may approve the resolution as presented.
2. Council may reject the resolution.

Recommendation

Staff recommends approval of the resolution.

Attachments

- Resolution
-

Submitted by:
Mark Divita, Airport Manager

RESOLUTION NO. 2013-0X-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE FUNDING OF THE TEXAS DEPARTMENT OF TRANSPORTATION TERMINAL BUILDING PROJECT FOR FISCAL YEAR 2014 AT LANCASTER REGIONAL AIRPORT; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID FUNDING AGREEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lancaster intends to make certain improvements to the Lancaster Regional Airport and currently has on site management, or will have on site management prior to construction, at the airport facility and aviation fuel available; and

WHEREAS, the project is described as: design and construction of new terminal building with parking lot and entrance road; and

WHEREAS, the City of Lancaster hereby requests financial assistance from the Texas Department of Transportation for these improvements;

WHEREAS, the City of Lancaster names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

SECTION 1. That the City of Lancaster hereby directs the City Manager to execute on behalf of the City of Lancaster, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Lancaster Regional Airport.

SECTION 2. This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 22nd day of July 2013.

ATTEST:

APPROVED:

Dolle K. Downe, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney