City of Colleyville
City Council
Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Tuesday, May 2, 2017

WORKSESSION
4:30 PM
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR

CALL TO ORDER

WS-1 Discussion of current designated truck routes

WS-2 Discussion of residential property maintenance standards

WS-3 Discussion of State Highway 26 (SH26) traffic signals and pedestrian crosswalks

WS-4 Discussion of the May 2, 2017, City Council regular agenda items

1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D

Section 551.071 - Legal - Consultation with attorney on legal issues raised by public hearing or action items on the agenda

Section 551.071 – Legal – Consultation with the City Attorney regarding settlement and/or contemplated litigation concerning the Interlocal Agreement between the City of Colleyville and the Fort Worth Transportation Authority regarding Quiet Zone Implementation

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and the duties of the Chief Financial Officer

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information that the City has received from business prospects that the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

REGULAR MEETING
7:30 P.M.
CITY COUNCIL CHAMBERS

INVOCATION: Rabbi Charlie Cytron-Walker, Congregation Beth Israel

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - - RESOLUTION R-17-4121

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition

Proclamation in recognition of National Public Works Week May 21-27, 2017 - Mayor Richard Newton and Public Works Director Jeremy Hutt

Recognition of service to the City by outgoing Councilmembers - Mayor Richard Newton

4. RECEPTION FOR OUTGOING CITY COUNCILMEMBERS

5. CONSENT: READING AND PUBLIC HEARING - Resolution R-17-4122

5a Approval of the minutes of the City Council worksession of April 17, 2017

5b Approval of the minutes of the regular City Council meeting of April 18, 2017

6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING

6a Ordinance O-17-2010

Consideration of a Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road, Case ZC17-004

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-17-4123

Consideration of a minor plat for the Glory House-Colleyville Addition, on property legally described as Tract 3A, Abstract 206, of the BBB & C RY Survey, located at 5300 Pleasant Run Road, Case PC17-003

7b Resolution R-17-4124

Consideration of a resolution to proceed with the design of the Glade Road Project, Phase 2

7c Resolution R-17-4125

Consideration of an appointment to the Colleyville Special Events Ad Hoc Committee

8. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR MAY 2, 2017 - READING AND PUBLIC HEARING - RESOLUTION R-17-4126

10. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards April 28, 2017 by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

A quorum of any Colleyville board, commission, or committee may be present at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.

City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number WS-1 **Agenda Date** 05/02/2017
Type Worksession
Department Police

Title
Discussion of current designated truck routes

Strategic Plan
There is no Strategic Plan connection for this item.

Explanation
This item is a follow up to a discussion that occurred during the January 17, 2017 City Council meeting at the request of Mayor Richard Newton. During the meeting, several councilmembers raised concerns with the number of trucks observed operating within the City on residential City streets, specifically, John McCain. A review of the Colleyville Municipal Code regarding truck routes within the corporate limits of the City will be discussed in this briefing.

City of Colleyville Municipal Code 94-6 addresses the policy on truck routes. The ordinance states that, *"no person shall operate or cause to operate any truck or other motor vehicle of a gross weight of more than 12,000 pounds on a public street in the City without a destination or point of origin within the corporate limits of the City, except upon streets designated as truck routes…"* The ordinance exempts emergency vehicles operating in response to emergency calls and public utility vehicles operating in performance of inspection or maintenance functions. The ordinance also addresses those trucks which have a destination or a point of origin within the City. It states that those trucks will use the designated truck routes or take the shortest street route between such destinations or points of origin and the nearest truck route. The driver of the truck must carry a bill of lading or other written evidence showing all points of origin and destination within the City.

There are only two designated truck routes within the City of Colleyville. They are all on State Highway 26 and a section of Cheek-Sparger Road from State Highway 26 to the intersection with Central Drive.

If a violation of this ordinance is observed or a complaint received from a citizen, the Traffic Unit will notify the driver and/or the trucking company of the violation and the requirements of the City ordinance. The first violation of this ordinance generally results in a warning issued to both the driver and the company. Any subsequent violations can result in a citation being issued to the trucking company or the driver.

Attachments
1. Truck Routes Presentation

City of Colleyville Designated Truck Routes

City Council Worksession
May 2, 2017

Current Policy

City of Colleyville Municipal Code Section 94-6 Truck Routes

(a) Operation of trucks regulated. No person shall operate or cause to operate any truck or other motor vehicle of a gross weight of more than 12,000 pounds on a public street in the city without a destination or point of origin within the corporate limits of the city, except upon streets designated as truck routes

(b) Emergency vehicles operating in response to emergency calls and public utility vehicles operating in performance of inspection or maintenance functions are exempted from this ordinance

(c) Trucks with a destination or point of origin within the corporate limits of the city shall operate only on truck routes or on the shortest street route between such destinations or points of origin and the nearest truck route

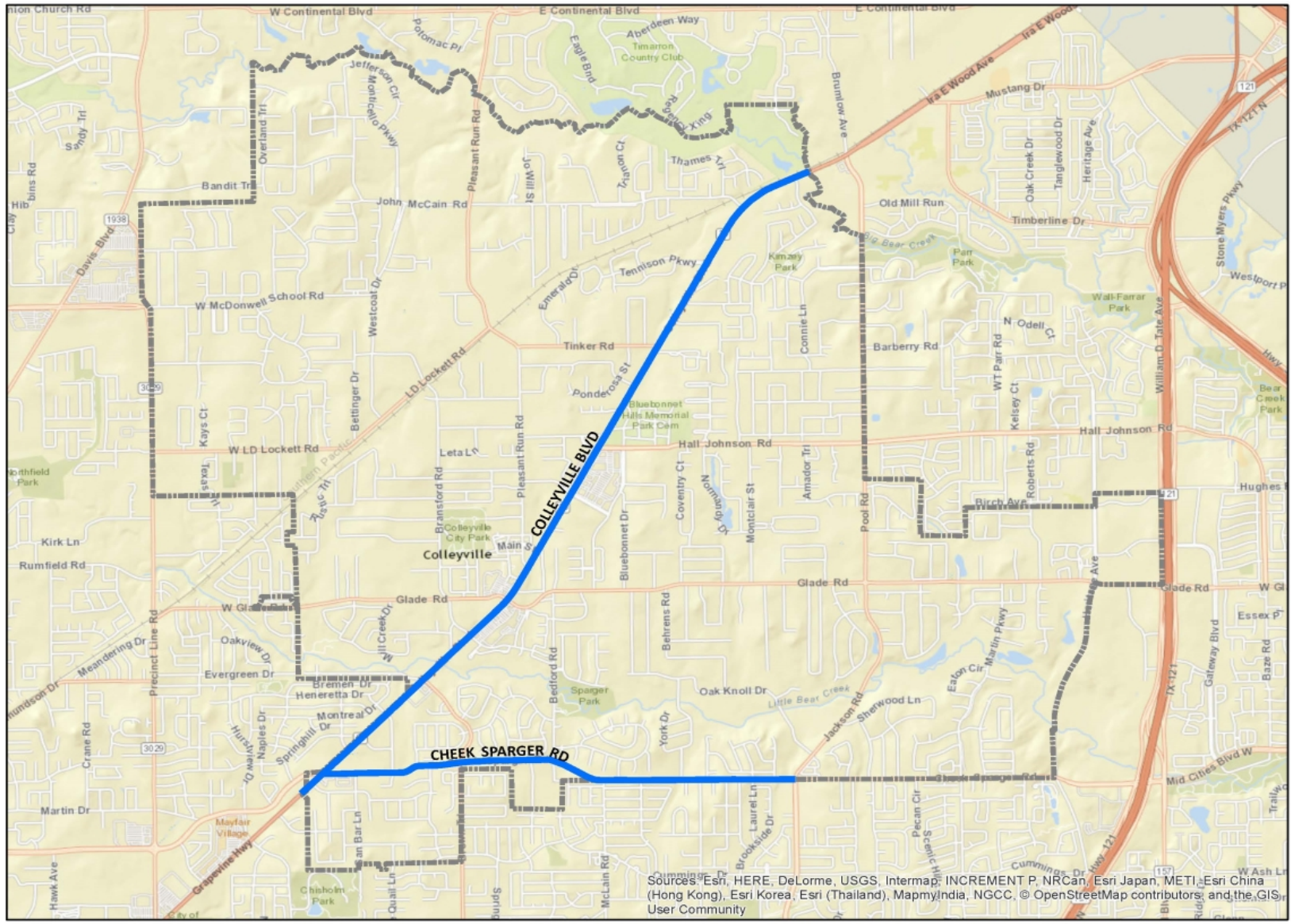
(d) The driver of any truck operating off a truck route shall carry with him a bill of lading or other written evidence showing all points of origin and destination within the city

Truck Route Map

Designated Truck Routes in the City of Colleyville:

1) State Highway 26

2) Cheek-Sparger Road, from State Highway 26 to its intersection with Central Drive



Enforcement

- Currently none of the truck routes are marked with signage
- The truck driver and/or the trucking company is notified of any violations of this ordinance and given a warning
- Additional violations can result in a citation being issued to the trucking company or the driver

Questions and Discussion

City of Colleyville
City Council
Agenda Briefing

City Hall
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Agenda Number WS-2 **Agenda Date** 05/02/2017
Type Worksession
Department Community Development

Title
Discussion of residential property maintenance standards

Strategic Plan
There is no Strategic Plan connection for this item.

Explanation
This item is placed on the agenda for discussion at the request of Councilmember Tammy Nakamura. Recently, a few vacant homes in the City have become unsightly and failed to be maintained appropriately. Unmaintained properties can detract from a neighborhood and promote unwanted environmental impacts to the City as whole. Staff has identified what regulations are currently enforced and the purpose of this item is to initiate a City Council policy discussion as to whether the City should play a larger role in residential property maintenance.

Purpose. The purpose of this item is to discuss the need for residential property maintenance standards. The discussion will include a review of existing regulations dealing with maintenance for vacant properties, a brief overview of the International Property Maintenance Code (IPMC), and an overview of the consequences in terms of enforcement.

Attachments
1. Residential Property Maintenance Presentation - May 2, 2017
2. Municipal Code - Selected Sections (current regulations)
3. Chapter 3: General Requirements (2012 IPMC) (chapter of IPMC with potential regulation)
4. 2012 International Property Maintenance Code (IPMC)

Discussion of Residential Property Maintenance Standards

City Council Worksession
May 2, 2017

Purpose

Discussion on the need for Residential Property Maintenance Standards

- Review existing regulations for maintenance of vacant properties
- International Property Maintenance Code (IPMC)
- Consequences in terms of enforcement

Background

- Vacant properties tend to become unsightly and are not well maintained

- Currently the Municipal Code has regulation for the following:
  - Accumulation of garbage and filth
  - Accumulation of offensive materials (yard waste, dirt, old merchandise, used materials, etc.)
  - Ponds or pools of unwholesome water
  - Junked vehicles
  - Weeds, grass, and uncultivated plants
  - Brush (residential)

- No regulation for building maintenance (paint, windows, walls, roof, graffiti, etc.)

- The City Council has asked staff to review possible additional regulations and the potential impacts/consequences in terms of enforcement

Existing Regulation

Sec. 42-27. - Acts declared nuisances

(3) Accumulations of garbage and filth. The deposit or existence on or in any public or private building or property, of any putrid or unsound meat, pork, fish, hides, decayed vegetables or food, manure, ash heaps, garbage, offal, rubbish, dirt, or filth of any kind is hereby declared to be a nuisance, with the exception of compost piles (see section 42-27(1)a).

(8) Accumulation of offensive materials. The deposit or existence of any dirt gathered in cleaning yards, waste of mills or factories, damaged merchandise, wet, broken, or leaking barrels, casks or boxes, or used building materials is hereby declared to be a nuisance.

(11) Ponds or pools of unwholesome water. Creating or allowing the existence upon any property of a pond or pool or container of unwholesome, impure, or offensive water or water which is conducive to the breeding of mosquitoes, is hereby declared to be a nuisance.

Existing Regulation

Sec. 42-30. - Junked vehicles

Junked vehicle means a motor vehicle as defined in Vernon's Ann. Civ. St. art. 6701d-11:

(1) That is inoperative; and

(2) That does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, that is wrecked, dismantled, partially dismantled or discarded, or that remains inoperable for a continuous period of more than 45 days.

(b) Public nuisance.

(1) A junked vehicle or vehicle part that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continued development of the city and is hereby declared to be a public nuisance. It is not a public nuisance to maintain a vehicle or a vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or a vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

Existing Regulation

Sec. 42-31. - Weeds, grass and uncultivated plants

(b) Prohibition.

(1) Permitting or allowing weeds, grass or any plant that is not cultivated to grow to a height in excess of eight inches upon any property within the corporate limits of the City of Colleyville or to leave weeds, grass or uncultivated plants in excess of eight inches on such premises after they have been cut is hereby declared to be a nuisance.

(2) A person commits an offense if the person owns, occupies or controls any property within the corporate limits of the City of Colleyville upon which weeds, grass or any plant that is not cultivated exceed eight inches in height or if weeds, grass or uncultivated plants in excess of eight inches are allowed to remain on such premises after they have been cut.

(3) A person commits an offense if the person owns, occupies or controls any property within the corporate limits of the City of Colleyville and fails to maintain the parkway adjacent to the property free of weeds, grass or uncultivated plants that exceed eight inches in height or if weeds, grass or uncultivated plants in excess of eight inches are allowed to remain on such premises after they have been cut.

(4) In the case of agricultural tracts of five acres or larger and undeveloped residential subdivisions containing more than four lots and/or residential subdivisions where public improvements have been approved by the city and more than 20 percent of all lots approved for residential use are vacant, this section will be satisfied if the hay or grass is kept mowed to a height no greater than 12 inches for a distance of 100 feet around the entire perimeter of the tract.

International Property Maintenance Code (IPMC)

- The International Property Maintenance Code (IPMC) is part of the International Codes package

- The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings

- Addresses all regulations currently adopted and further includes regulations for:

  - Graffiti
  - Paint
  - Condition of windows, walls, & roof

- The City of Colleyville has not adopted the IPMC

International Property Maintenance Code (IPMC)

Chapter 3 – General Requirements

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

International Property Maintenance Code (IPMC)

Chapter 3 – General Requirements

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

International Property Maintenance Code (IPMC)

Chapter 3 – General Requirements

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

International Property Maintenance Code (IPMC)

Chapter 3 – General Requirements

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Code Enforcement

Mission Statement

The Mission of the Code Enforcement Department is to create and maintain a safe and healthy community environment through the reasonable enforcement of the City of Colleyville codes and ordinances.

Strategy

To achieve voluntary compliance with reported and pro-actively discovered code violations through education and problem solving. With the top priority being those violations that present an immediate threat to public health and safety.

Code Enforcement

Violation observed or reported

Conduct site inspection

Verbal and written notification issued

Re-inspect within 10 days

Close case if in compliance

Typical

Complex

Contractor Abatement

Bill Invoice

Lien after 45 days

Multiple re-inspections

Clear Property Liens – Close case

Code Enforcement

Consists of one Code Enforcement II Officer

Reports to Services Lieutenant

- Also supervises:
  - Criminal Investigations Division
  - School Resource Officers
  - Property Unit
  - Training and Personnel
  - Warrants and Court Bailiff
  - School Crossing Guards

Code Enforcement

2016

- (38) Liens
- (180) High Grass / Mowing
- (71) Trees
- (337) Signs (1627 removed)
- (17) Junk Vehicles
- (5) Zoning
- (3) Dumping
- (38) No Violation
- (5) Stagnant Pools
- (1) Water Violations – Commercial
- (5) Water Violations – Residential
- (58) Trash, Debris and Garbage
- (387) Violation Notices Issued
- (428) Site Inspections
- (1136) Site Re-inspections
- (6) Building Abatement

***2,677 Measurable Actions**
720 Cases Opened

Summary

- Currently the Municipal Code has regulation for the following:
  - Accumulation of garbage and filth
  - Accumulation of offensive materials (yard waste, dirt, old merchandise, used materials, etc.)
  - Ponds or pools of unwholesome water
  - Junked vehicles
  - Weeds, grass, and uncultivated plants
  - Brush (residential)

- The IPMC could regulate:
  - Defacement of property (e.g. graffiti)
  - Exterior of structures (e.g. paint, windows, walls, roof)

- Code enforcement currently deals with significant workload level

Questions and Discussion

Municipal Code – Selected Sections

Sec. 42-27. - Acts declared nuisances.

The following acts or conditions are specifically declared to be nuisances. However, these declarations are not exclusive and any act or condition which is dangerous to human life or health, or which renders the ground, water, air, or food a hazard or injury to human life or health, or that is offensive to the senses, or that threatens to become detrimental to the public health shall be a nuisance even though not specifically declared a nuisance in this section:

(1) Keeping of animals under certain conditions.

a. Accumulations of manure. The keeping or harboring of any horses, cattle, sheep, goats, or any other animal, and allowing the manure or liquid discharges of such animals to collect or accumulate in an unclean or unsanitary manner is hereby declared to be a nuisance; provided, that nothing in this subsection shall be construed as to include manure deposits upon any private property for the purpose of cultivating same, when such deposits are maintained so as to prevent the breeding of flies.

b. Keeping of hogs. The keeping or harboring of hogs or swine is hereby declared to be a nuisance, with the exception of four adult registered potbellied pigs kept as domesticated pets.

c. Dog kennels within 300 feet of residences. Allowing more than four dogs to be housed, kept, raised or boarded at one time within 300 feet of any residence, other than the residence of the owner of the dogs, is hereby declared to be a nuisance.

d. Keeping of horses, cows, sheep, and goats. The stabling, pasturing, or keeping of any horse, cow, sheep or goat which does not meet the following criteria is hereby declared to be a nuisance: The total number of grazing animals shall not be more than two large or four small grazing animals per 15,000 square feet of contiguous land area the animal keeper owns or controls, on the condition that a paddock area is provided which is not less than 7,500 square feet per large grazing animal or 3,750 square feet per small grazing animal, for each animal which is turned out and that a minimum of 7,500 square feet of paddock area be provided in any case.

e. Keeping of grazing animals. The keeping of any grazing animal other than a horse, cow, sheep or goat is hereby declared to be a nuisance.

f. Keeping of chickens. The keeping of a chicken or chickens within 50 feet of any residence or inhabited building is hereby declared to be a nuisance.

g. Keeping of pigeons. The keeping or harboring of more than 75 pigeons, or failing to confine pigeons in proper cages or lofts maintained in a clean and sanitary condition, is hereby declared to be a nuisance. Provided, however, pigeons bearing a seamless leg band issued by a recognized association of pigeon fanciers may be released for exercise or performance, upon the condition that the owner or person having possession of such pigeons shall not permit them to alight on any building whatsoever on the property of others.

(2) Discharge of liquid waste on streets. The accumulation or discharge onto any public street or private property of urine, liquid waste from stables, swill, water from privy

vaults, water from sinks, wastewater, or any foul or nauseous waste of any kind whatsoever is hereby declared to be a nuisance.

(3) Accumulations of garbage and filth. The deposit or existence on or in any public or private building or property, of any putrid or unsound meat, pork, fish, hides, decayed vegetables or food, manure, ash heaps, garbage, offal, rubbish, dirt, or filth of any kind is hereby declared to be a nuisance, with the exception of compost piles (see section 42-27(1)a).

(4) Common use of halls, water closets, etc., in residences. The renting, leasing, hiring out to be occupied or the occupancy of any building or part thereof as a home or residence of more than two families, living independent of one another, giving to each family or person therein the common right to halls, yards, water closets or privies or some of them, is hereby declared to be a nuisance.

(5) Burning. The burning of any manure, straw, garbage or any refuse of any kind or description, except within an incinerator approved by the state department of health and the city, is hereby declared to be a nuisance.

(6) Dead animals.

a. Slaughtered animals. The keeping of any unclean carcasses of hogs, cattle, or other animals in any slaughterhouse, meat market, meat shop or otherwise in an unclean or unsanitary manner is hereby declared to be a nuisance.

b. Green or unsalted hides. The keeping of any green or unsalted hides for a period exceeding six hours is hereby declared to be a nuisance.

c. Rendering materials from dead animals. Conducting a business or any part thereof concerning bone crushing, bone boiling, bone grinding, bone burning, bone drying, fat burning, fat boiling, fat rendering, fat drying, gut cleaning, or the making of glue or the manufacture of fertilizer material of any kind or description from any dead animal or parts thereof, or boiling of offal, swill, fat, or grease of any description is hereby declared to be a nuisance.

(7) Filthy drains, leaking garbage receptacles, etc. Allowing any unclean, stinking, foul, defective, or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage or manure boxes or receptacles of like character on any property is hereby declared to be a nuisance.

(8) Accumulation of offensive materials. The deposit or existence of any dirt gathered in cleaning yards, waste of mills or factories, damaged merchandise, wet, broken, or leaking barrels, casks or boxes, or used building materials is hereby declared to be a nuisance.

(9) Depositing or throwing articles into sewer inlet. The depositing, throwing, or insertion into any sewer inlet or privy vault, which has a sewer connection, of any article whatsoever that may cause the sewer to choke up, stop up, or otherwise be rendered inoperative in whole or part is hereby declared to be a nuisance.

(10) Vehicles hauling garbage, swill, or other offensive matter. The transportation of manure, garbage, swill, ashes, cinders, or other loose material in any of the streets of the city on a vehicle other than in a good and substantially tight box thereon, the size of

which shall be not less than 24 inches high and the tailboard not less than 24 inches high, so that no portion of such manure or other loose material shall be scattered or thrown into the street, or hauling garbage, swill, or other offensive material in a vehicle which does not have the box thereon closely covered with sufficient covering, so closely fitted as to prevent the escape or flying about of any of the contents or effluvia therefrom is hereby declared to be a nuisance.

(11) Ponds or pools of unwholesome water. Creating or allowing the existence upon any property of a pond or pool or container of unwholesome, impure, or offensive water or water which is conducive to the breeding of mosquitoes, is hereby declared to be a nuisance.

(12) Impure or unwholesome wells or cisterns. Allowing the existence of any well or cistern to exist upon any property whenever a chemical or bacteriological analysis shows that the water of the well or cistern is impure or unwholesome is hereby declared to be a nuisance.

(13) Noise nuisances.

a. Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance.

b. Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance.

c. The following acts, among others, are declared to be nuisances, but such enumerations shall not be deemed to be exclusive:

1. Musical instruments. The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.

2. Loudspeakers and amplifiers. The use of any stationary loudspeaker or amplifier of such intensity as to annoy and disturb persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of 10:30 p.m. and 7:00 a.m., or at any time on Sunday.

3. Animals and birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.

4. Operation of vehicles. The running of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, jarring, or rattling noise or vibrations.

5. Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of time to begin or stop work, or as a warning of danger.

6. Exhaust without mufflers. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

7. Devices operated by compressed air. The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

8. Construction work. The erection, including excavation, demolition, alteration, or repair work, of any building other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the city council, which permit may be renewed by the council during the time the emergency exists.

9. Near schools and hospitals. The creation of any excessive noise on any street adjacent to any school or institution of learning while such school or institution of learning is in session, or adjacent to any hospital, which unreasonably interferes with the working of such institutions, provided conspicuous signs are displayed in such manner indicating that the street is a school or hospital street.

10. Loading and unloading vehicles, destruction of boxes, etc. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.

11. Peddlers, hawkers, etc. The raucous shouting and crying of peddlers, hawkers, and vendors, which disturbs the peace and quiet of the neighborhood.

12. Use of drums, loudspeakers, etc., to attract attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, or sale of merchandise.

13. Sounding of sirens, horns, signaling devices. The sounding of any siren, horn, or other signal device on any automobile, ambulance, truck, motorcycle, bus, or other vehicle in the city, except as a danger or warning signal to persons or animals using the streets, sidewalks, and public thoroughfares; the creation by means of any such signal device of any unreasonably loud or harsh sound for any unnecessary and unreasonable period of time.

14. Railroad whistles. The blowing or sounding of any steam whistle, horn, or signal device on any engine, locomotive car, or vehicle adapted to the rails of a railroad in the city, except as a warning or a danger signal to persons or animals approaching, crossing, or using the tracks of the railroad.

15. Outdoor recreational or sports activities. Engaging in or allowing the playing of outdoor organized recreational activities or team sports between the hours of 10:30 p.m. and 7:00 a.m., in an area which is not a public park and which is within 500 feet of property zoned for residential use; provided, however, that permission allowing the playing of recreational activities or outdoor sports and illumination of playing fields until 12:00 midnight only during weekends and holidays on property within 500 feet of property zoned for residential use and not

a public park, shall be granted up to four nights per year by obtaining written permission from the city manager and shall not constitute a nuisance. A copy of the special permit granted by the city manager shall be kept on record at city hall for a period not less than 24 months from the issuance date of the special use/exception permit.

(14) Outdoor lighting.

a. The illumination of or allowing the illumination of any area not a public park by lighting devices designed or located for the purpose of lighting an area for the playing of outdoor organized recreational activities or team sports between the hours of 10:30 p.m. and 7:00 a.m. within 500 feet of property zoned for residential use is hereby declared to be a nuisance and is prohibited.

b. Exceptions. Permission allowing the playing of recreational activities or outdoor sports and illumination of playing fields until 12:00 midnight only during weekends and holidays on property within 500 feet of property zoned for residential use and not a public park, shall be granted up to four nights per year by obtaining written permission from the city manager and shall not constitute a nuisance. A copy of the special permit granted by the city manager shall be kept on record at city hall for a period not less than 24 months from the issuance date of the special use/exception permit.

Sec. 42-30. - Junked vehicles.

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

Antique auto means a passenger car or truck that was manufactured in 1925 or before or a passenger car or truck that is at least 35 years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Junked vehicle means a motor vehicle as defined in Vernon's Ann. Civ. St. art. 6701d-11:

(1) That is inoperative; and

(2) That does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, that is wrecked, dismantled, partially dismantled or discarded, or that remains inoperable for a continuous period of more than 45 days.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

(b) Public nuisance.

(1) A junked vehicle or vehicle part that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continued development of the city and is hereby declared to be a public nuisance. It is not a public nuisance to maintain a vehicle or a vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or a vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(2) A person commits an offense if that person maintains a public nuisance as determined under this section. Each and every day such nuisance continues shall constitute a separate and distinct offense.

(3) A person who commits an offense under this section is, upon conviction, subject to a fine not to exceed $200.00. On conviction, the court shall order removal and abatement of the nuisance.

(c) Summary procedure for abating public nuisance.

(1) Upon determination by the police chief that a junked vehicle located on private property constitutes a public nuisance, the police chief or his designee, who must be a regularly salaried, full-time employee of the city, shall give written notice stating the nature of the public nuisance and that the public nuisance must be removed and abated within ten days of the notice or a request for a public hearing before the city council must be made within such ten-day period. Such written notice shall be mailed by certified mail, with a five-day return requested, to the last known registered owner of the junked vehicle, any lienholder of record, and the owner or occupant of the private premises on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States post office, official action to abate the nuisance shall be continued to a date not less than ten days after the date of return.

(2) Upon the determination by the police chief that a junked vehicle located on public property constitutes a public nuisance, the police chief or his designee, who must be a regularly salaried full-time employee of the city, shall give written notice stating the nature of the public nuisance and that the nuisance must be removed and abated within ten days or a request for a public hearing before the city council must be made before the expiration of the ten-day period. The notice shall be mailed by certified mail, with a five-day return requested, to the last known registered owner of the junked vehicle, any lienholder of record, and the owner or occupant of the

public premises or the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If the notice is returned undelivered by the United States post office, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return.

(3) The notices given pursuant to subsections (c)(1) and (c)(2) of this section shall also designate a time and place at which a public hearing shall be held before the removal of the vehicle or vehicle part as a public nuisance. Such hearing shall be held before the police chief of the city; provided, however, if a hearing is requested by the owner or occupant of the public or private premises or owner or occupant of the premises adjacent to the public right-of-way upon which the vehicle is located within ten days after service of the notice to abate the nuisance, such hearing shall be held before the city council. At the hearing it is presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. A resolution or order requiring removal of the vehicle or the vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle if the information is available at the site.

(d) Removed vehicle not to be reconstructed. After a vehicle or a vehicle part has been removed pursuant to this section it shall not be reconstructed or made operable.

(e) Notice to state department of transportation. The city shall give notice to the state department of transportation not later than the fifth day after the date of removal, which shall specify the identity of the vehicle or vehicle part removed.

Sec. 42-31. - Weeds, grass and uncultivated plants.

(a) Definition of terms.

Parkway means the portion of any street between the roadway and the private property line.

(b) Prohibition.

(1) Permitting or allowing weeds, grass or any plant that is not cultivated to grow to a height in excess of eight inches upon any property within the corporate limits of the City of Colleyville or to leave weeds, grass or uncultivated plants in excess of eight inches on such premises after they have been cut is hereby declared to be a nuisance.

(2) A person commits an offense if the person owns, occupies or controls any property within the corporate limits of the City of Colleyville upon which weeds, grass or any plant that is not cultivated exceed eight inches in height or if weeds, grass or uncultivated plants in excess of eight inches are allowed to remain on such premises after they have been cut.

(3) A person commits an offense if the person owns, occupies or controls any property within the corporate limits of the City of Colleyville and fails to maintain the parkway adjacent to the property free of weeds, grass or uncultivated plants that exceed eight inches in height or if weeds, grass or uncultivated plants in excess of eight inches are allowed to remain on such premises after they have been cut.

(4) In the case of agricultural tracts of five acres or larger and undeveloped residential subdivisions containing more than four lots and/or residential subdivisions where public improvements have been approved by the city and more than 20 percent of all lots approved for residential use are vacant, this section will be satisfied if the hay or grass is kept mowed to a height no greater than 12 inches for a distance of 100 feet around the entire perimeter of the tract.

(c) Abatement.

(1) The city manager or his designee is hereby authorized to give notice to the owner of any property which is in violation of the provisions of subsection 42-31(b), instructing the owner to abate the nuisance.

(2) If the owner of the property does not comply with the provisions of an abatement notice issued by the city manager or his designee within ten days after the date the notice is received, the city manager or his designee may:

a. Enter the property and do or cause to be done the work required to abate the nuisance; and

b. Pay for the work done and charge the expenses to the owner of the property or assess the owner a weed abatement fee in accordance with article II, section 2-26 of the City of Colleyville Code of Ordinances.

(3) The notice must be given:

a. Personally to the owner in writing; or

b. By letter addressed to the owner at the owner's last known address as shown on the city tax rolls; or

c. If personal service cannot be obtained, or the owner's post office address is unknown:

1. By publication at least twice within ten consecutive days; or

2. By posting the notice on or near the front door of each building on the property to which the violation relates; or

3. If the property contains no buildings, by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(4) Notice will be deemed to have been received:

a. For personal service, as of the date the notice was given personally to the owner;

b. For mailed notice, three days after date of postmark;

c. For notice by publication, on the date that the last notice was published in the official newspaper; or

d. For notice by posting, ten days after the notice was posted.

(5) In the notice of a violation, the city manager or his designee may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

(6) If a violation covered by a notice under subsection (c)(5) occurs within the one-year period, and the city manager or his designee has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by subsections (c)(2)a., b. and assess the expenses as provided by subsection 42-31(e).

(d) Property under development.

(1) Before any application for change of zoning, platting or replatting is accepted, all liens and charges arising under the terms of this section shall be satisfied and all concerned properties shall be in compliance with subsection 42-31(b) hereof.

(2) If the city has issued a permit and the property for which such permit was issued is in violation of subsection 42-31(b) hereof, the city manager or his designee may revoke the permit until such a nuisance has been abated.

(3) Such actions shall not defer any other remedies or penalties which may be applicable under this section.

(e) Assessment of expenses; lien.

(1) All expenses incurred by the city to abate high weeds, grass or uncultivated plants, including the cost of giving notice as required, shall initially be paid by the city and charged to the owner of the property. If the charge is not paid to the city within 30 days after billing, it will become a charge against the property and the city may file a lien upon the property.

(2) To obtain a lien upon the property, the city manager or his designee shall file a statement of expenses with the county clerk for the county in which the property is located. The lien statement shall state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.

(3) The lien shall be security for the expenditures made and interest accruing at the rate of ten percent per annum on the amount due from the date of payment by the city.

(4) The lien is inferior only to:

a. Tax liens; and

b. Liens for street improvements.

(5) The city may bring a suit for foreclosure of the lien in the name of the city to recover the expenditures and interest due and in said suit the statement of expenses or a

certified copy of the statement shall be prima facie proof for the expenses incurred by the municipality in doing the work or making the improvements.

(f) Penalty. An offense as defined under section 42-31 is a misdemeanor punishable by a fine not to exceed $2,000.00. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense.

Sec. 82-4. - Placing brush for residential collection.

Brush that is of such a nature that it cannot be placed in disposable containers shall be cut in lengths not to exceed four feet and shall be trimmed and stacked at curbside to a height of not more than three feet. All vines and any thorny bushes shall be placed in a disposable container. No item shall weigh more than 50 pounds per container. A customer may receive a special pickup upon request for an additional charge depending on the quantity of material to be removed.

Sec. 82-5. - Wastes from building operations.

Debris, as that term is defined in this chapter, or other trash resulting from construction, major remodeling, general cleanup of property, or resulting from sizable amounts of trash and debris being cleared in preparation for construction, will not be removed by the city as regular service. The owner will have such debris and trash removed at his expense, by either his own crew or by the city contractor. The owner of the building operation shall be responsible for keeping the trash containers in a sightly manner, inside and on the grounds surrounding the container. Commercial containers may be used and placed at a location on the premises as arranged between the customer and contractor, subject to review by the city at any time.

Sec. 82-7. - Prohibited acts.

(a) It shall be unlawful for any person to sweep, throw, or deposit any garbage, trash, debris, stagnant water, or dead animal into, upon, or along any public property or private property of another, except as may be specifically provided by this chapter.

(b) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in subsection (a) of this section to exist upon property owned or controlled by him after having actual or constructive notice thereof.

(c) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter; specifically, no hazardous or nonrecyclable waste.

(d) It shall be unlawful for any person to place in a recycling container any material other than the recyclable material for which the container is provided.

(e) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(f) It shall be unlawful for any person to deposit any burning match, charcoal, ember or other material in any container used for the disposal of garbage or trash.

(g) It shall be unlawful for the dumping of kitchen garbage and refuse, trash or any kind of rubbish, including debris from construction, major remodeling or general cleanup of property, in any place within the city or within 5,000 feet outside of the city.

(h) It shall be unlawful for any person to burn any garbage, trash or rubbish within the city or within 5,000 feet outside of the city.

(i) It shall be unlawful for any commercial institution or industrial customer to remove the drain plug from any container.

(j) It shall be unlawful for any person to cause damage to or permit excessive buildup of material in containers.

(Code 1980, ch. 11, § 4(G); Ord. No. O-91-822, § 4, 5-21-91)

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

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.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate,

the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guard*s and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupant*s and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound

and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling unit*s or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   - 1.1. Collapse of footing or foundation system;
   - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
   - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
   - 1.4. Inadequate soil as determined by a geotechnical investigation;
   - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
   - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
   - 2.1. *Deterioration*;
   - 2.2. *Ultimate deformation*;
   - 2.3. Fractures;
   - 2.4. Fissures;
   - 2.5. Spalling;
   - 2.6. Exposed reinforcement; or
   - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
   - 3.1. *Deterioration*;
   - 3.2. Corrosion;
   - 3.3. Elastic deformation;
   - 3.4. *Ultimate deformation*;
   - 3.5. Stress or strain cracks;
   - 3.6. Joint fatigue; or
   - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
   4.1. *Deterioration;*
   4.2. *Ultimate deformation;*
   4.3. Fractures in masonry or mortar joints;
   4.4. Fissures in masonry or mortar joints;
   4.5. Spalling;
   4.6. Exposed reinforcement; or
   4.7. *Detached,* dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
   5.1. *Deterioration;*
   5.2. Elastic deformation;
   5.3. *Ultimate deformation;*
   5.4. Metal fatigue; or
   5.5. *Detached,* dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
   6.1. *Ultimate deformation;*
   6.2. *Deterioration;*
   6.3. Damage from insects, rodents and other vermin;
   6.4. Fire damage beyond charring;
   6.5. Significant splits and checks;
   6.6. Horizontal shear cracks;
   6.7. Vertical shear cracks;
   6.8. Inadequate support;
   6.9. *Detached,* dislodged or failing connections; or
   6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards.* Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All *exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish,* and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309
PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent *infestation.* All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises.*

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units,* a multiple *occupancy,* a

rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

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PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*®, in this 2012 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2012 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Green Construction Code*™ (to be available March 2012), *International Mechanical Code*®, ICC *Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Swimming Pool and Spa Code*™ (to be available March 2012), *International Wildland-Urban Interface Code*® and *International Zoning Code*®.

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2012 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2010. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings established in the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page xiii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the International Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

[A] = Administrative Code Development Committee;

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee; and

[B] = International Building Code Development Committee (IBC—Fire Safety, General, Means of Egress or Structural);

Note that, for the development of the 2015 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years. The groupings are as follows:

Group A Codes (Heard in 2012, Code Change Proposals Deadline: January 3, 2012)	**Group B Codes (Heard in 2013, Code Change Proposals Deadline: January 3, 2013)**
International Building Code	Administrative Provisions (Chapter 1 all codes except IRC and ICC PC, administrative updates to currently referenced standards, and designated definitions)
International Fuel Gas Code	International Energy Conservation Code
International Mechanical Code	International Existing Building Code
International Plumbing Code	International Fire Code
International Private Sewage Disposal Code	International Green Construction Code
	ICC Performance Code
	International Property Maintenance Code
	International Residential Code
	International Swimming Pool and Spa Code
	International Wildland-Urban Interface Code
	International Zoning Code

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees will meet in different years, it is possible that some proposals for this code will be heard by a committee in a different year than the year in which the primary committee for this code meets.

For instance, Section 502.1 is designated as the responsibility of the International Plumbing Code Development Committee, along with most of the provisions in Chapter 5. This committee will meet in 2012 to consider all code change proposals to the *International Plumbing Code* and any portions of other codes that it is responsible for, including Section 502.1 and most of the provisions of Chapter 5 (designated with [P] in front of those sections.) Therefore, any proposals to Section 502.1 in Chapter 5 will be needed to be submitted by January 3, 2012, for consideration in 2012 by the International Plumbing Code Committee.

Note that every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, and that committee is part of the Group B portion of the hearings. This committee will hold its code development hearing in 2013 to consider all code change proposals for Chapter 1 of this code and proposals for Chapter 1 of all I-Codes except the *International Residential Code* and ICC *Performance Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2013.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the code development committee responsibilities, please visit the ICC web site at www.iccsafe.org/scoping.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the previous edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

EFFECTIVE USE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2009 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code:*

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that "equal protection under the law" has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term's definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 General Requirements. Chapter 3, "General Requirements," is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter's provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

LEGISLATION

The *International Codes* are designed and promulgated to be adopted by reference by legislative action. Jurisdictions wishing to adopt the 2012 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

SAMPLE LEGISLATION FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO._____

A**[N] [ORDINANCE/STATUTE/REGULATION]** of the **[JURISDICTION]** adopting the 2012 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the **[JURISDICTION]**; providing for the issuance of permits and collection of fees therefor; repealing **[ORDINANCE/STATUTE/REGULATION]** No. _____ of the **[JURISDICTION]** and all other ordinances or parts of laws in conflict therewith.

The **[GOVERNING BODY]** of the **[JURISDICTION]** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **[TITLE OF JURISDICTION'S KEEPER OF RECORDS]** of **[NAME OF JURISDICTION]**, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **[JURISDICTION]**, in the State of **[STATE NAME]** for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the **[JURISDICTION]** are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: **[NAME OF JURISDICTION]**

Section 103.5. Insert: **[APPROPRIATE SCHEDULE]**

Section 112.4. Insert: **[DOLLAR AMOUNT IN TWO LOCATIONS]**

Section 302.4. Insert: **[HEIGHT IN INCHES]**

Section 304.14. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.3. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.4. Insert: **[DATES IN TWO LOCATIONS]**

Section 3. That **[ORDINANCE/STATUTE/REGULATION]** No. _____ of **[JURISDICTION]** entitled **[FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION]** and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **[GOVERNING BODY]** hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired

or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.

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CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 101
GENERAL

[A] 101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

[A] 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *operator*s and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] 101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

[A] 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

[A] 102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

[A] 102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

[A] 102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

[A] 102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and 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.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

> **[A] 102.7.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

> **[A] 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, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identi-

fied by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

[A] 103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

[A] 103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] 104.4 Identification. The *code official* shall carry proper identification when inspecting *structure*s or *premises* in the performance of duties under this code.

[A] 104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105
APPROVAL

[A] 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner*'s representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] 105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

[A] 105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

[A] 105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

[A] 105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] 105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] 105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] 105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106
VIOLATIONS

[A] 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

SECTION 107
NOTICES AND ORDERS

[A] 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 Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

[A] 107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

[A] 107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

[A] 107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the

provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] 108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] 108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] 108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] 108.1.5 Dangerous *structure* or *premises*. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel con-

nections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] 108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] 108.5 Prohibited occupancy. Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] 108.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] 108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

[A] 109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

[A] 109.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

[A] 109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] 109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

[A] 109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

[A] 110.1 General. The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

[A] 110.2 Notices and orders. All notices and orders shall comply with Section 107.

[A] 110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL

[A] 111.1 Application for appeal. 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 board of appeals, 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 thereunder 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.

[A] 111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] 111.2.1 Alternate members. The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] 111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

[A] 111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Compensation of members. Compensation of members shall be determined by law.

[A] 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] 111.4 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. A quorum shall consist of a minumum of two-thirds of the board membership.

[A] 111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 111.6 Board decision. The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] 111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] 111.6.2 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

[A] 111.7 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 time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 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 appeals board.

SECTION 112
STOP WORK ORDER

[A] 112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] 112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] 112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. *Approved* by the *code official*.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[B] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[B] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

[A] OWNER. Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a structure.

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

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.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate,

the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guard*s and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupant*s and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound

and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling unit*s or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   - 1.1. Collapse of footing or foundation system;
   - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
   - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
   - 1.4. Inadequate soil as determined by a geotechnical investigation;
   - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
   - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
   - 2.1. *Deterioration*;
   - 2.2. *Ultimate deformation*;
   - 2.3. Fractures;
   - 2.4. Fissures;
   - 2.5. Spalling;
   - 2.6. Exposed reinforcement; or
   - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
   - 3.1. *Deterioration*;
   - 3.2. Corrosion;
   - 3.3. Elastic deformation;
   - 3.4. *Ultimate deformation*;
   - 3.5. Stress or strain cracks;
   - 3.6. Joint fatigue; or
   - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
   4.1. *Deterioration;*
   4.2. *Ultimate deformation;*
   4.3. Fractures in masonry or mortar joints;
   4.4. Fissures in masonry or mortar joints;
   4.5. Spalling;
   4.6. Exposed reinforcement; or
   4.7. *Detached,* dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
   5.1. *Deterioration;*
   5.2. Elastic deformation;
   5.3. *Ultimate deformation;*
   5.4. Metal fatigue; or
   5.5. *Detached,* dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
   6.1. *Ultimate deformation;*
   6.2. *Deterioration;*
   6.3. Damage from insects, rodents and other vermin;
   6.4. Fire damage beyond charring;
   6.5. Significant splits and checks;
   6.6. Horizontal shear cracks;
   6.7. Vertical shear cracks;
   6.8. Inadequate support;
   6.9. *Detached,* dislodged or failing connections; or
   6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards.* Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All *exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish,* and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309
PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent *infestation.* All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises.*

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units,* a multiple *occupancy,* a

rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any

plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m^2) and every bedroom shall contain a minimum of 70 square feet (6.5 m^2) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m^2) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room[a, b]	120	120	150
Dining room[a, b]	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m^2.

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m^2). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m^2). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

[P] 502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **[P] 502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503
TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506
SANITARY DRAINAGE SYSTEM

[P] 506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507
STORM DRAINAGE

[P] 507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 voltss;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the

building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701
GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702
MEANS OF EGRESS

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code.*

[F] 702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[F] 702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703
FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

[F] 703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704
FIRE PROTECTION SYSTEMS

[F] 704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

[F] 704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

[F] 704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.3 Power source. In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

[F] 704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one

alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8
REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F 1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code®	305.1.1, 306.1.1
IFC—12	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—12	International Fuel Gas Code®	102.3
IMC—12	International Mechanical Code®	102.3, 201.3
IPC—12	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC—12	International Residential Code®	201.3
IZC—12	International Zoning Code®	102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25—11	Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
70—11	National Electrical Code	102.4, 201.3, 604.2

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101
GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $^{1}/_{2}$-inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $^{3}/_{8}$-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A104
REFERENCED STANDARDS

IBC—12	International Building Code	A102.1, A102.2, A102.3

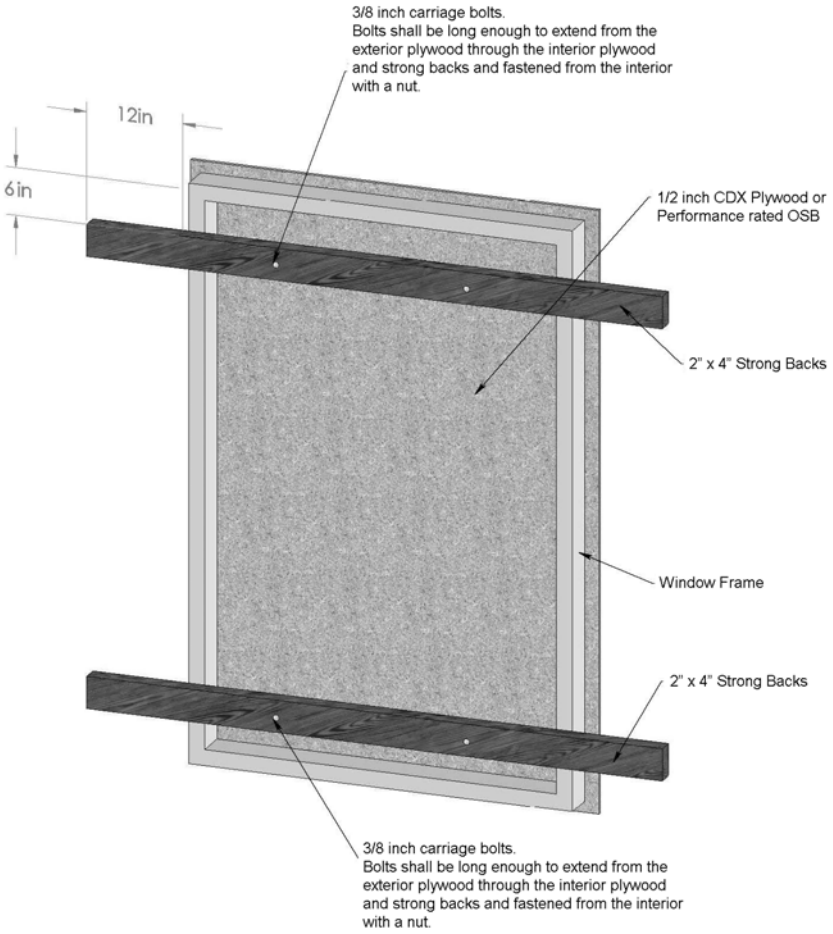
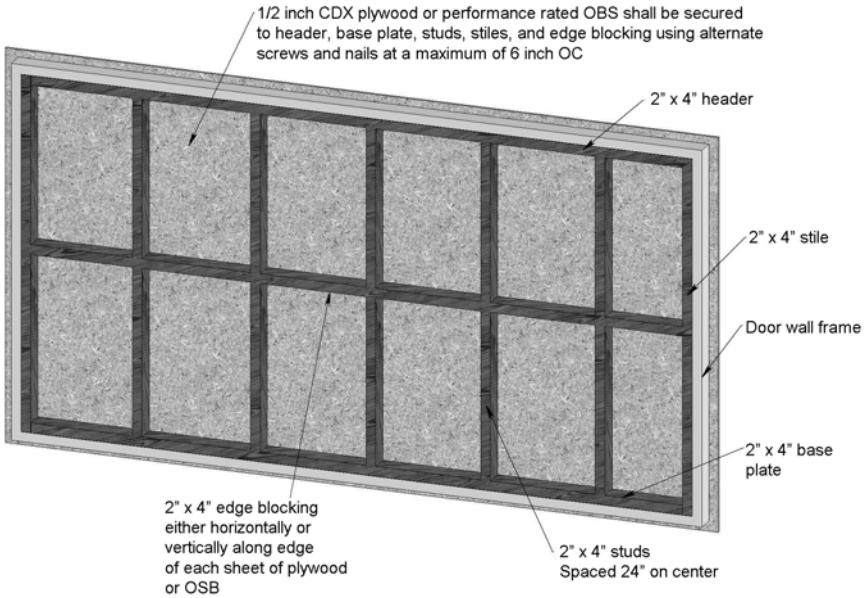


FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW



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EDITORIAL CHANGES – SECOND PRINTING

Page 25, Section [F] 704.2: now reads . . .**[F] 704.2 Smoke alarms.** Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Page 25, Section [F] 704.3: lines 1 and 2 now reads . . .**[F] 704.3 Power source.** In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power

Page 25, Section [F] 704.4: now reads . . .**[F] 704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

EDITORIAL CHANGES – FOURTH PRINTING

Page 14, Section 306.1.1: lines 5 and 6 now reads . . .the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number WS-3 **Agenda Date** 05/02/2017
Type Worksession
Department City Manager

Title
Discussion of State Highway 26 (SH26) traffic signals and pedestrian crosswalks

Strategic Plan
3.1 Upgrade the condition of major roads and neighborhood streets

Explanation
The City has received several inquiries related to pedestrian mobility and crosswalks within the State Highway 26 (SH26) construction zone. Signs prohibiting pedestrians from crossing the highway and adjacent side streets are currently in place at intersections within the construction limits.

On Monday, April 24, 2017, City staff met with officials from the Texas Department of Transportation (TxDOT), Teague Nall & Perkins (TNP), the project's design engineer, and Jagoe-Public Company, the contractor, to discuss the challenges and opportunities associated with safely facilitating pedestrian mobility throughout the reconstruction of SH26.

On Wednesday, April 26, 2017, a subsequent meeting was held with City staff and TNP. TNP provided the attached memo summarizing this meeting.

SH26 Project Coordinator James Hubbard will provide background on this matter as well as an update on the latest discussions with TxDOT and TNP.

Additionally, per the request of Councilmember Jody Short, staff will provide information related to the method of power supply for the permanent traffic signals to be installed with the SH26 project.

Currently plans specify power is to be supplied to the traffic signals via an overhead drop, from a nearby utility pole, to an electric meter mounted on a metal pole. An alternate method is to supply the power underground to a meter located in a pedestal. The latter method reduces clutter at the intersection, but would require additional City funding.

Attachments
1. State Highway 26 traffic signals and pedestrian presentation
2. TNP Memo

State Highway 26 Project

Crosswalks and Traffic Signals

City Council Worksession
May 2, 2017

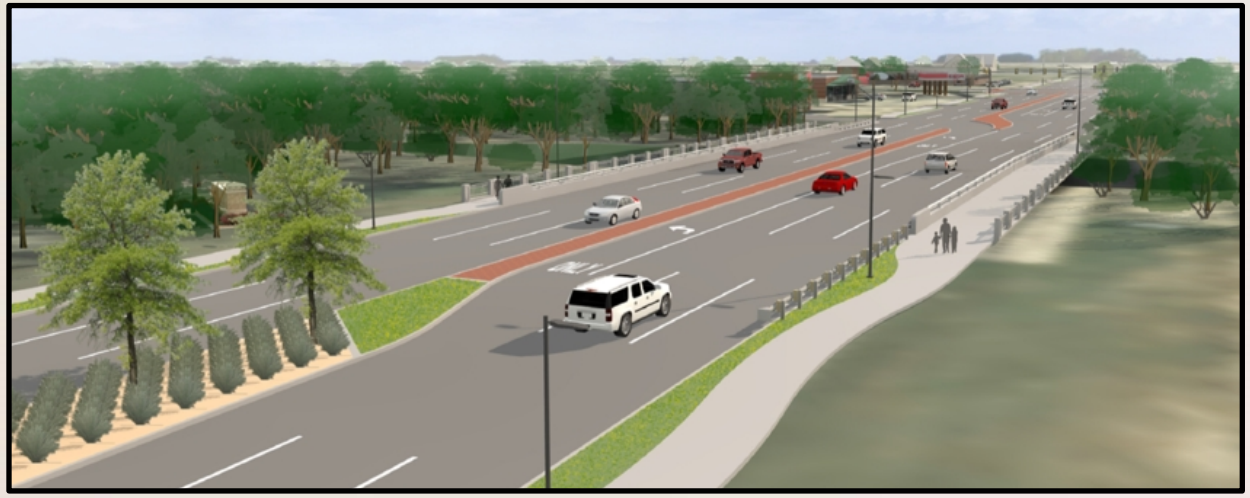
Purpose

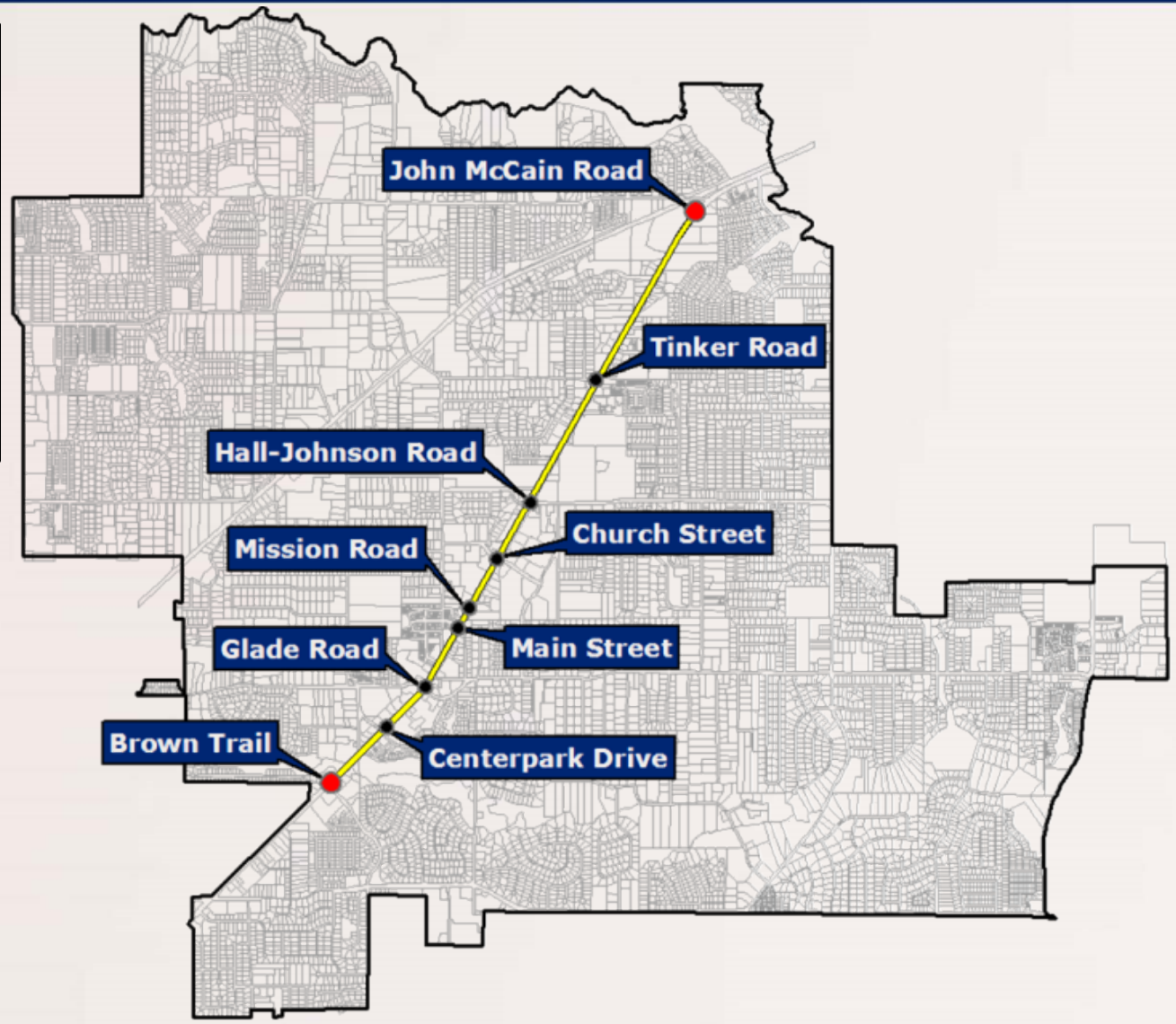
The purpose of this item is to seek City Council direction on the following items:

1. Crosswalks/pedestrian mobility on State Highway 26 (SH26)

2. The method of power supply for permanent traffic signals

Pedestrian Mobility





Current Design

9. THE CONTRACTOR IS TO PLACE "NO PEDESTRIAN CROSSING" SIGNS (R9-3) ALONG THE PROJECT CORRIDOR TO PROHIBIT PEDESTRIAN TRAFFIC FROM CROSSING SH 26 OR INTO THE WORK ZONE.

"The Temporary Traffic Control (TCC) for SH26 was designed with a high priority on expediting construction timeliness in order to minimize negative impacts to the adjacent businesses and community. With pedestrian safety in mind, it has been determined that pedestrian crossings along the SH26 TTC zone should be closed during construction." - TNP

TRAFFIC CONTROL PLAN GENERAL NOTES:

1. THE CONTRACTOR WILL NOT HAVE EXCLUSIVE USE OF THE RIGHT-OF-WAY, BUT SHALL COOPERATE IN THE USE OF THE RIGHT-OF-WAY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT), OTHER VARIOUS PUBLIC UTILITY COMPANIES, THEIR CONTRACTORS, AND OTHER TxDOT ROADWAY CONTRACTORS AS MAY BE REQUIRED TO ALLOW FOR UTILITY ADJUSTMENTS AND ROAD CONSTRUCTION TO BE DONE BY OTHERS.
2. ALL DETOURS, HORIZONTAL TRAFFIC MOVEMENTS, TEMPORARY CTB, DRAINAGE, ETC. ARE DIRECTLY RELATED TO THE SEQUENCE OF OPERATIONS IN CONFORMITY WITH THE DETAILS SHOWN ON THE PLANS AND AS REQUIRED BY THE CONTRACTOR MUST INSURE ADEQUATE DRAINAGE DURING ALL PHASES OF CONSTRUCTION. THE CONTRACTOR MAY PROPOSE/RECOMMEND MODIFICATIONS TO THE SEQUENCE OF WORK FOR CONSIDERATION BY THE ENGINEER. ANY PROPOSED MODIFICATION TO SIGNIFICANT TCP PHASING LAYOUT BY THE CONTRACTOR SHALL INCLUDE ALL CHANGES TO THE VARIOUS PAY ITEMS, IMPACT TO TRAFFIC, EFFECT TO OVERALL PROJECT IN TIME AND COST, ETC. THIS ALSO INCLUDES A REVISED CPM SCHEDULE. IF ANY PROPOSAL IS TO BE IMPLEMENTED, THE CONTRACTOR WILL BE RESPONSIBLE FOR DEVELOPING DETAILED PLAN SHEETS SEALED BY A REGISTERED PROFESSIONAL ENGINEER FOR INCLUSION WITH THE CHANGE ORDER. THE CONTRACTOR SHALL NOT PROCEED WITH ANY CONSTRUCTION OPERATIONS BASED ON A REVISED PHASE / SEQUENCE UNTIL HE / SHE OBTAINS WRITTEN APPROVAL FROM THE ENGINEER.
3. TRAFFIC MUST BE HANDLED OVER THE ENTIRE PROJECT DURING CONSTRUCTION.
4. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF IMPENDING OR UPCOMING LANE CLOSURES AT LEAST:
   A) ONE WEEK IN ADVANCE OF CLOSURES INVOLVING ONE LANE ON EITHER MAINLANES OR INTERSECTING STREETS.
   B) FOUR WEEKS IN ADVANCE OF MULTIPLE LANE OR FULL FACILITY CLOSURES.
5. THE CONTRACTOR IS REQUIRED TO HIRE OFF-DUTY PEACE OFFICERS WITH MARKED VEHICLES TO ASSIST IN TRAFFIC CONTROL OPERATIONS INVOLVING FULL LANE CLOSURES.
6. IT IS THE INTENT OF THE PLANS TO PROVIDE FOR THE SAFE PASSAGE OF LOCAL TRAFFIC AT ALL TIMES. THE CONTRACTOR WILL BE REQUIRED TO PLAN AND EXECUTE HIS / HER OPERATION IN A MANNER THAT WILL INSURE THE TRAVELING PUBLIC AND ABUTTING PROPERTY OWNERS A MINIMUM OF INCONVENIENCE. THE CONTRACTOR SHALL CONSIDER THIS IN DEVELOPING HIS / HER SEQUENCE OF WORK AND PLAN HIS / HER OPERATIONS SO THAT ACCESS TO INTERSECTING STREETS AND DRIVEWAYS IS MAINTAINED THROUGHOUT THE PROJECT. ADEQUACY OF THE ACCESS WILL BE AT THE DISCRETION OF THE ENGINEER.
7. A MINIMUM OF 2 PORTABLE MESSAGE SIGNS SHALL BE ONSITE AND IN GOOD WORKING CONDITION AT ALL TIMES TO BE PLACED AS DIRECTED BY THE ENGINEER.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING DRAINAGE THROUGHOUT THE PROJECT DURATION. THIS MAY INCLUDE ADJUSTMENTS TO THE EXISTING FACILITY AND PROPOSED TEMPORARY TRAFFIC CONTROL PLANS. IT IS THE INTENT OF THE PLANS TO USE EITHER THE EXISTING SYSTEM OR TEMP & PROPOSED SYSTEM TO ENSURE THAT DRAINAGE IS BEING MAINTAINED.
9. THE CONTRACTOR IS TO PLACE "NO PEDESTRIAN CROSSING" SIGNS (R9-3) ALONG THE PROJECT CORRIDOR TO PROHIBIT PEDESTRIAN TRAFFIC FROM CROSSING SH 26 OR INTO THE WORK ZONE.
10. THE CONTRACTOR SHALL PROVIDE TEMPORARY ASPHALT LEVEL-UP TO MITIGATE THE DIFFERENCE IN ELEVATION BETWEEN THE NB AND SB TRAVEL LANES AT THE SIGNALIZED INTERSECTIONS AND AT THE LOCATIONS OF THE PERMANENT MEDIAN CROSSOVERS WHEN TRAFFIC IS SHIFTED TO THE OUTSIDE. LEVEL-UP SLOPES SHOWN IN THE PLANS ARE APPROXIMATE AND THE CONTRACTOR SHOULD ADJUST THE PAVEMENT TO THE ACTUAL FIELD CONDITIONS OR TO THE MAXIMUM SHOWN IN THE PLANS AND PROVIDE A SMOOTH TRANSITION BETWEEN PAVEMENTS. FOR STOP SIGN CONTROLLED SIDE STREETS AND DRIVEWAYS IN THE CONSTRUCTION ZONE, THE CONTRACTOR SHOULD MAINTAIN ACCESS BY USING A SUITABLE LEVEL-UP MATERIAL ADEQUATE FOR THE TRAFFIC IN SERVICE. THIS MAY INCLUDE FLEXBASE, GRAVEL, WILLINGS, RECYCLED ASPHALT OR OTHER MATERIAL, AS DIRECTED BY THE ENGINEER. ALL COST ASSOCIATED WITH PROVIDING MATERIAL AND CONSTRUCTION FOR MAINTAINING THESE ACCESSES SHALL BE CONSIDERED INCIDENTAL TO THE CONSTRUCTION OF THE INDIVIDUAL STREET OR DRIVEWAY.
11. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING SIGNS AT ALL TIMES. THIS INCLUDES COVERING OR MOVING CONFLICTING SIGNS, RELOCATING SIGNS, INCLUDING BUT NOT LIMITED TO, STOP SIGNS AND SIGNALS. ADDING ONE WAY & STOP SIGNS FOR SIDE STREET APPROACHES TO SH 26, WHEN APPLICABLE, AND MAINTAINING PORTABLE MESSAGE BOARDS AND FLASHING ARROW PANELS. THE CONTRACTOR WILL ALSO BE RESPONSIBLE FOR PROVIDING, PLACING AND MAINTAINING TEMPORARY BUSINESS SIGNS AS NEEDED; AND PLACING OPPOSING TRAFFIC LANE DIVIDERS FOR TWO WAY TRAFFIC ON A NORMALLY DIVIDED ROADWAY (SEE TxDOT STANDARD TCP DETAIL WZ (TD)-13. ALL COSTS ASSOCIATED WITH THE TRAFFIC LANE DIVIDERS SHALL BE CONSIDERED INCIDENTAL TO THE COST OF BARRICADES SIGNS AND TRAFFIC HANDLING (ITEM 502).
12. TEMPORARY PIPE STRUCTURES MAY BE EITHER RCP OR CMP UNLESS OTHERWISE SPECIFIED. TEMPORARY PIPE LENGTHS ARE APPROXIMATE AND MAY BE ADJUSTED FOR FIELD CONDITIONS. WITER PIPE ENDS TO MATCH ADJACENT SLOPES UNLESS PROTECTED BY BARRIER OR CURB. COST OF ADJUSTING TEMPORARY DRAINAGE STRUCTURES SHALL BE CONSIDERED INCIDENTAL TO THE COST OF CONSTRUCTING DETOURS (ITEM 508.
13. INSTALLED TEMPORARY DRAINAGE STRUCTURES MUST BE REMOVED WHEN THEY ARE NO LONGER REQUIRED FOR CONSTRUCTION ACTIVITIES. TEMPORARY DRAINAGE FEATURES MUST BE PROTECTED WITH EROSION CONTROL MEASURES SIMILAR TO EXISTING OR PROPOSED PERMANENT DRAINAGE FEATURES.
14. CONTRACTOR SHOULD BE AWARE THAT TEMPORARY PAVEMENT CONSTRUCTION (ITEM 508 CONSTRUCTING DETOURS) WILL REQUIRE WORKING IN MULTIPLE INTERSECTIONS SIMULTANEOUSLY TO FACILITATE TRAFFIC SWITCHES AND SHOULD PREPARE ACCORDINGLY.
15. TEMP DETOUR PAVEMENT WILL REQUIRE ITEMS TO BE REMOVED OR ADJUSTED OUTSIDE THE LIMITS OF CONSTRUCTION OR IN CONFLICT WITH ITEMS THAT ARE TO REMAIN. ALL ITEMS AFFECTED BY THE DETOUR CONSTRUCTION THAT ARE TO REMAIN WILL REQUIRE THE CONTRACTOR TO REPLACE IN KIND. REPLACEMENT OF AFFECTED ITEMS INCLUDING BUT NOT LIMITED TO CURB, BRICK PAVERS, DECORATIVE CONCRETE/ASPHALT, STRIPING, LANDSCAPING, IRRIGATION, SIGNING OR LIGHTING WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE CONSIDERED INCIDENTAL TO THE COST OF CONSTRUCTING DETOURS. ALL MATERIAL AND WORK RELATED TO TEMPORARY CAPPING INLETS UNDER TEMPORARY PAVEMENT SHALL ALSO BE CONSIDERED INCIDENTAL TO THE COST OF CONSTRUCTING DETOURS.
16. SEE TEMPORARY SIGNAL PLANS FOR LOCATIONS OF TEMPORARY SIGNAL POLES AND TEMPORARY SIGNAL HEAD LOCATIONS.
17. THE CONTRACTOR WILL BE RESPONSIBLE FOR RELOCATING OR PROTECTING OBJECTS OR DROP OFFS WITHIN THE 10' HORIZONTAL CLEARANCE FROM THE EDGE OF TRAVEL LANE.
18. COST OF WORK ZONE PAVEMENT MARKINGS, ITEM 662, IS ALSO TO INCLUDE THE COST OF MATERIAL AND LABOR TO INSTALL RAISED REFLECTIVE PAVEMENT MARKINGS AS APPLICABLE.
19. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING ACCESS TO DRIVEWAYS INCLUDING PHASING CONSTRUCTION AS NEEDED. WHERE MORE THAN ONE DRIVEWAY PROVIDES ACCESS TO A BUSINESS, THE CONTRACTOR MAY CLOSE A DRIVEWAY WHILE MAINTAINING THE OTHER DRIVEWAY(S), INCLUDING PROVIDING BUSINESS SIGNS.
20. CONTRACTOR SHALL KEEP THE EXISTING EMERGENCY SIGNAL AT THE CENTRAL FIRE STATION FULLY OPERATIONAL DURING CONSTRUCTION UNTIL THE NEW PERMANENT EMERGENCY SIGNAL IS IN FULL OPERATION.
21. THE CONTRACTOR MAY ELECT TO USE A CRASH CUSHION ATTENUATOR AT THE ENDS OF THE PCTB TO PROTECT THE LEADING EDGES INSTEAD OF LPCB AND TRANSITION PIECE. STANDARD SLED-14 HAS BEEN INCLUDED BUT THE CONTRACTOR MAY USE OTHER CCA AT THE APPROVAL OF TXDOT.

SUGGESTED SEQUENCE OF CONSTRUCTION:

PRE-PHASE 1

1. PLACE ADVANCED WARNING SIGNS ALONG SH 26 AND THE SIGNS DETAIL SHEET.
2. DURING OFF-PEAK HOURS, CLOSE THE OUTSIDE LANE, AS STANDARD TCP SERIES 2 AND CONSTRUCT THE TEMPORARY CONSTRUCT A DITCH BEHIND THE TEMPORARY PAVEMENT S EDGE DROP-OFF AS NEEDED, PER THE TXDOT EDGE CONDI

PHASE 1

1. INSTALL SIGNS AND SHIFT TRAFFIC AS SHOWN IN THE P AS SHOWN IN THE PHASE 1 PLANS. DO NOT CONSTRUCT WHERE FUTURE TRAFFIC OR WIDENING IS TO OCCUR (SEE CONSTRUCTION AND TEMPORARY CONSTRUCTION) EXCEPT F CONSTRUCT THE INLET BOX AND CAP THE BOX WITH A TR
2. CONSTRUCT A DITCH BEHIND THE TEMPORARY PAVEMENT S EDGE DROP-OFF AS NEEDED, PER THE TXDOT EDGE CONDI
3. SEE INTERSECTION PHASING DETAILS FOR SUGGESTED SE
4. PROVIDE ACCESS TO BUSINESSES AND SIDE STREETS, UN OF THE FUTURE SB LANES.
5. CONSTRUCT THE EAST HALF OF THE BRIDGE OVER LITTLE
6. CONSTRUCT TEMPORARY SHORING AND THE BOX CULVERT A CONDITION USING LPCB. MAINTAIN FLOW THROUGH THE AND BORE A 48" TEMPORARY PIPE ALONG THE CENTERLIN FLOW THROUGH THE NORTH BARREL.

PHASE 2

1. INSTALL SIGNS AND SHIFT TRAFFIC TO THE OUTSIDE IN MEDIAN (SEE PHASE 2 PLANS). DO NOT CONSTRUCT TH TO THE SB LANES IN THE NEXT PHASE.
2. SEE INTERSECTION PHASING DETAILS FOR SUGGESTED SE
3. PROVIDE ACCESS TO BUSINESSES AND SIDE STREETS THA (SEE ROADWAY PLANS FOR LOCATIONS OF PERMANENT MED THE NB AND SB LANES TO PROVIDE ACCESS FOR THE DIF
4. CONTINUE CONSTRUCTION OF THE BOX CULVERT AT PLEAS SHORING AND PROTECT DROP-OFFS AS NEEDED WITH LPCB

PHASE 2A

1. INSTALL SIGNS AND SHIFT ALL LANES OF TRAFFIC FROM SOUTH OF BROWN TRAIL TO CENTERPARK TOWARD THE EAST AND ACROSS THE NEW PORTION OF LITTLE BEAR CREEK BRIDGE.
2. CONSTRUCT THE WESTERN HALF OF LITTLE BEAR CREEK BRIDGE AND PERMANENT PAVEMENT OF
3. SEE THE BROWN TRAIL AND CENTERPARK INTERSECTION PHASING DETAILS FOR SUGGESTED SE THESE SIGNALIZED INTERSECTIONS.

PHASE 3

1. JUST PRIOR TO THE TRAFFIC SWITCH, CLOSE THE MEDIAN ACCESSES FROM PHASE 2 AND LEVEL OUT THE TEMPORARY PAVEMENT IN THE MEDIAN THAT WAS USED TO LEVEL-UP BETWEEN THE NB AND SB LANES. INSTALL SIGNS AND SHIFT NB AND SB TRAFFIC TO THE OUTSIDE LANES FROM SOUTH OF BROWN TRAIL TO CENTERPARK. FROM NORTH OF CENTERPARK, SHIFT THE NB TRAFFIC LANES ADJACENT TO THE SB TRAFFIC LANES IN PHASE 2.
2. SEE INTERSECTION PHASING DETAILS FOR SUGGESTED SEQUENCE OF CONSTRUCTION AT THE SIGNALIZED INTERSECTIONS.
3. CONSTRUCT THE PERMANENT PAVEMENT OF THE FUTURE NB LANES. PROVIDE ACCESS TO BUSINESSES AND SIDE STREETS, UNLESS NOTED, ON THE EAST SIDE THROUGH THE CONSTRUCTION AREA OF THE FUTURE NB LANES.
4. CONSTRUCT THE REMAINING PORTION OF THE BOX CULVERT AT PLEASANT RUN AND THE REMAINING STORM DRAIN PIPE AND STORM DRAIN INLETS ALONG THE EAST CURB.

PHASE 4

1. MAINTAIN SB TRAFFIC LANES FROM PHASE 3. INSTALL PERMANENT SIGNING AND PAVEMENT MARKINGS FOR NB TRAFFIC ON THE NB PERMANENT PAVEMENT AND SHIFT TRAFFIC TO THE FINAL NB TRAFFIC LANES.
2. REMOVE TEMPORARY PAVEMENT FROM THE MEDIAN AND CONSTRUCT THE MEDIAN AND MEDIAN CURB LEFT OUT FROM THE PREVIOUS PHASES. USE TXDOT STANDARD TCP SERIES 2 TO CLOSE THE ADJACENT LANE DURING OFF-PEAK HOURS TO FACILITATE CONSTRUCTION OF THE CURB, AS NEEDED.
3. ONCE THE INSIDE CURB IS COMPLETE, SHIFT SB TRAFFIC TO IT'S FINAL LOCATION, REMOVE THE TEMPORARY PAVEMENT ALONG THE OUTSIDE LANE AND CONSTRUCT THE CURB, CURB INLETS & REMAINING DRIVEWAYS. USE TXDOT STANDARD TCP SERIES 2 TO CLOSE THE ADJACENT LANE DURING OFF-PEAK HOURS TO FACILITATE CONSTRUCTION.

R9-3

Texas Department of Transportation

TRAFFIC CONTROL GENERAL NOTES AND NARRATIVE

SH 26

COLLEYVILLE, TEXAS

NOT TO SCALE

DIST. NO.	FEDERAL PROJECT NO.	SHEET NO.
6	STP 1	1 UM 64
STATE	DIST.	COUNTY
TEXAS	FTW	TARRANT
CONT.	SECT.	JOB	HIGHWAY NO.
0363	01	114,ETC	SH 26

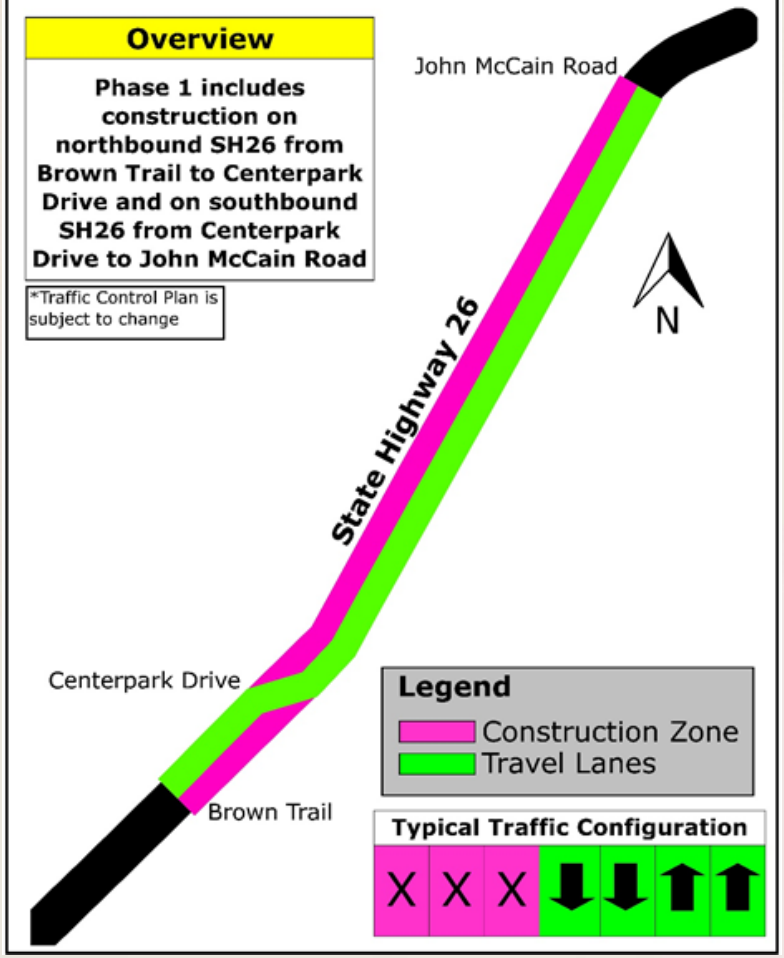
Phase 1 Construction

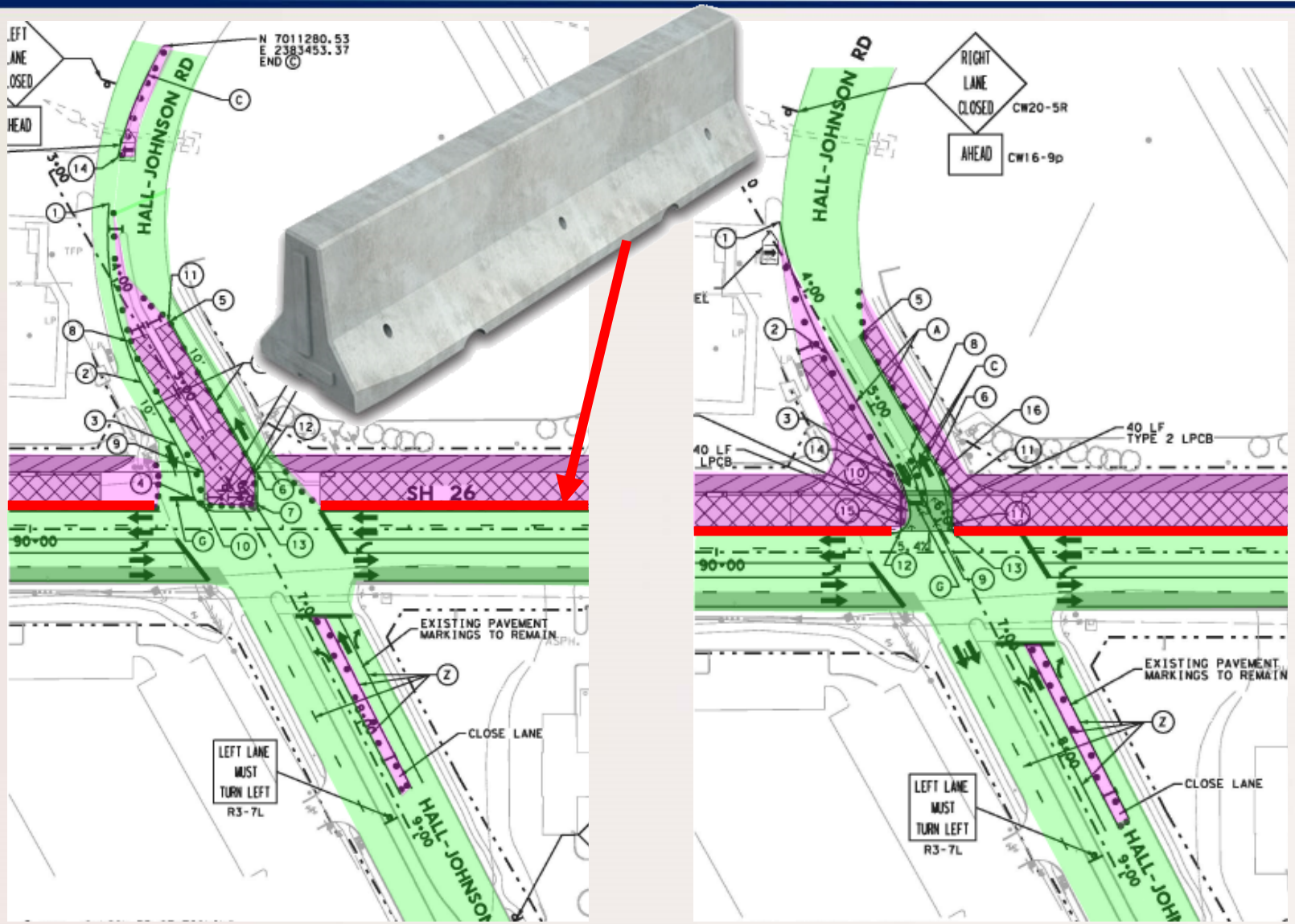
Traffic Control Plan
Phase 1*
(approx. 12 months)

Overview

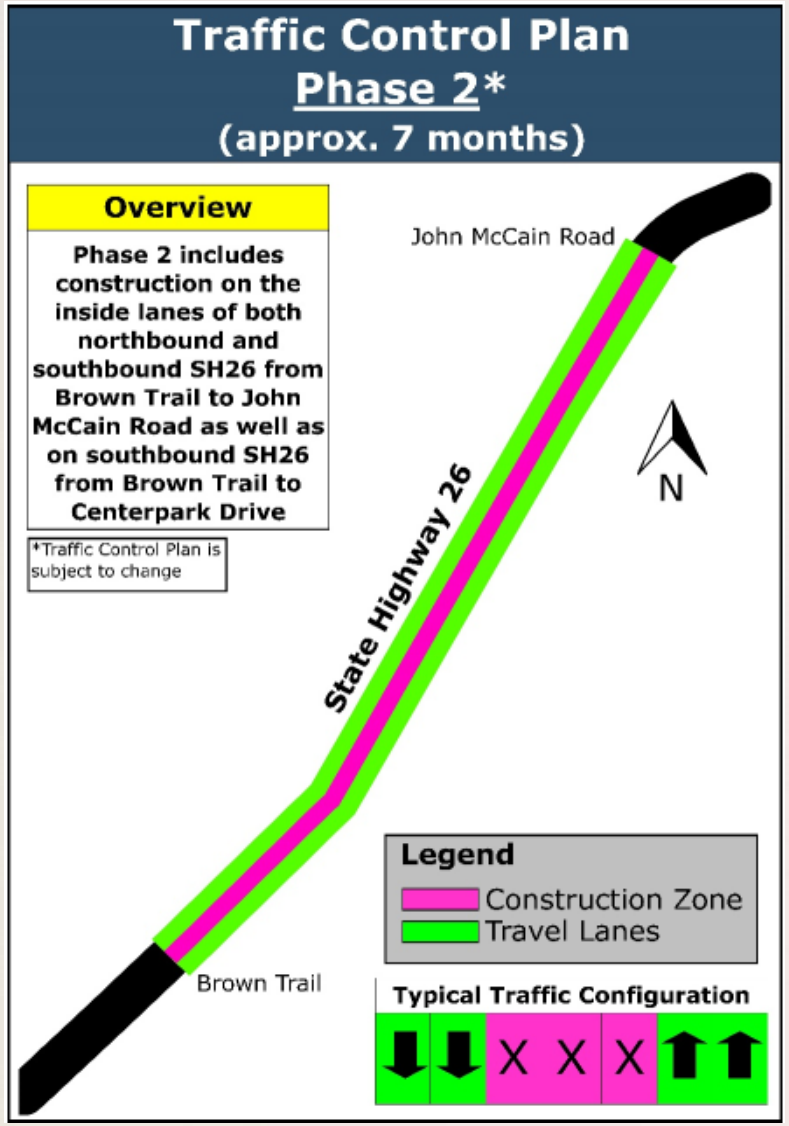
Phase 1 includes construction on northbound SH26 from Brown Trail to Centerpark Drive and on southbound SH26 from Centerpark Drive to John McCain Road

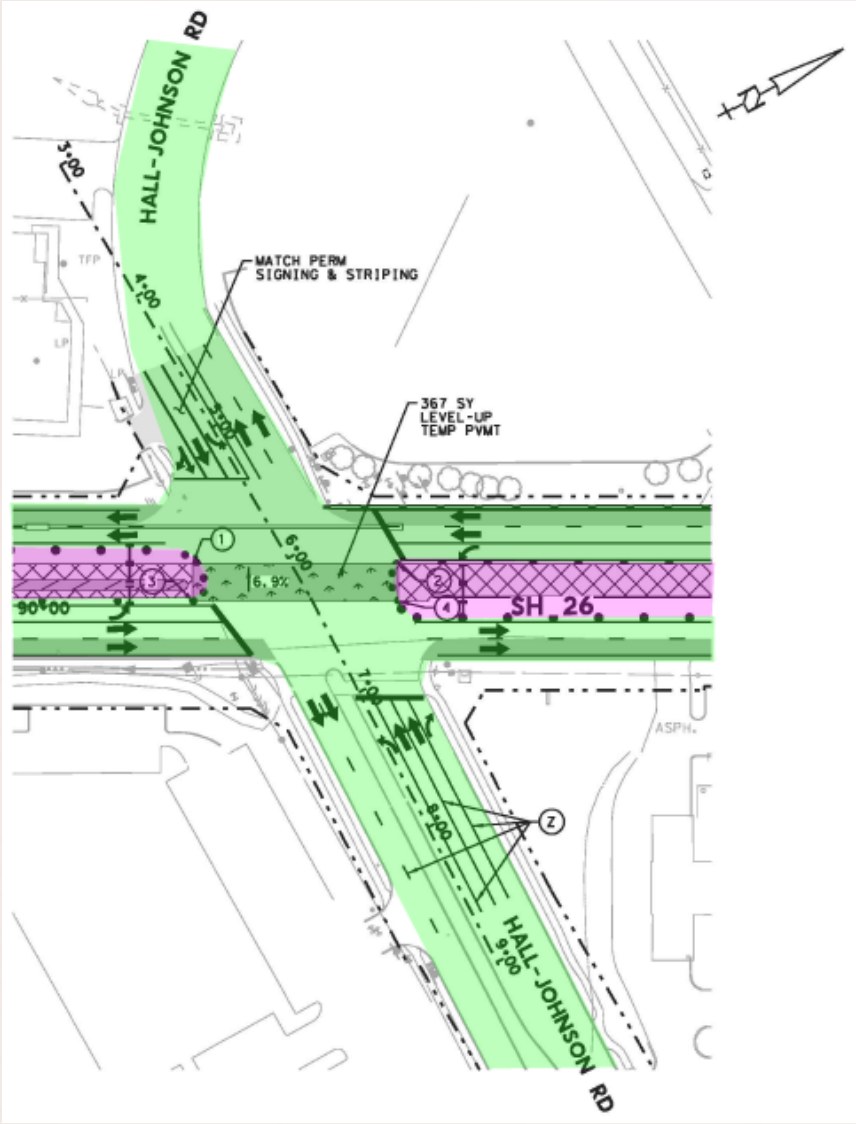
*Traffic Control Plan is subject to change





Phase 2 Construction





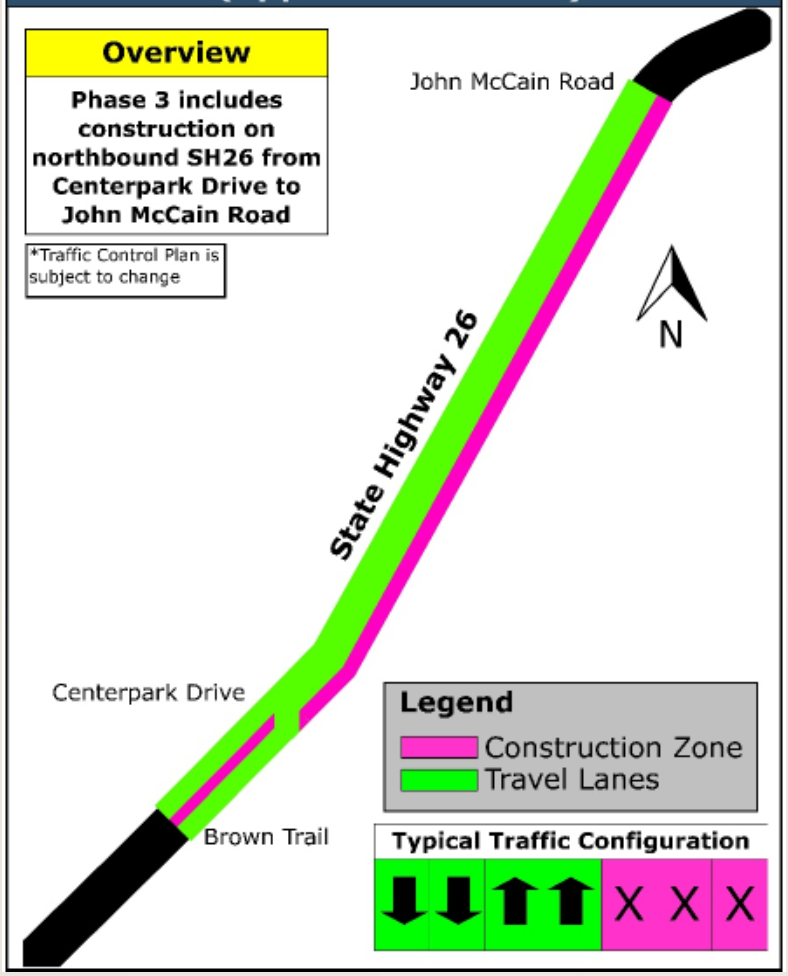
Phase 3 Construction

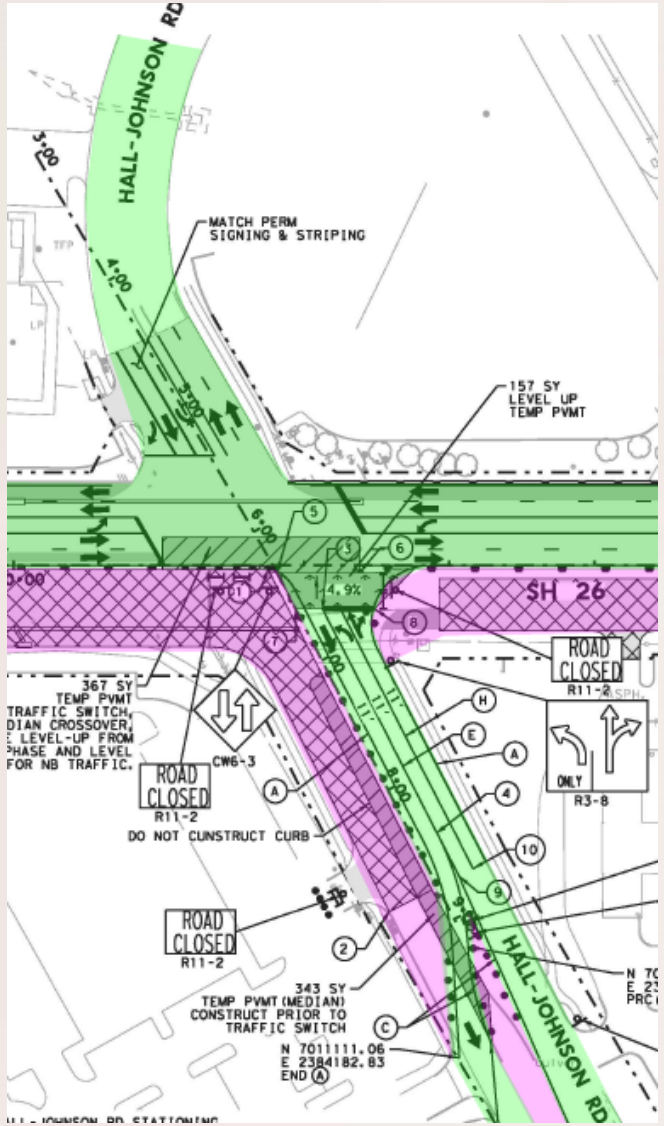
Traffic Control Plan
Phase 3*
(approx. 8 months)

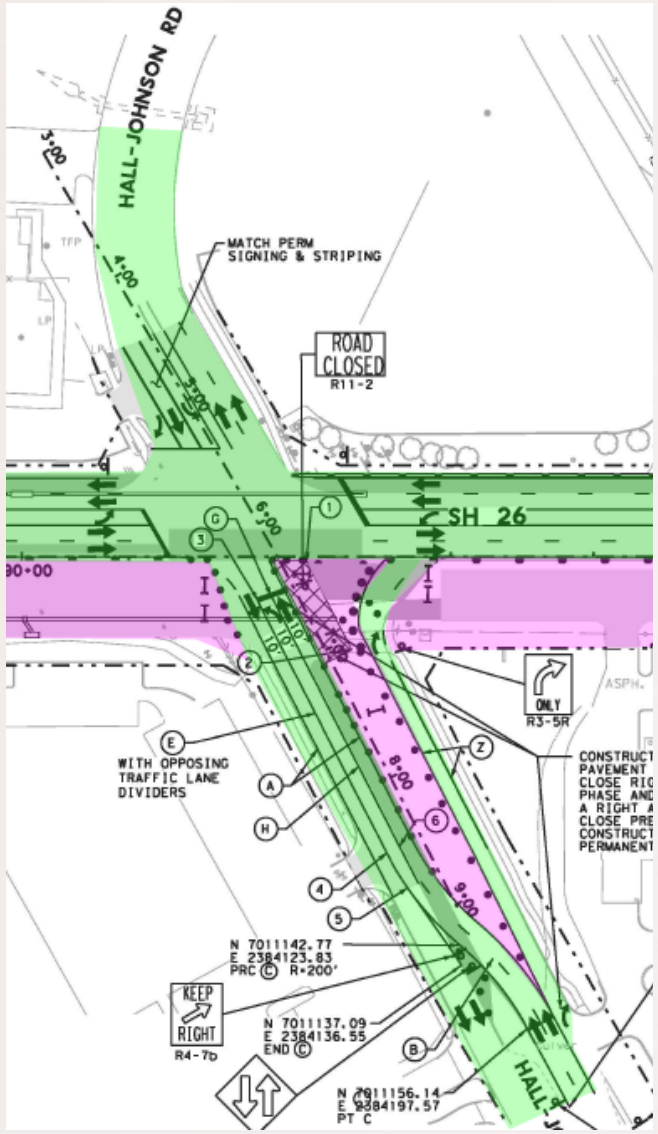
Overview

Phase 3 includes construction on northbound SH26 from Centerpark Drive to John McCain Road

*Traffic Control Plan is subject to change







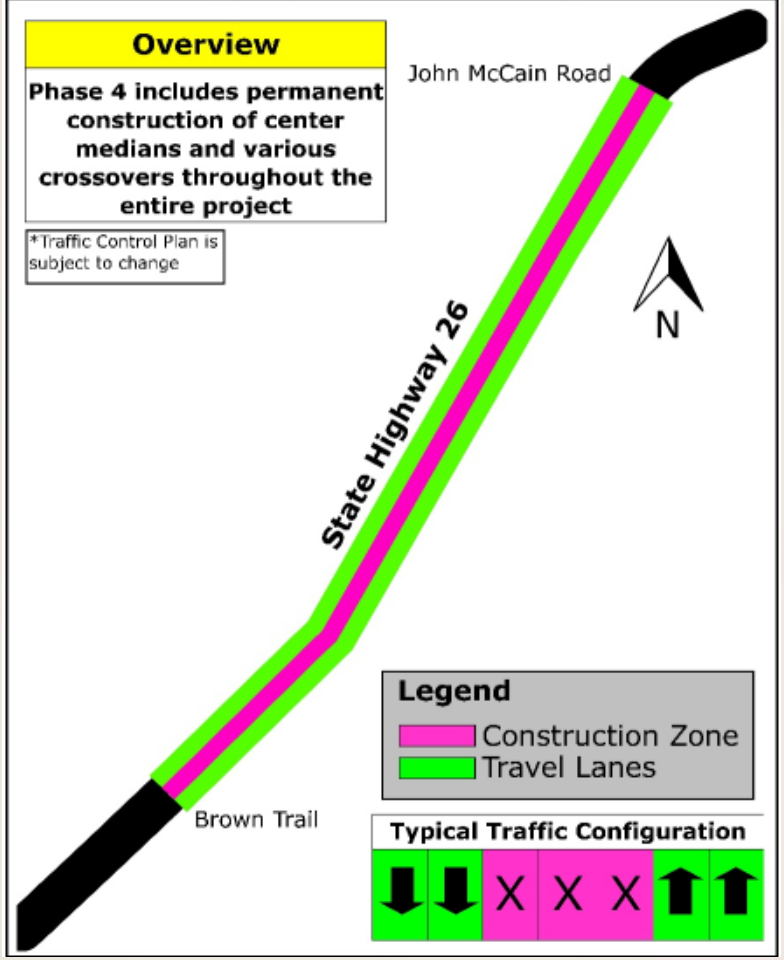
Phase 4 Construction

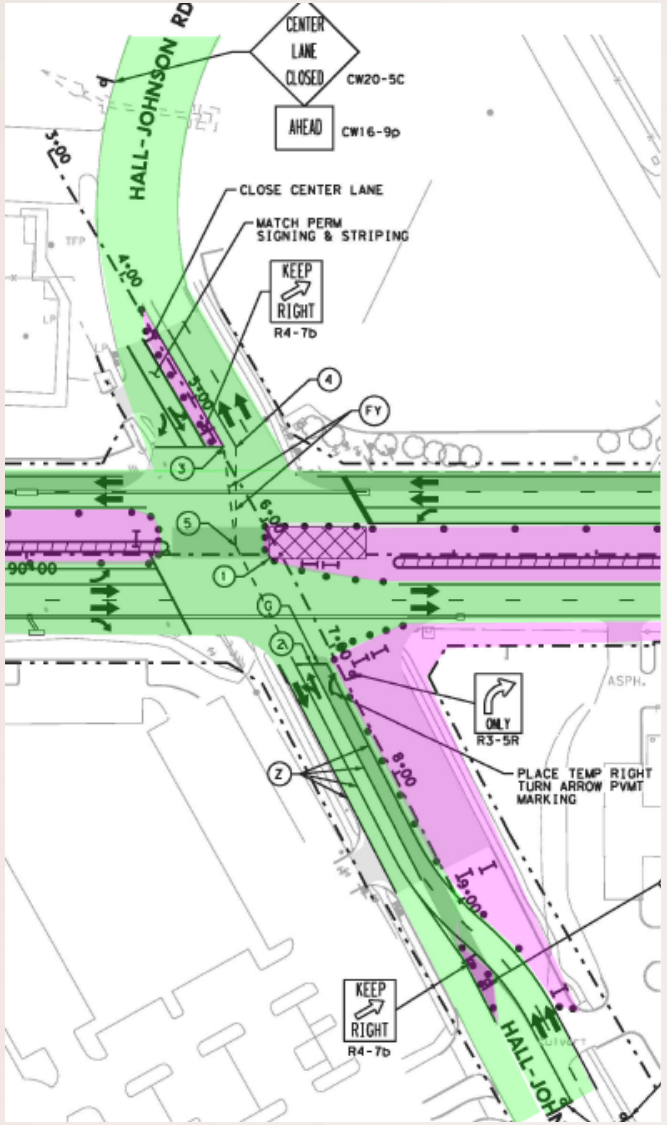
Traffic Control Plan
Phase 4*
(approx. 5 months)

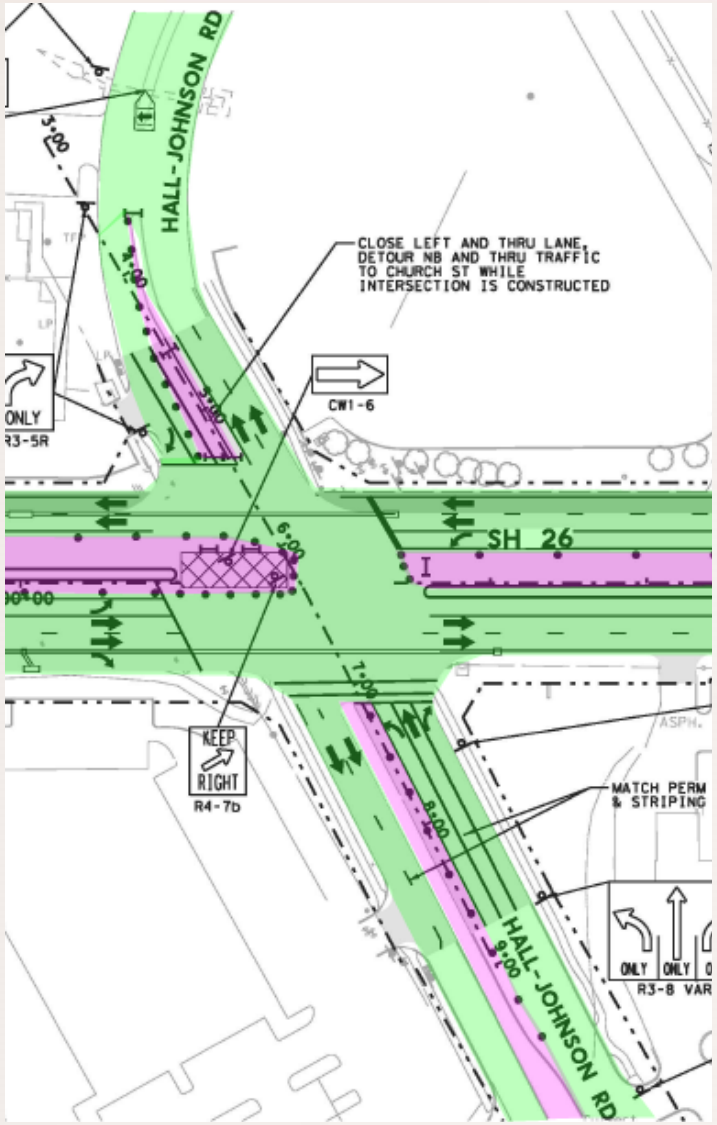
Overview

Phase 4 includes permanent construction of center medians and various crossovers throughout the entire project

*Traffic Control Plan is subject to change







Alternative Design

Teague Nall & Perkins (TNP) has proposed an alternate design to maintain crosswalks at one intersection throughout construction:

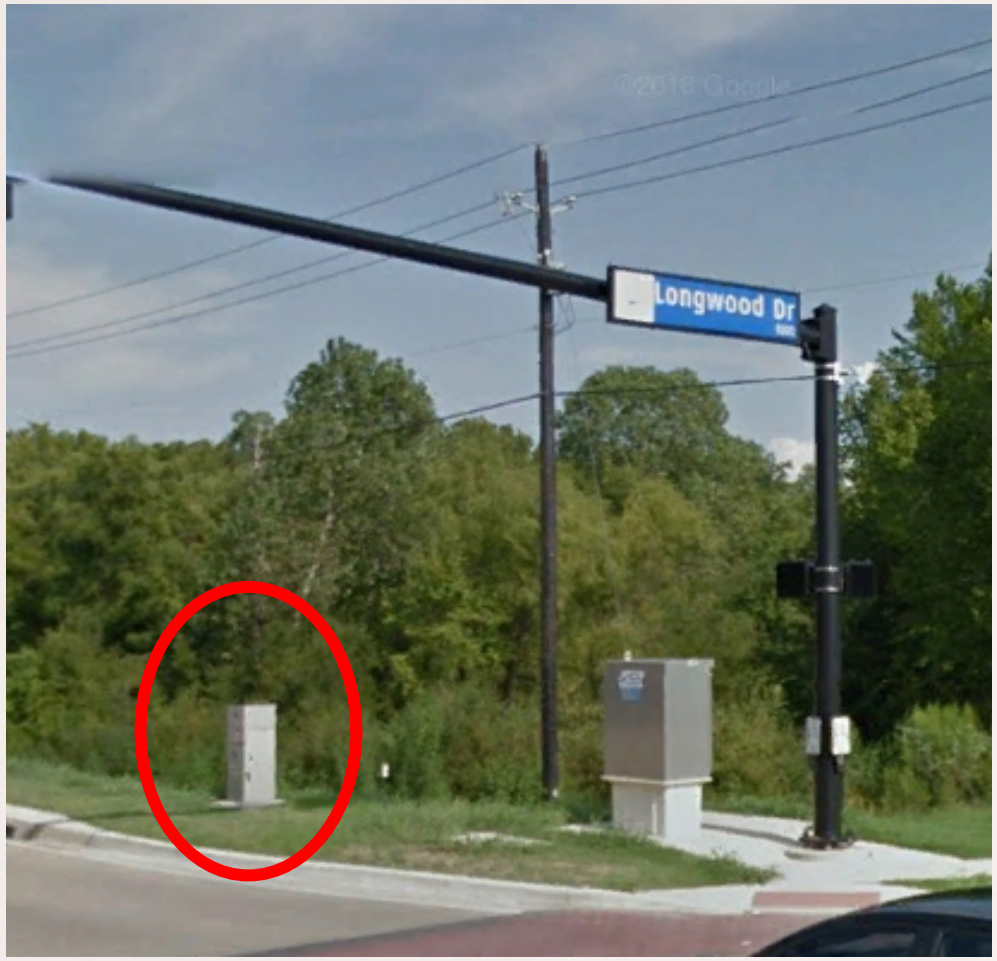
- "Because it will not be possible to safely cross pedestrians through the active SH26 Temporary Traffic Control (TCC) work zone, the alternative method would be to construct the Hall-Johnson approaches and intersection as a separate phase after the rest of construction is complete" – TNP

- Estimated cost for redesign - $60,000
- Estimated cost for implementation/construction – To Be Determined
- Estimated time for implementation - three months
- Estimated construction delay/extension - six months (would be negotiated with contractor)

<u>Other Considerations</u>
- Impact to traffic
- Subject to TxDOT approval

Traffic Signal Power Supply

Current – overhead drop



Proposed – underground

Traffic Signal Power Supply

Cost for design revisions approximately $7,000

- Eight (8) layout sheets to update the electrical service data
- Two (2) quantities sheets
- One (1) index sheet to add pedestal service standard details
- Add one (1) pedestal service standard details in the package

Cost for change order/installation approximately $16,000- $24,000

- Cost for equipment and installation at eight (8) intersections
  - $2,000 – $3,000 per intersection

No construction delays are anticipated if this change is made

Discussion and Questions

www.tnpinc.com
engineers
surveyors
landscape architects

April 27, 2017

City of Colleyville
100 Main Street
Colleyville, Texas 76034
Attn: James Hubbard

Re: SH 26: Work Zone Pedestrian Crossing at Hall-Johnson
(Mill Valley Drive/Brown Trail to John McCain Road)

Introduction:

The Temporary Traffic Control (TTC) design plans for SH 26 call for pedestrian crossing facilities to be maintained unless these crossings are precluded by construction activities that would make passage through the TTC zone unsafe for pedestrians. When the crossing is precluded by construction, the crossing is closed. Preclusions include but are not limited to:

- Physical barriers that obstruct/prevent pedestrian pathway.
- Pedestrians being led into conflict with vehicles, equipment, and operations. (TMUTCD Section 6D.01.07)
- Pathway surface not in compliance with "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" (ADA) requirements. (TMUTCD Section 6D.01.11.C)
- Grades or drop offs not compliant with ADA requirements. (TMUTCD Section 6D.01.11.C)

The TTC for SH 26 was designed with a high priority on expediting construction timeliness in order to minimize negative impacts to the adjacent businesses and community. With pedestrian safety in mind, it has been determined that pedestrian crossings along the SH 26 TTC zone should be closed during construction

Alternative Design:

The City of Colleyville has requested TNP to evaluate an alternative TTC phasing and design that would allow for a single pedestrian crossing to be maintained throughout the duration of SH 26 construction at either Hall-Johnson Road or Church Street. The alternative approach and its implications are summarized below.

<u>Approach:</u>
Because it will not be possible to safely cross pedestrians through the active SH 26 TTC work zone, the alternative method would be to construct the Hall-Johnson approaches and intersection as a separate phase after the rest of construction is complete. This would allow the existing crossing at Hall Johnson to remain open while other proposed intersection and associated pedestrian improvements are constructed. Once the rest of construction is complete and open for use, including pedestrian crossings at Mill Valley, Centerpark, Glade, Main, Church, & Tinker intersections, the Hall-Johnson intersection would be constructed and the existing pedestrian crossing closed.

Notes:

- The existing pedestrian elements at Hall-Johnson do not meet current ADA requirements and will be used "as is", without any modification or upgrade.
- In the existing condition there is currently no continuity in pedestrian accessibility between Hall-Johnson and Church Street Intersections. The above mentioned approach would not improve this condition until the entire project construction is complete.
- The alternative approach would need to be approved by TxDOT prior to implementation, with no guarantee of acceptance.
- The resulting construction delay associated with introducing additional construction phases would also need to be negotiated with the Contractor.

Implications:

- Cost:
    - Design and plan revisions for implementing this alternative would cost approximately $60K in additional engineering fees. The change will also add substantial construction costs that have not been determined.

- Time Delay:
    - Approximately 3 months of redesign, TxDOT review/approval, and change order processing is expected to take place before any alternative construction phasing would be implemented. Until a TTC change is approved by TxDOT and negotiated with the Contractor, actual construction delay will not be known, however, TNP estimates approximately 6 months of delay.

- Negative impacts to traffic flow:
    - As the City knows, traffic progression through the SH 26 construction zone is very important to the public. A crosswalk at the Hall Johnson signal would decrease the available green time for traffic movement on SH 26 during construction and impede traffic flow.

Conclusion:

While the alternative approach to TTC phasing would provide a continuous pedestrian crossing during SH 26 construction, there would also be substantial cost, time delays, and traffic impacts associated with this alternative phasing. Time delay and the impediment of traffic flow will have a negative impact to both local businesses and the traveling public. All of these things, along with impacts to safety, need to be considered in any decision to change the currently designed TTC to improve temporary accessibility.

City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number WS-4 **Agenda Date** 05/02/2017
Type Worksession
Department City Secretary

Title
Discussion of the May 2, 2017, City Council regular agenda items

City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 1 **Agenda Date** 05/02/2017
Type Executive Session
Department City Secretary

Title

Section 551.071 - Legal - Consultation with attorney on legal issues raised by public hearing or action items on the agenda

Section 551.071 – Legal – Consultation with the City Attorney regarding settlement and/or contemplated litigation concerning the Interlocal Agreement between the City of Colleyville and the Fort Worth Transportation Authority regarding Quiet Zone Implementation

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and the duties of the Chief Financial Officer

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information that the City has received from business prospects that the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

Attachments

RESOLUTION R-17-4121

A RESOLUTION APPROVING COUNCIL ACTION REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR CITY COUNCIL MEETING OF MAY 2, 2017

WHEREAS, following discussion in Executive Session, and in full accordance with the requirements of the Open Meetings Act, the City Council determines that the following action is in the best interests of the health, safety and welfare of the public.

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

Sec. 1. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS AND _ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST: **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3 **Agenda Date** 05/02/2017
Type Announcements, Proclamations, and Presentations
Department City Secretary

Title

Proclamation in recognition of National Public Works Week May 21-27, 2017 - Mayor Richard Newton and Public Works Director Jeremy Hutt

Recognition of service to the City by outgoing Councilmembers - Mayor Richard Newton

Attachments

1. Proclamation in recognition of National Public Works Week May 21-27, 2017

Proclamation

CITY OF

Colleyville, Texas

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, public works employees work side by side with police and fire as first responders; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, wastewater, streets, public buildings, fleet maintenance, and stormwater management; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the work performed by public works employees, directly impacts the quality of life for the residents and businesses of Colleyville; and

WHEREAS, the American Public Works Association annually sponsors National Public Works Week, and has chosen the theme "Public Works Connects Us", to promote the 57th Annual National Public Works Week.

NOW, THEREFORE, I RICHARD NEWTON, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, do hereby proclaim the week of May 21 - 27, 2017 as:

NATIONAL PUBLIC WORKS WEEK

in the City of Colleyville, and call upon all citizens to recognize the contributions our public works employees make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, affixed this 2nd day of May 2017.

Richard Newton
Mayor

City of Colleyville Texas

RESOLUTION R-17-4122

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF MAY 2, 2017

WHEREAS, City Council has taken action on certain items on the agenda under Consent Items.

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

Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:

a. Approval of the City Council worksession minutes of April 17, 2017

b. Approval of the minutes of the regular City Council meeting of April 18, 2017

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST: **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

City of Colleyville
City Council Worksession
Minutes - Draft

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Monday, April 17, 2017 | Executive Conference Room
6:00 p.m. | Third Floor – City Hall

Mayor Richard Newton called the Colleyville City Council Worksession to order on April 17, at 6:00 p.m.

ROLL CALL: Mayor Richard Newton, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

Absent: Mayor Pro Tem Chris Putnam

City Manager Jennifer Fadden, Assistant City Manager/Director of Public Safety Mike Holder, Interim Assistant City Manager/Director of Economic Development and Communications Mark Wood, Public Works Director Jeremy Hutt, and City Secretary Amy Shelley

2. PRESENTATION AND DISCUSSION

2a Presentation and discussion of the Glade Road Project

Public Works Director Jeremy Hutt presented this item and answered questions of the City Council. Chad Gartner, TranSystems, was also available to answer questions of the City Council.

Councilmember Taylor asked staff if the contract is awarded in June, will they be able to get much work completed during the summer, prior to school starting in August. Director Hutt replied staff plans to have timelines as special provisions in the bid document to allow for the school traffic.

Councilmember Lindamood asked staff about the start date, he believed it was going to start in June rather than July. Director Hutt replied he is still pushing to make this date, but it will depend on when the items fall into place with City Council meeting dates.

Councilmember Taylor asked staff about the process. Director Hutt replied staff is planning to award the contract at the first City Council meeting in June.

Mayor Newton stated we can call a special meeting to deal with the contract, if necessary, rather than waiting for a regular meeting in order to save a week or two.

Councilmember Lindamood asked staff if the work can begin as soon as the contract is awarded. Director Hutt replied yes.

Councilmember Nakamura asked staff when school starts. Director Hutt replied August 21.

Mayor Newton asked staff how long it takes to finish, once started. Director Hutt replied a lot of work for 1-A is for the bridge widening, and existing curb and gutter work within the parkway, but the driving factor is associated with the drainage culvert. Mr. Gartner added there may be some other work to be completed after school has started, such as sidewalks. Councilmember Taylor stated being concerned about the intersection at Bransford Road and Glade Road, as things never go as planned.

Councilmember Coplen asked staff about the cost of the interim maintenance for Glade Road, $142,000 or $198,000. Director Hutt replied he would provide the numbers. City Manager Jennifer Fadden stated $198,000 has been allocated in capital improvements for the roadway between Stafford Drive and Jim Mitchell Trail.

Councilmember Lindamood asked staff if the section from Stafford Drive to Pool Road (Phase 1-B) could be skipped in order to save money. Director Hutt replied staff can look at working backwards.

Mayor Newton asked staff how much does that section cost. Director Hutt replied $60,000, conservatively.

Councilmember Taylor suggested looking at where the delineation lines are so that drainage and items are not placed in the ground, only to be dug up again. Mayor Newton stated that the interim maintenance pavement will be replaced at final construction, but this maintenance will provide a smooth surface for residents to drive on now. The cost of the interim maintenance is a sunk cost the entire City Council has already voted to do.

Mayor Newton asked staff if they are looking for direction to see if the City Council is willing to invest $60,000 for interim maintenance (temporarily pave) for Phase 1-B (from the concrete to Bluebonnet Drive). Director Hutt replied yes. Councilmember Coplen stated she would like to wait until the right-of-way has been determined for this section.

Mayor Newton asked staff if Phase 1-B includes geography outside of the Phase 1-B boundary. Director Hutt replied yes.

Mayor Newton asked Mr. Gartner why the boundary is defined like that. Mr. Gartner replied the trunk line stops at the boundary limits shown today, and it is split between the current ditches. He stated the design was created so that Phase 2 could follow closely with Phase 1 to extend the storm drain as part of Phase 2. It may be necessary to extend the boundary of Phase 1-B to include the drain line.

Mayor Newton stated the scope of Phase 1-B would then be changed. Mr. Gartner agreed.

Councilmember Lindamood asked staff if there is already a contractor in place. Director Hutt replied there is a contractor to use for the asphalt, interim maintenance. The work between Bluebonnet Drive and Jackson Road/Pool Road is scheduled for the end of the month.

Councilmember Taylor asked staff if this decision is going to be voted on. Director Hutt replied this project is in the capital improvements plan. Councilmember Taylor stated being concerned about the current bar ditches holding additional water. Mayor Newton stated we are only talking about temporary pavement, which will not increase the amount of water. The only temporary pavement is in Phase 2.

Mr. Gartner explained the following options:

- **Base Option -** Curb and gutters with turn lanes, trail on the north side and sidewalk on the south

- **Alternate Option 1** – Ribbon curb with roadside ditches and no turn lanes, sidewalk on the north side from Montclair Street to Pool Road only, and a trail on the south

- **Alternate Option 2** – Alternate Option 1 with the addition of grate inlet along with the roadside ditches (storm drainage), sidewalk on the north side and trail on the south

- **Alternate Option 3** – Alternate Option 2 with the addition of left turn lanes, sidewalk on the north side and trail on the south

- **Alternate Option 4** – is a combination two options. The Base Option for Rose to Montclair and Alternate Option 3 for Montclair to Pool Road

- **Alternate Option 5** – Pavement reclamation with the addition of ribbon curbs and additional grading, limited pedestrian facilities (sidewalk from Behrens Road to Behrens Court, this creates a continuous sidewalk on the south side

- **Alternate Option 6** – Pavement reclamation only, no additional pedestrian facilities

Councilmember Coplen asked Mr. Gartner if there is a difference in the number of left turn lanes within the options. Mr. Gartner replied Alternate Option 3 has one; Alternate Option 4 includes same number from the Base Option; Alternate Option 1 and 2, there are no turn lanes; Alternate Option 3, has turn lanes at Behrens and Chelsea, with none between to try to minimize the impact. Councilmember

Lindamood asked Mr. Gartner to minimize the impact of what? Mr. Gartner replied to minimize the width of the pavement.

Councilmember Nakamura asked Mr. Gartner about the total number of turn lanes. Mr. Gartner replied nine.

Councilmember Coplen asked Mr. Gartner if both entrances to Cranbrook will have turn lanes. Mr. Gartner replied no, just one, and used the exhibit to show how the turn lanes work in this area.

Councilmember Lindamood asked Mr. Gartner about the curb in the Chelsea Park area. Mr. Gartner replied the barrier curb provides the smallest footprint.

Councilmember Lindamood asked Mr. Gartner about the necessity for the trunk line. Mr. Gartner replied the trunk line improves the current storm drain system to meet the City code standards.

Councilmember Coplen asked Mr. Gartner if all options have a sidewalk on the south side. Mr. Gartner replied yes. The Base Option and Option 4 have a sidewalk on the north side.

Councilmember Lindamood asked Mr. Gartner about the difference from the east side of Montclair Drive with the Base Option and Option 4. Mr. Garter replied the Base Option is a barrier curb from beginning to end with enclosed, engineered drainage.

Councilmember Lindamood asked Mr. Gartner about the curb with Option 4. Mr. Gartner replied Option 4 is a ribbon curb.

Mayor Newton asked Mr. Gartner if he previously recommended Option 4. Mr. Gartner replied correct.

Councilmember Lindamood asked Mr. Gartner if the sidewalk easement can be moved to the north a little. Mr. Gartner replied it could be considered.

Councilmember Taylor asked Mr. Gartner if the Base Option is the most efficient, least intrusive, tightest footprint, full drainage system, reconstruction. Mr. Gartner replied yes.

Councilmember Coplen asked Mr. Gartner if the Base Option runs through Chelsea Park, and then it goes to Option 3 from Montclair to Pool Road with Option 4. Mr. Gartner replied correct, but Montclair to Jim Mitchell.

Councilmember Taylor asked Mr. Gartner about the reduction in the trail width. Mr. Gartner replied on the south side, from beginning to the end, the trail has

been reduced from 10 foot to 8 foot, and that is continued to the west end of Phase 2 to the east end.

Councilmember Taylor asked Mr. Gartner about right-of-way impacts within the tightest part of the roadway. Mr. Gartner replied there are no right-of-way impacts.

Councilmember Lindamood asked Mayor Newton about the difference in the pricing between the Base Option and Option 4. Mayor Newton replied Option 4 is $300,000 less. Mr. Gartner added the ribbon curb is cheaper than barrier curb.

Councilmember Taylor asked Mr. Gartner if this was a best guess based on market pricing. Mr. Gartner replied yes, based on recent bids of similar items.

Councilmember Nakamura asked Mr. Garter if Phase 2 is the most expensive phase. Mr. Gartner replied he believes so.

Councilmember Lindamood asked Mr. Gartner if the sidewalk will be over the ditch from Camelot to Chelsea, going west. Mr. Gartner replied yes.

Councilmember Lindamood suggested doing everything necessary to save trees. Councilmember Taylor suggested the planting of additional trees, where property owners will let us.

Mayor Newton stated he would like the number of trees impacted to be reduced with Option 4.

Councilmember Taylor stated being in favor of the Base Option with a modified trail.

Councilmember Short stated being in favor of the Base Option or Option 4.

Councilmembers Nakamura, Lindamood, and Coplen stated being in favor of Option 4.

Mayor Newton asked Mr. Gartner for clarification of expanding Phase 1-B to Montclair. Mr. Gartner replied the expansion would include Bedford Road to Beldon Trail, as a single package. Mayor Newton asked about the benefit. Mr. Gartner replied building the entire trunk line will mitigate any drainage issues introduced with the new construction.

Mr. Gartner suggested releasing the new design for Phase 2, with Option 4, and begin the utility coordination, as this portion will not hold up Phase 1-B. He stated the utilities in this area are unknown.

Mayor Newton stated he will do some internal processing to be sure to better understand this.

Mayor Newton summarized the meeting: Phase 1-A construction will start this summer, with the difficult part being completed before school begins in the fall; Phase 1-B, right-of-way acquisition is underway, but yet to be completed; Phase 2, everyone is in a general agreement with Option 4; suggested extending Phase 1-B into Phase 2; with Option 4, save as many trees as possible, and Mayor Newton stated he wants a clear accounting of the TIF.

Director Hutt stated staff will bring forward a contract amendment for TranSystems, given the design changes to the scope. Mayor Newton stated he wants to see what has been spent, and where it has been spent, on the project so far.

3. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the worksession at 8:00 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Minutes taken and prepared by:

Amy Shelley, TRMC
City Secretary

City of Colleyville
City Council
Minutes - Draft

City Hall
100 Main Street
Colleyville, Texas 76034
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Tuesday, April 18, 2017

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, April 18, 2017 at 5:30 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

City Manager Jennifer Fadden, Assistant City Manager/Director of Public Safety Mike Holder, Interim Assistant City Manager and Executive Director of Economic Development and Communications Mark Wood, Fire Chief Brian Riley, Assistant Police Chief Robert Hinton, Interim Chief Financial Officer Winston Duke, Human Resources Director Rachel Huitt, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Principal Planner Shane Pace, Recreation and Library Director Mary Rodne, Accounting Manager Karen Hines, Parks Manager Heather Dowell, Marketing Coordinator Dustin Dangli, SH26 Coordinator James Hubbard, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Whitt Wyatt, and City Secretary Amy Shelley

WS-1 Discussion of Land Development Code amendments regarding newly installed utilities required to be underground

Community Development Director Ben Bryner presented this item and briefed the City Council.

Councilmember Lindamood asked staff how the lines should be placed underground, whether using ground or conduit. Director Bryner replied the right-of-way standard is to use conduit, and often times shared with other utilities.

Councilmember Lindamood asked staff how they will enforce trenching. Director Bryner replied the private service lines are typically trenched, and the public element has requirements along the right-of-way in that they have to be shared.

Mayor Newton asked staff if there are requirements per the electrical code. Director Hutt replied yes, there are various requirements for all utilities/services, and transmission lines will be in conduit.

Councilmember Lindamood asked Mayor Newton if residential buried lines will also be in conduit. Mayor Newton replied yes, the national electrical code requires it.

Mayor Newton asked staff if the Land Development Code references the electrical code. Director Bryner replied the building code has the requirements, and the building inspector will review the installation.

Mayor Newton asked staff if they rely on the electrical code or on the utility franchise. Director Hutt replied staff works with the franchise company; however, the utilities are self-regulated. Permits are required to work in the right-of-way.

Councilmember Lindamood stated being most concerned about residential and how those lines are buried. Director Bryner replied the codes are referenced in the building code, not Land Development Code.

Councilmember Short suggested they should reconsider the phrase "except where conditions do not warrant underground installations as approved by the City Council", asking do we want to offer up the appeal very easily. Mayor Newton stated the utilities must be underground unless the City Council grants the waiver request.

Councilmember Taylor asked staff if the policy is to put the utilities underground. Director Bryner replied yes, unless a deviation is granted by City Council.

Mayor Newton stated being good with the change going to the Planning and Zoning Commission in May.

Councilmember Taylor asked staff if this requirement sends a message of conformity with other cities for developers. Director Bryner replied yes.

Councilmember Lindamood asked staff if this will be effective immediately after passage. Mayor Newton replied yes, effective immediately.

Councilmember Taylor stated he would like to see an additional Land Development Code update about straight zoning relative to preliminary drainage. Mayor Newton added he would like to also add a preliminary site plan.

City Manager Jennifer Fadden stated the STAR report will be on the next agenda for City Council to prioritize projects.

WS-2 Discussion of the Sidewalk Policy

Public Works Director Jeremy Hutt presented this item and briefed the City Council.

Councilmember Coplen asked staff if the escrowed money comes from the people paying from each district, according to where they live. Director Hutt replied yes.

Councilmember Coplen suggested changing the way we fund sidewalks Citywide, rather than neighborhood districts.

Mayor Pro Tem Putnam suggested changing the policy, criteria, prioritization, and re-form the sidewalk committee. The money should be used to prioritize sidewalks based on the needs of the community for access to schools, retail, parks, etc.

Councilmember Coplen asked staff about the revenue generated annually for the Voluntary Park and Voluntary Library funds. City Manager Jennifer Fadden replied $150,000 annually for each fund. Councilmember Coplen suggested having a voluntary fund for sidewalks as well.

Mayor Newton suggested reestablishing the committee to review the method, funding, and prioritization of sidewalks. Councilmembers stated being in favor of reestablishing the committee.

Councilmember Short asked staff how the neighboring communities fund sidewalks. Director Hutt replied staff can poll our neighboring cities to see what their funding source may be.

City Manager Jennifer Fadden asked Mayor Newton to clarify the committee's scope. She stated staff is in the process of initiating the Parks and Recreation Open Space Master Plan, with a trail component, but will this committee only work on sidewalks and not trails? Mayor Newton asked staff the difference between sidewalks and trails. City Manager Jennifer Fadden replied usually the difference is in the width, and trails typically connect to City assets such as parks. Manager Dowell added she is constantly trying to identify if everything is aligned, and at the right width. The plan will identify the areas in which citizens want trails and how they are connected, and with that we want to align with the sidewalk plan. All will need to work hand in hand.

Mayor Newton stated sidewalks are subdivision and trail connectors. Manager Dowell agreed, and trails are typically eight feet and greater.

Mayor Newton asked staff about the timing of the last sidewalk map. City Manager Jennifer Fadden replied 2008.

Mayor Pro Tem Putnam suggested the sidewalk prioritization should be separate from the trails component. Mayor Newton agreed.

Councilmember Short suggested for the same committee to prioritize trails. Mayor Newton stated both should work together. City Manager Jennifer Fadden stated staff will ensure engagement of this committee with the Parks and Recreation Open Space Master Plan prioritization of trails. Councilmembers agreed.

Councilmember Coplen asked staff if trails are funded by grants. Manager Dowell replied there are multiple funding sources, such as grants and CEDC funding.

Mayor Pro Tem Putnam stated he did not believe there were trails to nowhere. Councilmembers agreed.

WS-3 Overview of the Historical Preservation Committee

Assistant to the City Manager James Hubbard presented this item and briefed the City Council. The following Historical Preservation Committee members were also present: Cynthia Phillips, Marilyn Keith, Joe Dupree, Gerald Ward, Jeffery Moschel, and Nelson Thibodeaux.

Mayor Newton stated the question is how we retain the Fitzgerald collection for the long term, it is a family collection. Councilmember Coplen added another thought is how it is funded and where are we going to put it. She suggested someone should record Mr. Fitzgerald's voice.

Mayor Newton stated he does not have any solutions, but stated being completely supportive of how we might do this.

Councilmember Nakamura asked Mayor Newton if anyone has talked to Mr. Fitzgerald about this. Mayor Newton replied yes, he has talked with Mr. Fitzgerald and he is amenable to it.

Mr. Dupree stated it will take someone who has the expertise to keep the items working. We could have a museum one day and a pile of scrap iron the next. Mayor Newton agreed.

Mayor Pro Tem Putnam asked the committee about their thoughts on the Bidault and Webb houses. Mr. Thibodeaux replied there is a lingering issue of asbestos with the Bidault House, and without clarification of that, it is difficult to move forward.

Ms. Phillips stated they've had a lot of ideas over the years. She stated the Gary Smith report emphasized the economics of museums, and how museums do not get the traffic to maintain them. The committee has brainstormed a hybrid, to preserve, yet be self-supporting. The community has to have a buy-in. Maybe the grounds could be fixed up with augmented reality to see actual photos, much like what Savannah, Georgia does, and from there, build it up for the community.

Councilmember Coplen suggested using the vacant wall space, such as here at City Hall or Senior Center.

Councilmember Taylor asked Mayor Newton if he is considering Mr. Fitzgerald's inside or outside collection. Mayor Newton replied there are a lot of items inside,

and the outside items may be more suited for McPherson Park. There are some important artifacts that could be used and are important to Colleyville.

Councilmember Taylor suggested preserving and utilizing the Bidault House as a photo opportunity for weddings or family use. He stated resources would need to be found to preserve the property. McPherson Park has some opportunities for Mr. Fitzgerald's items, but fencing the items off where you could not climb around on the items and get hurt would be necessary. It would be good to have artifacts and photos located in the public buildings.

Councilmember Coplen suggested someone needs to record him. Ms. Phillips stated there is an outreach group at Texas State University who will train people to take oral history.

Councilmember Lindamood asked staff if there is an actual asbestos survey on the property. City Manager Jennifer Fadden replied yes, and it is positive for asbestos.

Councilmember Lindamood asked staff about the zoning of the property. City Manager Jennifer Fadden replied it is zoned AG-Agriculture.

Ms. Phillips stated the committee could organize and present their ideas to the City Council in the form of a report. Mayor Newton stated it would be helpful.

Councilmember Coplen asked staff if the Webb House needs to be repainted. Parks Manager Heather Dowell replied yes.

Councilmember Taylor asked staff why we let it decay. Assistant to the City Manager James Hubbard replied in 2004 there was a large scale renovation plan, and most recently the porch was going to be replaced but the contractor discovered lead paint, and he could not move forward. Manager Dowell added staff is working on a list of items that need to be done on the Webb House and then seek direction on what it will become and how it will be used.

Councilmember Nakamura suggested moving forward on doing something for Mr. Fitzgerald's collection.

Councilmember Taylor stated we should not let our assets decay.

Councilmember Lindamood suggested seeing what it will take to get both houses fixed and then seek a sponsorship for naming rights.

Councilmember Coplen asked staff if the Webb House was a state historical site. Assistant to the City Manager James Hubbard replied it is a local historical site.

Councilmember Coplen asked the City Council if non-historical materials can be used to restore the house. Mayor Pro Tem Putnam replied there are no guidelines to follow.

Mr. Dupree stated the value of the Bidault House is to preserve the history of the citizen who lived in the Bidault House, who had a "can do" attitude. Mayor Newton added it will be how we tell that story.

WS-4 Discussion of the April 18, 2017, City Council regular agenda items

There was no discussion of this item.

Mayor Newton adjourned the worksession at 6:47 p.m.

Mayor Newton called the Executive Session to order at 6:47 p.m., and called the roll.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D

Section 551.071 - Legal - Consultation with the City Attorney on legal issues raised by public hearing or action items on the agenda

Section 551.071 - Legal - Consultation with the City Attorney regarding contemplated litigation concerning the plugging and abandonment of the Atlas Gas Wells at 7504 and 7505 Pleasant Run Road

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information that the City has received from business prospects that the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

Mayor Newton explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. Executive Session was adjourned at 7:16 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:32 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

City Manager Jennifer Fadden, Assistant City Manager/Director of Public Safety Mike Holder, Interim Assistant City Manager and Executive Director of Economic Development and Communications Mark Wood, Fire Chief Brian Riley, Assistant Police Chief Robert Hinton, Library and Recreation Director Mary Rodne, Interim Chief Financial Officer Winston Duke, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Parks Manager Heather Dowell, Marketing Coordinator Dustin Dangli, SH26 Coordinator James Hubbard, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Whitt Wyatt, and City Secretary Amy Shelley

INVOCATION: Pastor Rich Binegar, Compass Christian

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-17-4115

This resolution was not needed.

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS
Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition

Mayor Newton expressed his sympathy to the family of Mr. Denis Duffy Jr., who passed away last week. Mr. Duffy served as a City Councilmember and Planning and Zoning Commissioner.

Councilmember Coplen stated a scout from Troop 905 is present and working on his Citizenship in the Community badge.

Councilmember Lindamood invited everyone to attend the Old Tyme BBQ on Friday and Saturday, April 28 and 29. It is a Colleyville tradition with two-days filled with good eats to raise money for Texas Special Olympics. Councilmember Taylor encouraged everyone to attend the free catfish fry at 6 p.m. Friday, April 28.

In recognition of Colleyville's Featured Business of the Month - Fusion Whole Body Recovery, 6100 Colleyville Boulevard - Jennifer Duranczyk, owner - Mayor Richard Newton and Interim Assistant City Manager/Executive Director of Economic Development and Communications Mark Wood

Mayor Richard Newton and Interim Assistant City Manager/Executive Director of Economic Development and Communications Mark Wood recognized Fusion Whole Body Recovery, 6100 Colleyville Boulevard as the featured business of the month and introduced owner Jennifer Duranczyk. Ms. Duranczyk expressed her appreciation for the recognition and explained about the services Fusion Whole Body Recovery provides.

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-17-4116

4a Approval of the minutes of the regular City Council meeting of April 4, 2017

4b Approval of the disposal of surplus, damaged, worn and outdated library books, audiovisual items, DVDs and CDs, and non-book materials, learning games, and puzzles

4c Approval of an updated Integrated Mosquito Management Program

4d Approval of an addendum to the web design contract for Colleyville.com in the amount of $14,000, and authorize the city manager to execute the contract

Mayor Newton read Resolution R-17-4116 in its entirety.

Public Works Director Jeremy Hutt provided an overview of 4c.

Interim Assistant City Manager/Director of Economic Development and Communications Mark Wood provided a recap of 4d.

Councilmember Taylor asked Mayor Newton how City Council will monitor what is being produced, relative to the website. Interim Assistant City Manager/Director of Economic Development and Communications Mark Wood replied the service provider has been provided the input from the worksession, and the City Council will be involved early in the design process to ensure everyone is on board. Mayor Newton added the contractor came back with options, at a very reasonable cost, which can be done within the timeframe and stated we do need to look at it prior to it being completed, but the scope is a lot clearer now.

Councilmember Nakamura agreed, and stated she did not know more funds were needed. She then asked staff if they are confident it will be completed in five

months. Interim Assistant City Manager/Director of Economic Development and Communications Mark Wood replied yes.

Councilmember Nakamura asked Mayor Newton about the total cost. Mayor Newton replied this will be an additional $14,000, in addition to the original $49,577.

Councilmember Short asked staff to clarify the redesign elements. Interim Assistant City Manager/Director of Economic Development and Communications Mark Wood replied the feedback received, the City Council did not like the front page, and to get from those examples to creates a new wireframe. Mayor Newton added the wireframe will be redone on the home page, but not necessarily on the other pages. The website is one of the key tools to use for our communication strategy.

Mayor Newton opened the public hearing at 8:01 p.m.

Michael Fitzpatrick, 7604 Jefferson Circle, spoke on behalf of the HOA about mosquito traps in his subdivision. He asked for the City Council to consider integrating with what other cities are doing for mosquito treatment, especially to those residents who border another city.

Kathy Hadley, 204 Timberline Drive North, spoke in opposition to mosquito spraying, and stated residents should do natural things for mosquito protection.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 8:06 p.m.

Mayor Newton asked staff about integration/adjacencies with other cities, and the location of traps. Director Hutt replied yes, staff coordinates our responses with other cities, and we do the same for them, but others may have triggers for a different initial response than Colleyville. Staff does work with others as a regional approach together and not necessarily a city by city approach.

Mayor Newton asked staff if spraying would be triggered by both cities, in the event of a positive sample. Director Hutt replied correct; if we are notified by a neighboring city, we do take a responsive action and evaluate the area. It may trigger a joint response.

Mayor Newton asked staff about the toxicity to other animals. Director Hutt replied staff provides a preventative type measure in which the larvacide program eliminates or treats breeding areas and most products are safe for pets or to other animals who drink the water. The fogging operation is done through a third party vendor who uses the pesticides, which are lower in toxicity to other animals.

Councilmember Taylor made a motion to approve Resolution R-17-4116. Councilmember Nakamura seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Mike Taylor, and Nancy Coplen

5. ORDINANCE(S): SECOND READING AND PUBLIC HEARING

5a Ordinance O-17-2008

Consideration of a Special Use Permit for a servants or caretakers quarters and a Special Use Permit to allow for an accessory building larger than permitted on Tract 3H, Abstract 211, BBB & C RY Survey, located at 5513 Lowrie Road, Case ZC17-002

Mayor Newton read the caption of Ordinance O-17-2008.

Community Development Director Ben Bryner presented this item and briefed the City Council.

Mayor Newton asked staff if the drainage issue was resolved. Director Bryner replied it may not be readily resolvable, given the existing sheet flow.

Councilmember Short asked staff about the utility bill proposal. Director Bryner replied the intent was rather than having a separate meter, all would be on one meter, so that it could not be rented out, and there would be more control.

Councilmember Taylor asked staff what the process is to get a separate meter. Director Bryner replied the applicant would apply for an electric meter permit, staff would review, and then it would be identified as not allowed per the special use permit.

Mayor Newton opened the public hearing at 8:21 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:22 p.m.

Councilmember Short moved to approve Ordinance O-17-2008. Mayor Pro Tem Putnam seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam and Councilmembers Bobby Lindamood, Jody Short, Mike Taylor, and Nancy Coplen

Nay: 1 – Councilmember Tammy Nakamura

5b Ordinance O-17-2009
Approval of an ordinance to amend the appointment of an Associate Municipal Court Judge

Mayor Newton read the caption of Ordinance O-17-2009.

Mayor Newton presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 8:24 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:25 p.m.

Mayor Pro Tem Putnam moved to approve Ordinance O-17-2009. Councilmember Nakamura seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Mike Taylor, and Nancy Coplen

6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING

6a Ordinance O-17-2010
Consideration of a Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road, Case ZC17-004

Mayor Newton read the caption of Ordinance O-17-2010.

Community Development Director Ben Bryner presented this item and briefed the City Council.

Councilmember Taylor asked staff about the terms of the lease. Director Bryner replied the 18 months signified the long term use of the property, and therefore the landscaping would be installed. Councilmember Taylor stated the applicant does not have to do anything for 18 months. Director Bryner replied yes.

Councilmember Taylor stated not being in support of this request.

Councilmember Nakamura stated being in support of the request, and stated it is not a normal car dealership as most car sales are shipped out. The property owner has done a great job to upgrade the property.

Councilmember Short stated he has an interest in the business owner following the same rules.

Councilmember Lindamood stated being supportive of this request. This is a Colleyville resident who has invested in his town, who is very well respected and a lot of Colleyville people buy cars there.

Councilmember Taylor said the area is zoned ML-Light Manufacturing, and we would never zone land to that category today. Mayor Newton agreed, and stated the ML-Light Manufacturing zoning district has been in this location for many years. As a long term strategy, Mayor Newton stated the City can rezone the property in the future. If the City did that, the new zoning would take effect upon new property ownership.

Mayor Newton asked staff if this is the proper process for this request. Director Bryner replied yes.

Mayor Newton asked staff about who owns the land. Director Bryner replied the property owner to the east owns both properties.

Mayor Newton asked staff if the property had been used for storage in the past. Director Bryner replied yes, and there was no special use permit on the property.

Mayor Newton asked staff if the RV property has a special use permit. Director Bryner replied no.

The applicant, Andy Gardner, 4703 Mockingbird Lane, briefed the City Council on his request.

Mayor Newton asked Mr. Gardner if he is able to purchase the property, would another building be built. Mr. Gardner replied yes, and used just like the current business.

Councilmember Short asked Mr. Gardner if there was any record of staff stating the use was okay. Mr. Gardner replied that the owner of the property confirmed that the use was okay, and the use was placed in the lease contract.

Mayor Newton opened the public hearing at 8:53 p.m.

Kathy Hadley, 204 Timberline Drive North, spoke in support of this request.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 8:55 p.m.

Mayor Pro Tem Putnam stated Councilmember Taylor did vote to amend the special use permit for vehicle sales in 2012. He stated not being aware of one resident who has objected to this business or of having businesses in this area.

Councilmember Nakamura stated this business has been here for 15 years, and should not have been targeted.

This was a first reading, therefore, City Council did not take any action.

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-17-4117

Consideration of appointments to the Colleyville Special Events Ad Hoc Committee

Mayor Newton read Resolution R-17-4117 in its entirety.

Councilmembers submitted the following names for appointment to the Colleyville Special Events Ad Hoc Committee:

Mayor Newton – Rich Hendler, Chair

Mayor Pro Tem Putnam – James Gulitzia

Councilmember Tammy Nakamura – Elizabeth Zeitlin

Councilmember Bobby Lindamood – Chris Putnam

Councilmember Jody Short - To be designated by Councilmember Short on or before May 2, 2017; otherwise, City Council shall fill the appointment at the May 2, 2017 regular City Council meeting.

Councilmember Coplen – Cheryl Searle

Councilmember Mike Taylor – Amy Redfearn

Library and Recreation Director Mary Rodne presented this item and briefed the City Council.

Mayor Newton asked staff if the major events are funded from CEDC. Director Rodne replied yes.

Mayor Newton opened the public hearing at 9:08 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 9:08 p.m.

Councilmember Lindamood made a motion to approve Resolution R-17-4117, with the amendment for Councilmember Short's appointment, appointing Rich Hendler, Chair, Elizabeth Zeitlin, James Gulitzia, Chris Putnam, Cheryl Searle, and Amy Redfearn to the Colleyville Special Events Ad Hoc Committee. Councilmember Nakamura seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Mike Taylor, and Nancy Coplen

7b Resolution R-17-4118
Consideration of a waiver request to the sidewalk requirements on Lot 2, Block 2, of the Pecan Park III Addition located at 5702 Ponderosa Street

Mayor Newton read Resolution R-17-4118 in its entirety.

Public Works Director Jeremy Hutt presented this item and briefed the City Council.

Mayor Pro Tem Putnam asked staff where the closest sidewalk to this property is. Director Hutt provided the location on the exhibit, and stated Pecan Park II does have sidewalks.

Mayor Pro Tem Putnam asked staff if sidewalks exist in the properties to the south. Director Hutt replied Hardage Estates does not have sidewalks.

Mayor Pro Tem Putnam asked staff if this is the same developer. Director Hutt replied it is the same developer for the six lots, but each are individual lots being built by individual builders.

Mayor Pro Tem Putnam asked staff why the original developer does not have to build the sidewalks. Director Hutt replied the sidewalks are built at the time of home construction. The developer would have been responsible for building a sidewalk on lots without structures, such as an HOA lot.

Mayor Pro Tem Putnam asked staff about the statutory requirement for the homes to the south to build sidewalks. Director Hutt replied there are no current plans to build sidewalks in the Hardage Estates subdivision. There have been requests in the past to construct neighborhood sidewalks, but not for Hardage Estates.

Mayor Pro Tem Putnam stated there would be a sidewalk to nowhere, for the time being. Director Hutt agreed.

Councilmember Short asked staff if there is one lot to the north left to connect to the rest of the sidewalks in Pecan Park II. Director Hutt replied correct, once the property to the north develops, there would then be a connection to the north properties.

Councilmember Coplen asked staff if the developer developed the lots, and then sold the lots. Director Hutt replied yes.

Councilmember Lindamood asked staff why previous City Council would have waived the sidewalk requirement for the developer. Mayor Newton replied he did not believe they were waived. Director Hutt replied prior to the development of these four lots, the street did not exist, and the developer is not required to build the sidewalk, since driveway placement is unknown until the home is to be constructed.

Mayor Newton asked staff if all of the sidewalks in Colleyville have been constructed by the builder. Director Hutt replied yes.

Councilmember Short asked staff if the lots across the street have built their sidewalks. Director Hutt replied he has not been to the site.

Nancy Groves, 8512 Freedom Way, North Richland Hills, the applicant and property owner, presented this item and briefed the City Council. She stated being in favor of an agreement with the City in the event a sidewalk is constructed on either side, she would then construct their sidewalk.

Mayor Newton asked Mrs. Groves if the lots across the street have sidewalks. Mrs. Groves replied yes.

Councilmember Taylor asked Mayor Newton if the property owners, who have constructed a sidewalk, should be reimbursed. Mayor Newton replied he did not believe so. Mayor Pro Tem Putnam added those property owners could have requested a waiver. Councilmember Short stated being in favor of an agreement.

Mayor Newton opened the public hearing at 9:34 p.m.

John Zeitlin, 1800 Glade Road, spoke in support of sidewalk escrow, especially since he put $7,500 into the escrow fund, though he knew a sidewalk may not go in front of his home.

Kathy Hadley, 204 Timberline Drive North, spoke in support of the waiver request.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 9:37 p.m.

Mayor Newton stated not being comfortable with granting the waiver entirely because there is an equity issue. He stated the proposal is reasonable, especially if a sidewalk is built in the future.

Councilmember Taylor asked Mayor Newton how the money will be collected in the future. Mayor Newton replied the agreement will cover the cost of the sidewalk.

Councilmember Nakamura asked Mayor Newton what if they sell the house, will there be something in it to hold the new property owner to the construction of the sidewalk. Mayor Newton replied it will all depend on how the agreement is written.

Mayor Pro Tem Putnam stated the policy is a flawed policy, and will be until a decision is made to invest in connectivity. He stated he cannot stand behind a flawed policy and this is an example of such.

Mayor Newton asked Mr. Zeitlin what do you want to ask me. Mr. Zeitlin suggested something as simple as a percentage of fees in which the developer and homeowner pay, and in the future, if the sidewalks are not built within a certain timeframe, the homeowner can petition to receive a refund on those fees.

Mayor Newton stated being in favor of a City agreement with Mrs. Groves that in the event the adjacent north lot constructs a sidewalk, they will then construct their sidewalk; and it will run with the property in the event of a sale.

Mayor Newton made a motion to approve Resolution R-17-4118 with the agreement. Councilmember Short seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, and Nancy Coplen

Nay: 1 – Councilmember Mike Taylor

7c Resolution R-17-4119

Consideration of an appeal to the decision of the Sign Board of Appeals for a variance to the provisions of Section 7.175.D, Permanent Attached Signs – Classification and Regulations of the Land Development Code, specifically the maximum area of signage, on Lot 16R2, Block 1, of the Colleyville Industrial Park Addition, located at 6407 Colleyville Boulevard, Case SC16-005

Mayor Newton read Resolution R-17-4119 in its entirety.

Community Development Director Ben Bryner presented this item and briefed the City Council.

Councilmember Taylor asked staff if the assessment for the wall sign is based on the section in which the sign is being requested and not on the entire building frontage. Director Bryner replied correct.

Councilmember Coplen asked staff if the Sign Board of Appeals approved 52 feet. Director Bryner replied yes.

Councilmember Coplen asked staff if the artwork will fit in the 52 feet. Director Bryner replied physically it would fit, but it is more than what is allowed.

Councilmember Coplen asked Mayor Newton if a "nay" vote approves the request. Mayor Newton replied no, a "nay" vote would be consistent with the Sign Board of Appeals. The resolution read is written to approve the waiver, but the City Council can amend the motion.

Councilmember Short asked staff if the applicant were to choose another wall, much larger wall, would the sign be allowed. Director Bryner replied yes, most likely.

Councilmember Coplen asked staff if the 72 inch sign will fit in the 21 foot wall. Director Bryner replied yes, but it exceeds the code for an allowable sign.

Geneva Switzer, 1223 Crestside Drive, Suite 100 , Coppell, applicant, presented this item and briefed the City Council.

Councilmember Taylor asked Ms. Switzer if the building photo includes the 72 feet. Ms. Switzer replied yes.

Councilmember Lindamood asked Ms. Switzer if the building frontage would be 55 feet in width, but the kicker wall cuts into that width. Ms. Switzer replied yes.

Mayor Newton stated he does not see a hardship with this request, and the Sign Board of Appeals made the right decision and remained consistent with previous decisions, and stated being opposed to this request.

Mayor Newton opened the public hearing at 10:03 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 10:03 p.m.

Councilmember Taylor made a motion to approve Resolution R-17-4119. Councilmember Coplen seconded the motion.

The motion to approve was denied with the following vote:

Aye: 2 – Councilmembers Jody Short and Mike Taylor

Nay: 5 - Mayor Richard Newton, Mayor Pro Tem Chris Putnam and Councilmembers Tammy Nakamura, Bobby Lindamood, and Nancy Coplen

Mayor Newton recessed the meeting at 10:07 p.m.

Mayor Newton reconvened the meeting at 10:12 p.m.

8. DISCUSSION OF ITEMS NOT FOR ACTION AND PUBLIC HEARING

8a Monthly Financial Report - March 2017

Interim Chief Financial Officer Winston Duke presented the monthly financial report and answered questions of the City Council.

Mayor Newton asked staff about why the decrease in ambulance billing. Interim Chief Financial Officer Winston Duke replied not knowing, but he and the Fire Chief will be talking to the previous vendor about the outstanding invoices, and stated not being sure about where the new vendor sits on invoicing.

Mayor Newton suggested there should be three columns for the capital projects: 1) commitment, 2) expended, and 3) remaining; to exhibit the true picture.

Councilmember Taylor asked if the actual report indicates these numbers. Interim Chief Financial Officer Winston Duke replied yes.

Mayor Newton suggested something be provided between the tabular items and the graphs. He also suggested differentiating between calendar and fiscal dates.

9. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

Judy Chappell, 1716 Glade Road, expressed her appreciation to Mayor Pro Tem Putnam, and for the City Council's efforts on the Glade Road project. A great example of servant leadership has been exhibited.

Kathy Hadley, 204 Timberline Drive North, asked for the synchronizing of the lights on SH26; publicly apologized for walking on people's property; shamed the City Council for approving the mosquito spraying; and that the e-voting is not a full proof system as there seems to be secrets in voting.

Elizabeth Zeitlin, 1800 Glade Road, expressed her appreciation and efforts to the City Council on the Glade Road project.

10. REPORTS

Parks and Recreation Advisory Board Minutes - February 6, 2017
Library Board Minutes - February 13, 2017
Zoning Board of Adjustment Minutes - February 14, 2017
Planning and Zoning Commission Minutes - March 13, 2017
Sign Board of Appeals Minutes - March 14, 2017

There was no discussion of this item.

11. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR APRIL 18, 2017 - READING AND PUBLIC HEARING - RESOLUTION R-17-4120

This resolution was not needed.

12. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 10:38 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Minutes taken and prepared by:

Amy Shelley, TRMC
City Secretary

City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 6a **Agenda Date** 05/02/2017 **Number** Ordinance O-17-2010
Type Ordinance
Department Community Development

Title
Consideration of a Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road, Case ZC17-004

Strategic Plan
There is no Strategic Plan connection for this item.

Explanation
Second Reading and Public Hearing

There were two additional letters of support and one additional speaker in support of this request received during the April 18, 2017, City Council meeting. All items have been updated and attached for this briefing.

First Reading and Public Hearing

Andy Gardener, owner of A&L Imports Inc., has submitted a request for a Special Use Permit (SUP) to allow for Automotive and Motor Vehicle Sales at 1821 John McCain Road. The applicant currently owns and operates A&L Imports, an automotive sales company, at 1815 John McCain Road. The SUP request up for consideration will allow for the continuation of a "Vehicle Sales Area" on the adjacent property (1821) where the applicant is currently storing vehicles for sale as part of the A&L Imports business.

Existing Conditions/Background: The subject property is zoned ML-Light Manufacturing district and is generally located on the south side of John McCain Road, west of Colleyville Boulevard. The subject property is approximately 30,000 square feet and currently being used by A&L Imports to store vehicles for its automotive vehicle sales inventory. The subject property is currently undeveloped with no existing buildings. This property has historically been used to store items such as Recreational Vehicles (RVs), cars, trucks, and cargo trailers. The parking surface being used today is gravel and dirt as seen in the attached photographs provided by the applicant.

To clarify, the SUP request is for the property located at 1821 John McCain Road, a vacant lot being used by A&L Imports to store vehicles. Since A&L Imports is requesting the SUP, it is important to include information pertaining to their business, and the corresponding SUPs all of which are related to 1815 John McCain Road.

There have been two SUPs issued on the property at 1815 John McCain (again, this is the current location of A&L Imports). Ordinance O-04-1472 was approved in August 2004 and permitted "Vehicle Storage". This SUP limited the sale of vehicles to the inside of the building. It permitted storage of vehicles outside, but no inventory was permitted. Ordinance O-12-1984 was approved in February 2012. This SUP amended the previous ordinance to include outside vehicle sales. However, this ordinance required that all inventory be brought inside the building each evening with "no overnight parking of inventory".

At no time has a SUP been approved for the subject property (1821 John McCain Road) related to vehicle sales, storage, etc.

Proposed Special Use Permit Request:
Request –In the applicant's Statement of Planning Objectives (attached), the specific request was to allow for "outdoor storage" at 1821 John McCain Road as an accessory use to A&L Imports business. This request was made in an effort to continue the use of the subject property for the storage of sales inventory for A&L Imports.

Staff reviewed this request and determined that the most appropriate request is a SUP for Automotive and Motor Vehicle Sales. Furthermore, staff believes the request is clearly defined in the Land Development Code as a "Vehicle Sales Area" rather than outside storage. Regardless of the "label" given to the request, the LDC requires a SUP for all Auto Sales related land uses.

Ordinance – Chapter 2 – Definitions, defines a Vehicle Sales Area as:

> *Vehicle Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.*

Table 3.24.B – Schedule of Permitted Principal Uses establishes the requirement for a Special Use Permit for Automotive and Vehicle Sales in the ML-Light Manufacturing District.

Analysis – The request up for consideration is separate from the existing SUP for 1815 John McCain. Although the request is to continue the use of the subject property as a vehicle sales area for A&L Imports, the SUP request today, will not amend the existing SUP (Ordinance O-12-1984).

The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood.

As part of the SUP approval process, City Council may:

"…impose such safeguards, requirements and conditions as it deems are necessary to properly protect any surrounding property, surrounding use, or neighborhood character and to insure the appropriate conduct of the special permitted use, including, without limitation, imposing development standards, requiring public facility improvements and means of ingress and egress of public streets, establishing conditions of operation, establishing time limits, establishing location, arrangement and construction of any uses or structures, adopting regulations to protect the general welfare and adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view of other undesirable or hazardous conditions."

Since this request is to continue an existing use, staff has outlined the "typical" requirements for an SUP of this nature with the intent of allowing City Council to determine the appropriate measures necessary to continue such use. The typical requirements are outlined below:

1. Commercial Site Plan – A commercial site plan meeting the requirements of Section 3.31 of the Land Development Code. This includes items such as identifying the basic layout of the property, ingress and egress, fencing, screening, landscaping, etc.

2. All Weather Surface – Pavement improvements are typically required. If required, the parking area should meet the minimum requirements of Section 3.29.1.B –Parking Space Construction Standards
   B. Surfacing (New Structures) – All parking spaces, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Colleyville Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.

3. Grading, and Drainage Plans – If pavement improvements are required for the property, a grading and drainage plan signed and sealed by a Professional Engineer in the State of Texas will be required for review.

4. Landscaping – Chapter 4 – Landscaping and Buffering of the Land Development Code states that the requirements of the Chapter may be applicable with the approval of a SUP. Staff recommends the landscaping be consistent with the existing conditions at 1815 John McCain road and meet the minimum landscape requirements set forth in the attached Ordinance O-04-1472.
   "Landscaping shall be provided in the right-of-way adjacent to the property, as shown in Exhibit "B". Shrubs shall be provided such that one eighteen inch or five-gallon plant shall be planted for each five (5) feet of street frontage."

5. Screening - Staff recommends the screening be consistent with the existing conditions at 1815 John McCain road, and meet the minimum screening requirements set forth in the attached Ordinance O-04-1472.
   "*The existing chain- link fence across the front of the property shall be removed prior to occupancy of the building. Any new fences constructed on the property shall comply with the requirements of the Land Development Code.*"

Surrounding Development: The properties to the north are zoned R-20 Single Family Residential district and AG- Agricultural district and developed with single family homes. The properties to the east and west are zoned ML-Light Manufacturing and developed with commercial and light industrial uses. The properties to the south are zoned ML- Light Manufacturing district and CC2- Shopping Center district and developed with the Cottonbelt Trail and railroad line.

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request on Friday, March 24, 2017. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* on Saturday, March 25, 2017 as required by State law and the Land Development Code. To date, no correspondence has been received.

Planning and Zoning Commission: The Planning and Zoning Commission recommended approval of this request at the April 10, 2017 meeting by a vote of 5-0, subject t the following conditions:
1. All landscaping as outlined in Section 4.f. of Ordinance O-17-2010 shall be installed within 18 months of the approval date.

Staff Recommendation: The applicant has submitted a request for a SUP to allow for Automotive and Motor Vehicle Sales at 1821 John McCain Road. The request will allow A&L Imports to continue the use of the subject property as a Vehicle Sales Area. This use is consistent with the previous land use on the subject property and the adjacent property. The proposal should not adversely affect the surrounding properties. Staff recommends approval of the request with any conditions the City Council may feel are appropriate.

Financial Impact
There is no financial impact to the City.

Recommendation
Approve

Attachments
1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives

5. Photos Provided By Applicant - Existing Conditions
6. Photos Provided By Applicant - Previous Use
7. Existing Ordinance - 1815 John McCain O-12-1824
8. Original Ordinance - 1815 John McCain O-04-1472
9. Legal Notice
10. Property Owner Notification
11. Notification Map
12. Notification List
13. Speaker Cards
14. Letters of Support
15. Ordinance O-17-2010
16. Letter of Support

AERIAL MAP

ZC17-004

1821 JOHN MCCAIN ROAD

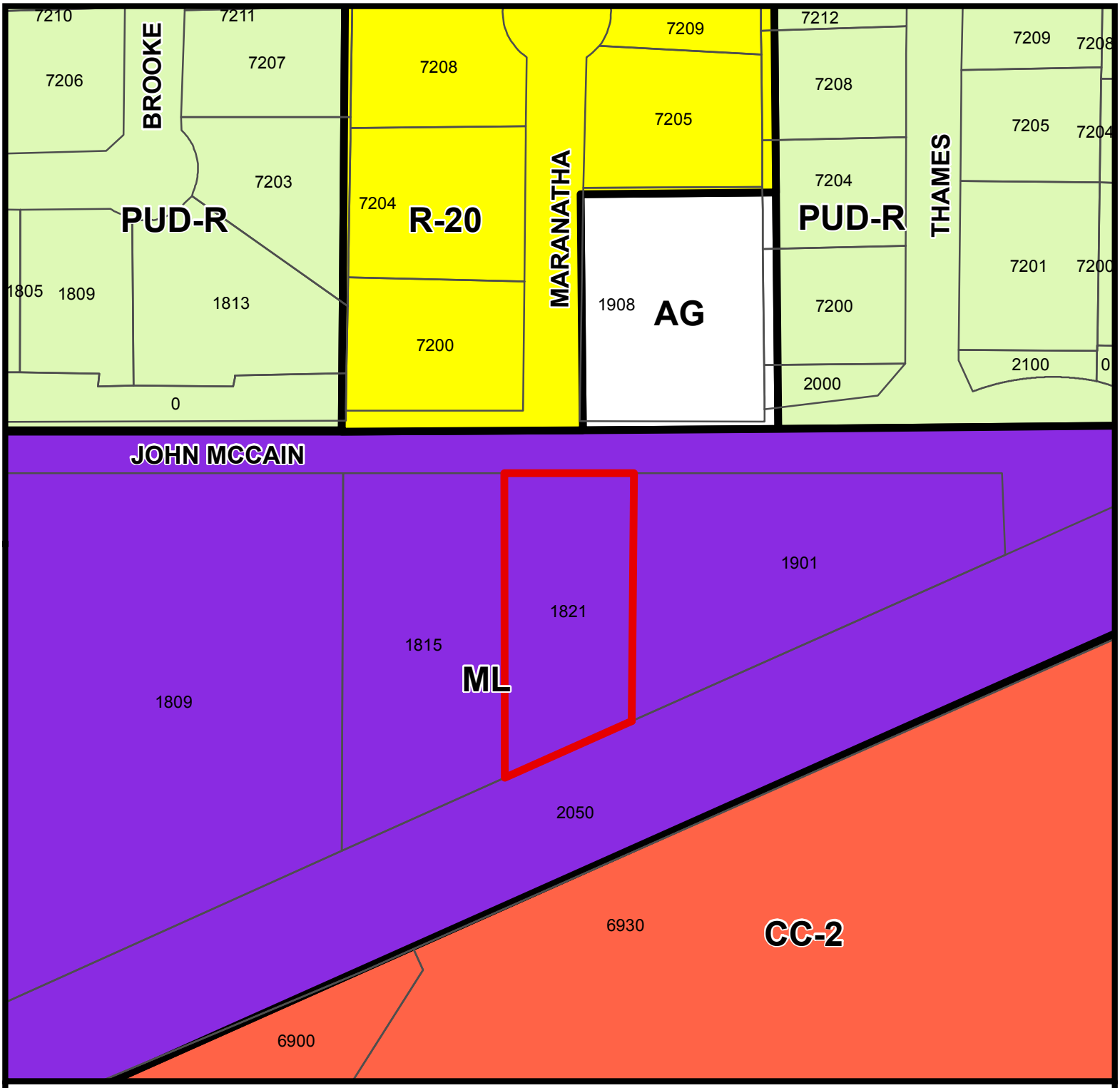
Subject Property

1 inch = 125 feet

Vicinity Map

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

ZONING MAP



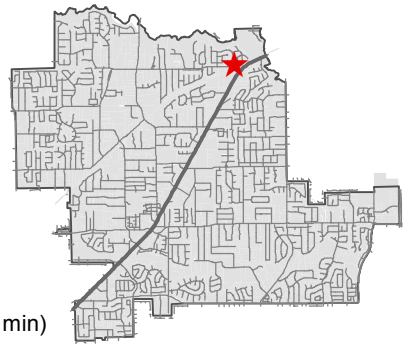
ZC17-004

1821 JOHN MCCAIN ROAD

- Subject Property
- AG Agricultural
- CC-2 Shopping Center
- ML Light Manufacturing
- PUD-R Planned Unit Development, Residential
- R-20 Single Family Residential (20,000 sq. ft. min)

1 inch = 125 feet

Vicinity Map



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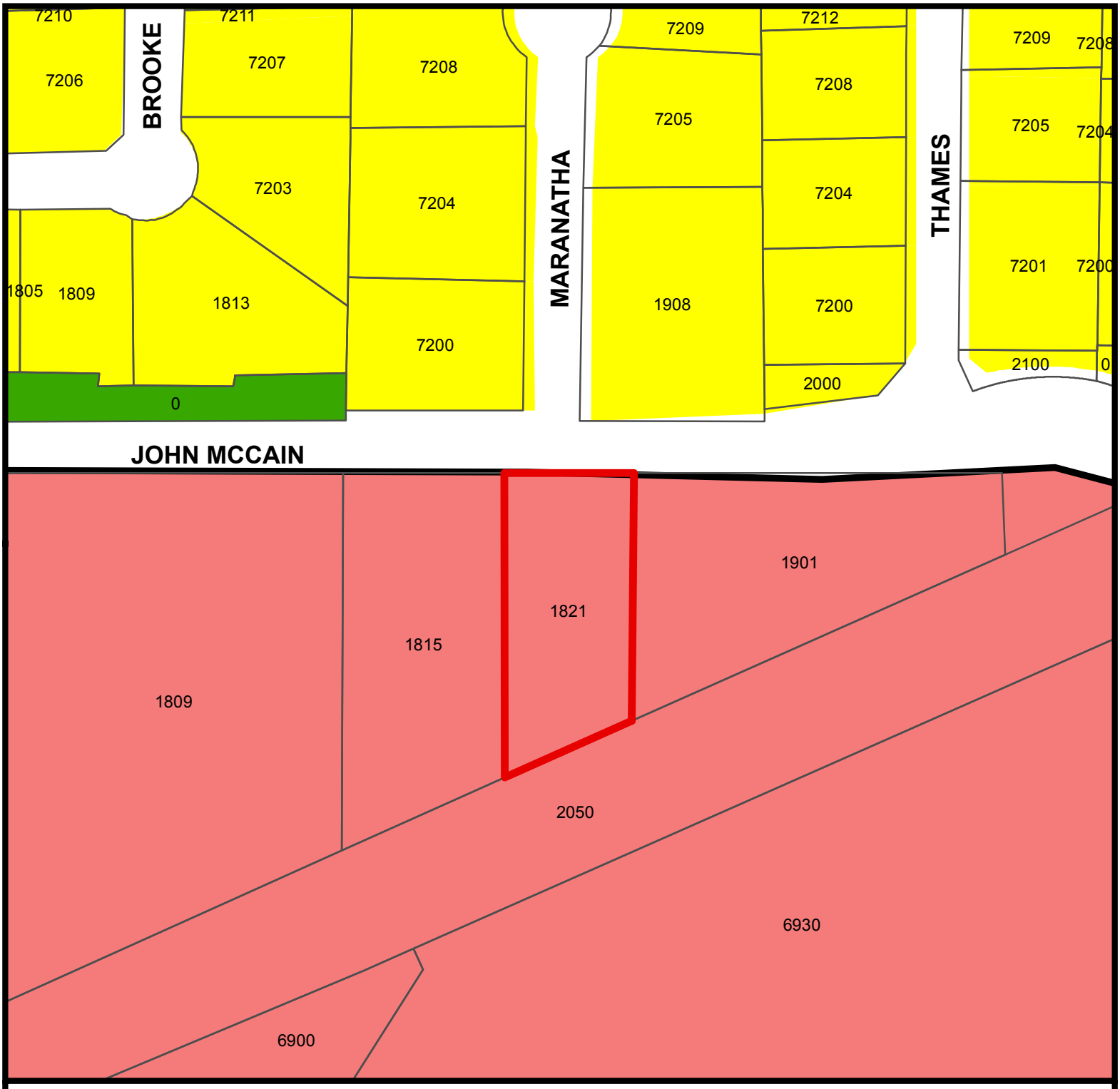
FUTURE LAND USE MAP



CITY OF COLLEYVILLE TEXAS

ZC17-004

1821 JOHN MCCAIN ROAD

- Subject Property
- RESIDENTIAL
- PARKS/ OPEN SPACE
- COLLEYVILLE BLVD CORRIDOR

Vicinity Map

N

1 inch = 125 feet

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Statement of Planning Objectives

The property located at 1821 John McCain Road, in Colleyville, is currently zoned as "Light Manufacturing". Under this zoning description, in Section 3.22 under Purpose, and again on Page 27, under Supplemental Requirements, it states that "**outdoor storage is permitted**".

MDP Management Trust owns this property. In September of 2016, A&L Imports signed a lease with MDP Management Trust, to lease the lot from them, for the purpose of storing vehicles outside at this location. The lot is right next door to A&L Imports' current building.

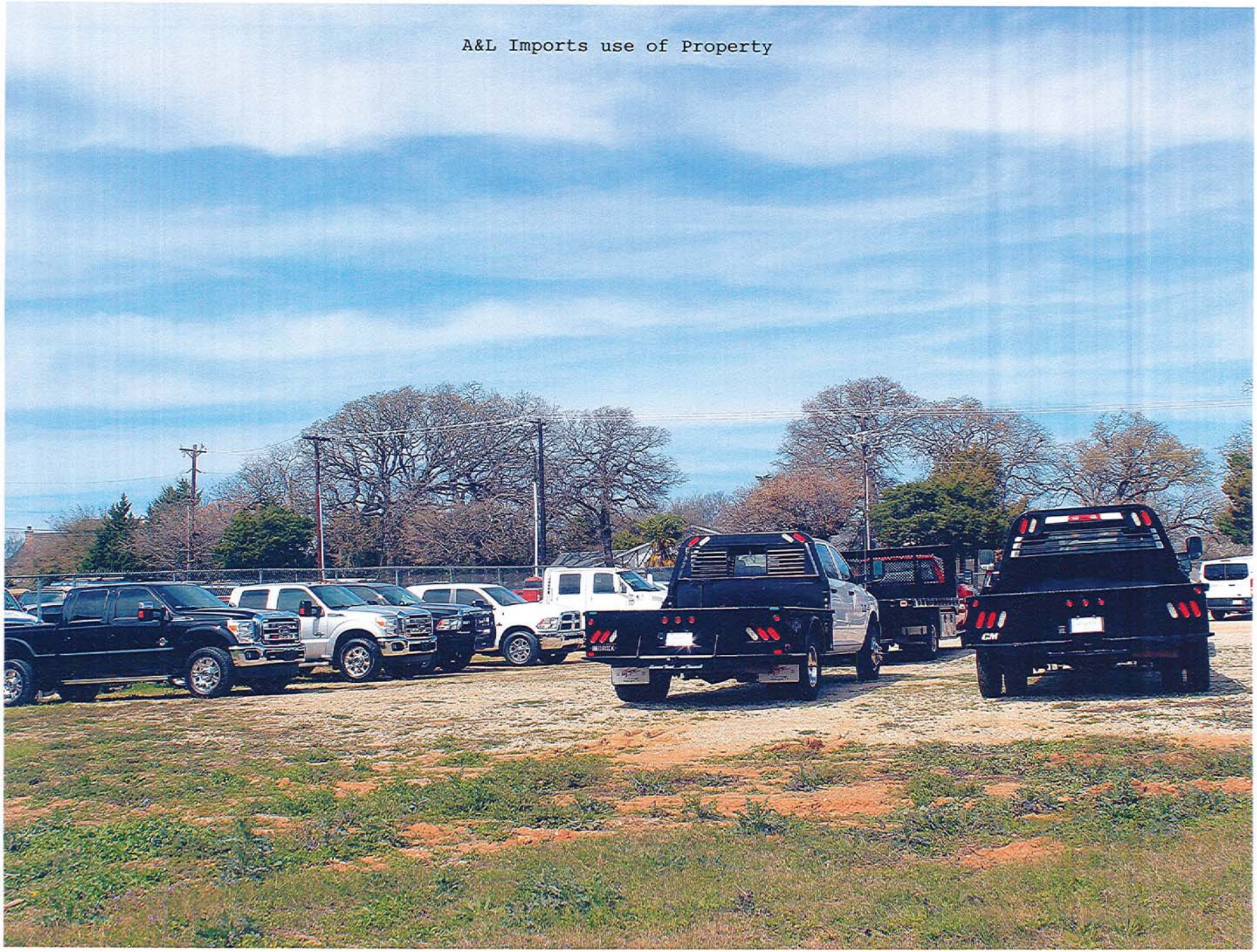
Prior to this lease - the lot was used for storage of vehicles, RVs, boats, trailers, dumpsters, etc. - as shown in the attached exhibits.

MDP Management Trust informed A&L Imports that the current zoning on the property included outdoor vehicle storage, and that no new Special Use Permit would be needed, since the use of the property was not changing at all. For this reason - no permit was applied for back in September.

A&L Imports plans to use the property for the outdoor storage of vehicles, as shown in the exhibits attached, showing our use of the property since the date of this lease.

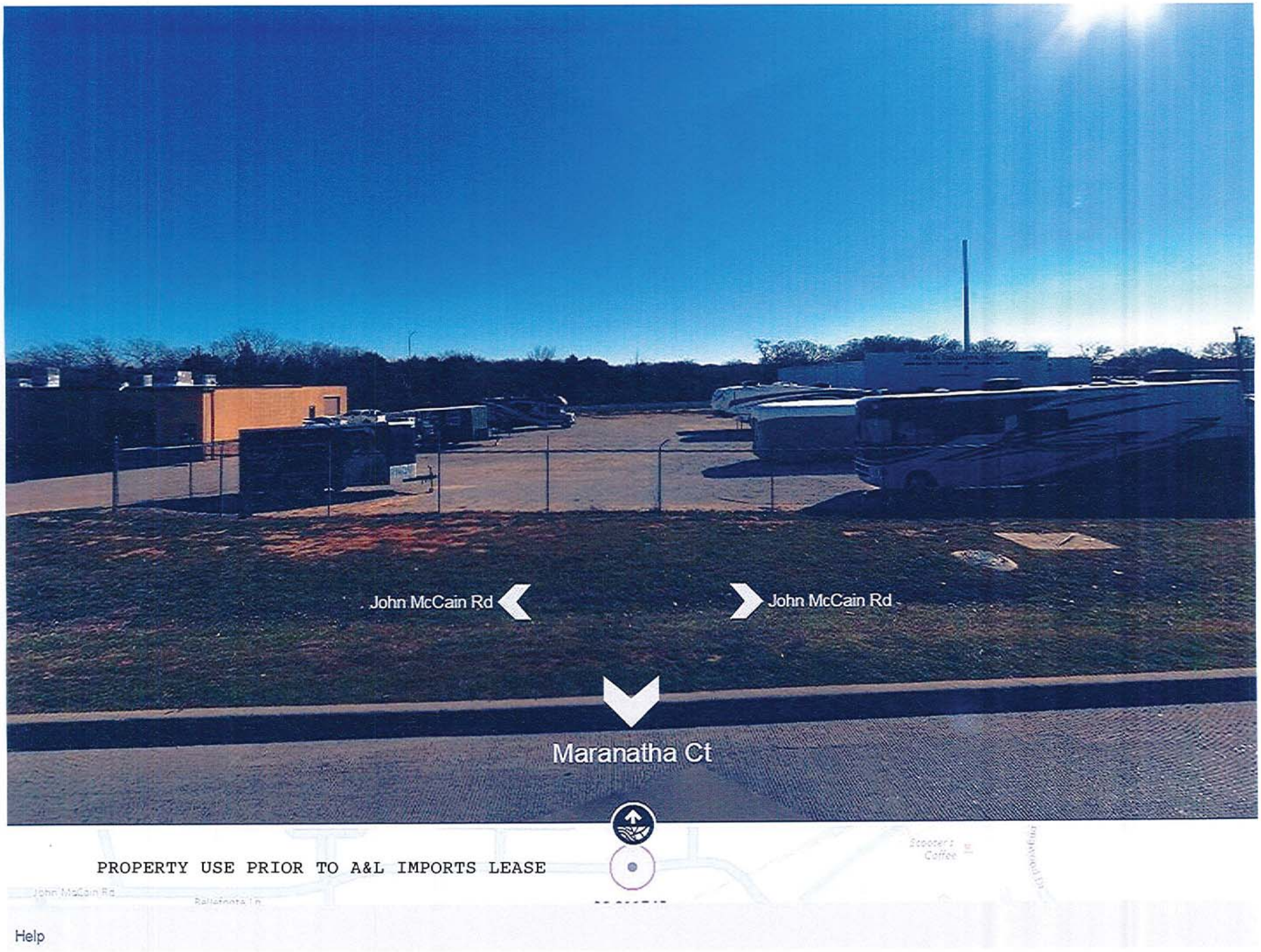
Photos Provided By Applicant - Existing Conditions

Photos Provided By Applicant - Existing Conditions



Photos Provided By Applicant - Existing Conditions

Photos Provided by Applicant - Previous Use



PROPERTY USE PRIOR TO A&L IMPORTS LEASE

Photos Provided by Applicant - Previous Use

Google Maps 1821 John McCain Rd

Imagery ©2017 Google, Map data ©2017 Google 20 ft

Property Use Prior to A&L Imports lease -- Storage of vehicles, RVs, boats, trailers.

Photos Provided by Applicant - Previous Use

Google Maps [redacted] John McCain Rd

Image capture: Aug 2016 © 2017 Google

Colleyville, Texas

Street View - Aug 2016

Prior to A&L Imports Lease

Existing Ordinance - 1815 John McCain

ORDINANCE O-12-1824

AN ORDINANCE AMENDING ORDINANCE O-04-1472 CONDITIONS; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; AUTHORIZING A SPECIAL USE PERMIT FOR OUTSIDE VEHICLE SALES ON LOT 1R, BLOCK 1, NYSTEL ADDITION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-04-1472 on August 4, 2004, to establish the a Special Use Permit on Lot 1R, Block 1, of the Nystel Addition; and

WHEREAS, the City of Colleyville has received a request for an amendment to Ordinance O-04-1472, under Case ZC11-028; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the

Existing Ordinance - 1815 John McCain

property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, is hereby amended by amending Ordinance O-04-1472 conditions on Lot 1, Block 1, of the Nystel Addition as depicted on the attached Exhibit "A".

Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

a. Section 1(a) of Ordinance O-04-1472, is hereby amended to include outside vehicle sales.

b. Vehicle sales are hereby permitted by this Special Use Permit amendment.

c. There shall be no overnight outdoor parking of inventory.

d. There shall be no additional signage on the subject property.

e. Delivery trucks shall not idle or have on lights after business hours.

f. This Special Use Permit amendment and Ordinance O-04-1472 shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.

g. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended and as amended herein.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or

Existing Ordinance - 1815 John McCain

terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

Sec. 9. THAT Ordinance O-04-1472 shall remain in full force and effect, except where amended by this ordinance.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of February 2012.

The second reading and public hearing being conducted on the 21st day of February 2012.

ATTEST:

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

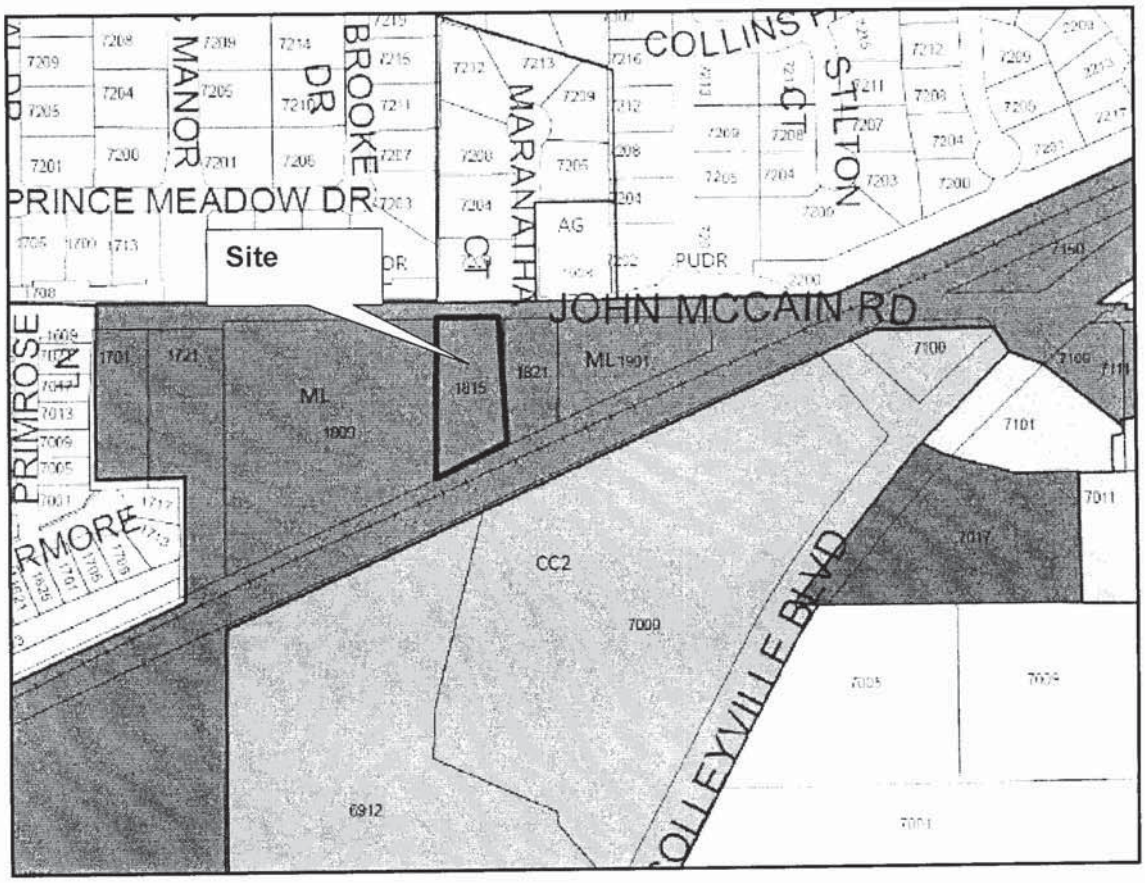
David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Existing Ordinance - 1815 John McCain

Exhibit "A" - Location and Zoning Map



Original Ordinance - 1815 John McCain

ORDINANCE O-04-1472

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AUTHORIZING A SPECIAL USE PERMIT FOR VEHICLE STORAGE ON LOT 1R, BLOCK 1, NYSTEL ADDITION; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was filed by Andy Gardner on June 1, 2004, under Case No. Z-04-024; and

WHEREAS, the City of Colleyville has complied with the notification requirements of the Texas Local Government Code and the Colleyville Land Development Code; and

WHEREAS, the Planning and Zoning Commission has held a public hearing and made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning amendment is in the best interests of the City of Colleyville.

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

Sec. 1. THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the accompanying Zoning Map (Exhibit "A") are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described as Lot 1R, Block 1, Nystel Addition, by authorizing a Special Use Permit for vehicle storage, subject to the following conditions:

a. All vehicles for sale shall be stored inside the building. No vehicle outside the building shall be advertised for sale.
b. The delivery of vehicles by tractor-trailer to the property shall be restricted to the hours between 9:00 a.m. and 3:00 p.m., Monday through Friday.
c. Automobile repair and service, as defined by the Land Development Code, shall be prohibited.
d. Landscaping shall be provided in the right-of-way adjacent to the property, as shown in Exhibit "B". Shrubs shall be provided such that one eighteen inch or five-gallon plant shall be planted for each five (5) feet of street frontage.
e. The existing chain-link fence across the front of the property shall be removed prior to occupancy of the building. Any new fences constructed on the property shall comply with the requirements of the Land Development Code.

Original Ordinance - 1815 John McCain

Sec. 2. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars ($2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Sec. 3. THAT the Land Development Code of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.

Sec. 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

Sec. 5. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 20th day of July 2004.

The second reading and public hearing being conducted on the 4th day of August 2004.

ATTEST:

Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE

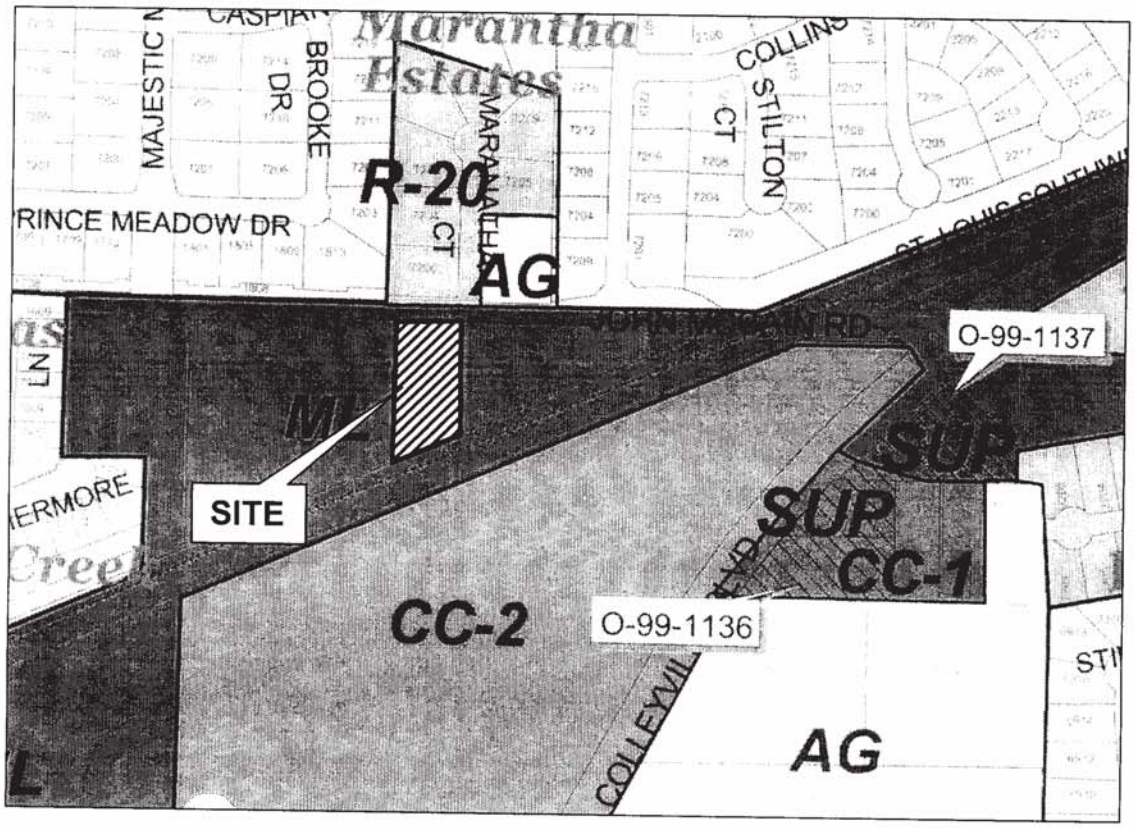
Joe Hocutt
Mayor

APPROVED AS TO FORM AND LEGALITY:

Ross T. Foster
City Attorney

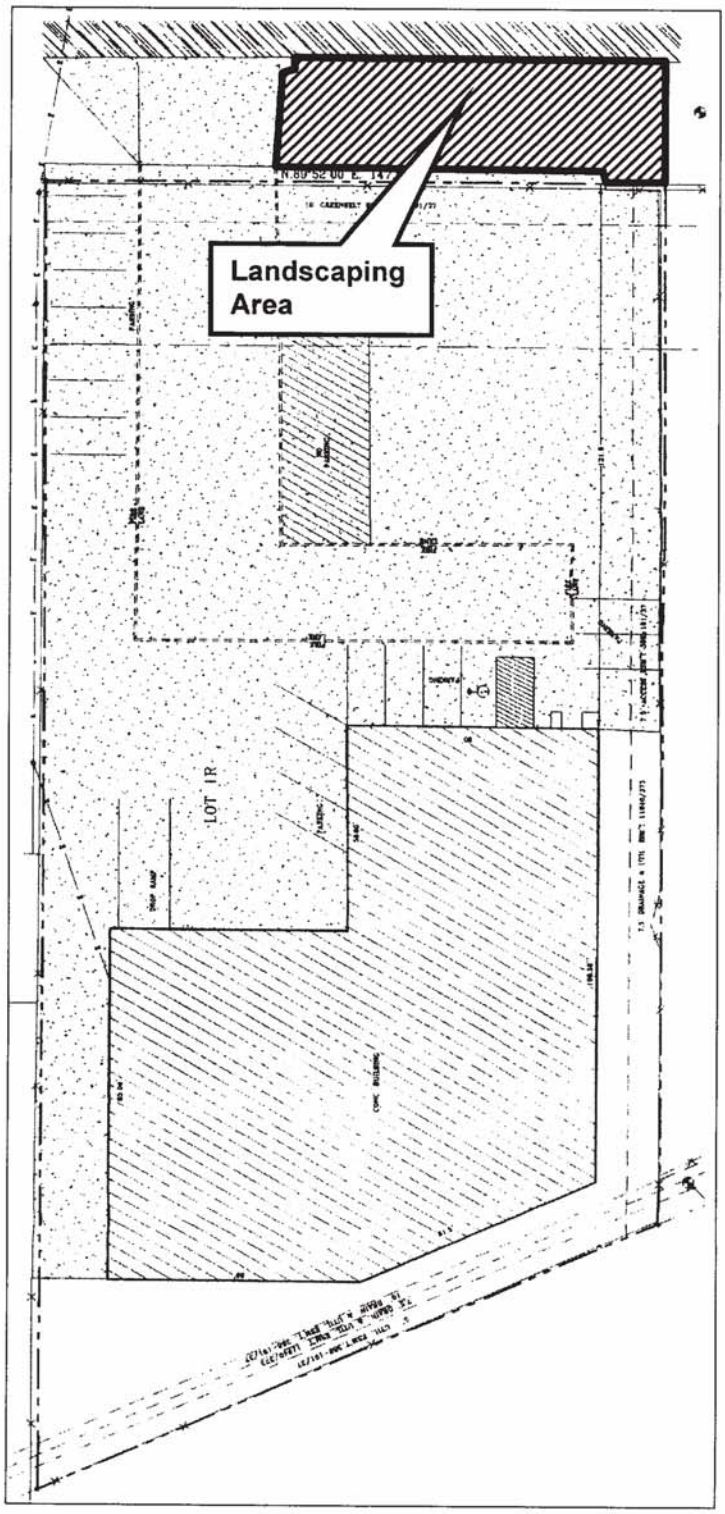
Original Ordinance - 1815 John McCain

EXHIBIT A – ZONING MAP



Original Ordinance - 1815 John McCain

EXHIBIT B – LANDSCAPING AREA



Legal Notice

March 24, 2017

SENT VIA EMAIL on Friday, March 24, 2017

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

Please publish and furnish an affidavit (N.E. Section):
Saturday, March 25, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 4/10/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-004 - Consideration of Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road

The City Council will hold a Public Hearing on the above items on 4/18/17 and 5/02/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

CITY OF COLLEYVILLE

Araceli Botello
Planning Technician

Property Owner Notification

NOTICE OF PUBLIC HEARING

Zoning Case Number: **ZC17-004**

Applicant: **Andy Gardner**

Location: **1821 John McCain Road**

Property Description: **Lot 2R, Block 1, of the Nystel Addition**

Present Zoning: **ML- Light Manufacturing District**

Request: **Consideration of Special Use Permit for Automotive and Motor Vehicle Sales**

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, April 10, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, April 18, 2017 & Tuesday, May 2, 2017 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

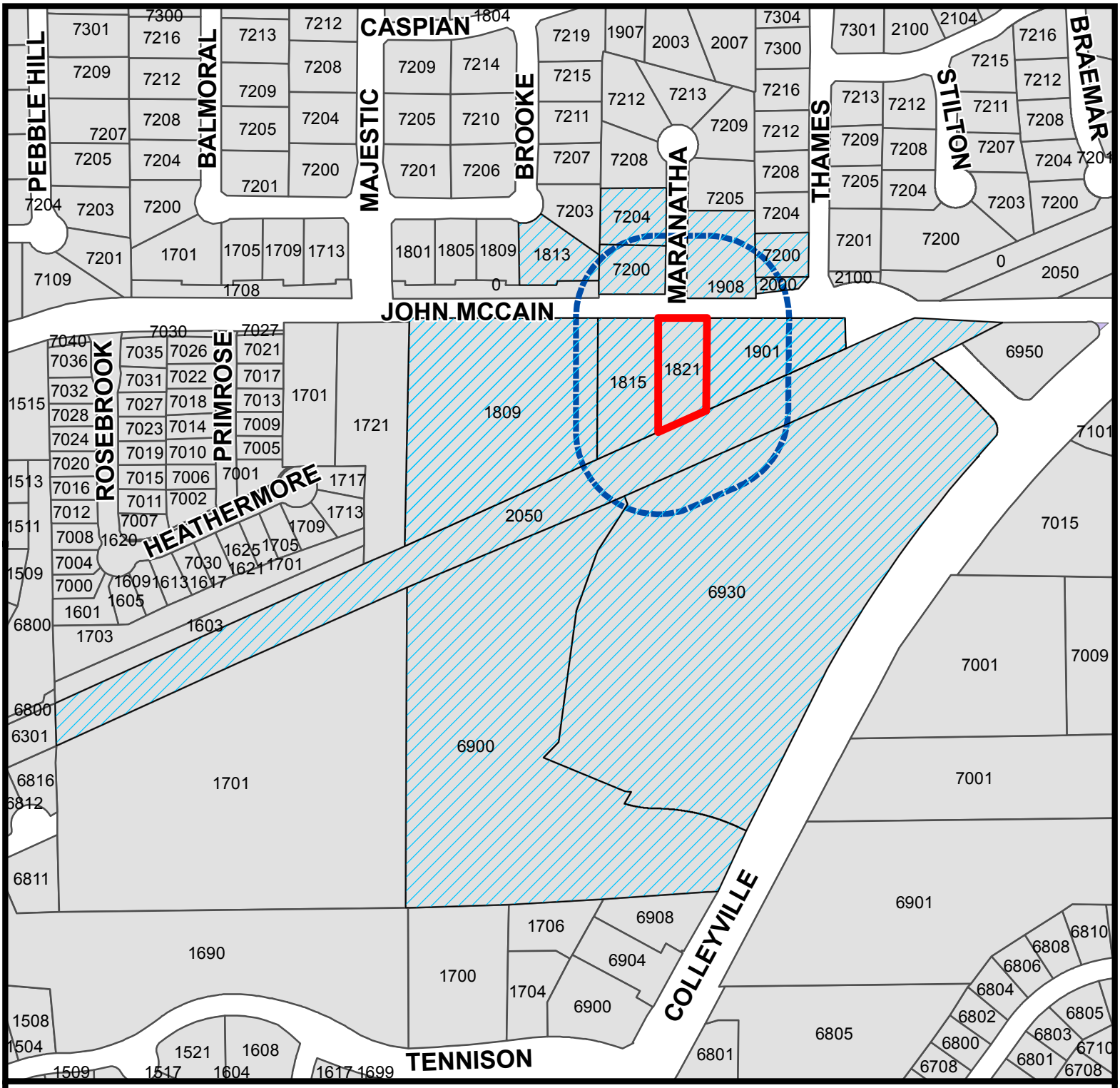
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Shane Pace
Principal Planner
space@colleyville.com

NOTIFICATION MAP



ZC17-004

1821 JOHN MCCAIN ROAD

Subject Property

Properties within 200ft

200ft Buffer

1 inch = 333 feet

Vicinity Map

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
GARDNER, ANDREW	1815 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1815 JOHN MCCAIN RD
GARDNER, ANDREW	1815 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1815 JOHN MCCAIN RD
REGIONAL RAIL ROW CO	PO BOX 660163	DALLAS, TX	75266	2050 JOHN MCCAIN RD
1901 JOHN MCCAIN LLC	7308 THAMES TR	COLLEYVILLE, TX	76034	1821 JOHN MCCAIN RD
TIMARRON OWNERS ASSN INC	700 WENTWOOD DR	SOUTHLAKE, TX	76092	2000 JOHN MCCAIN RD
TURNER, C ALLEN	1908 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1908 JOHN MCCAIN RD
PECAN CREEK VILLAGE CNTR PRTN	8231 E PRENTICE AVE	GREENWOOD VILLAGE, CO	80111	6930 COLLEYVILLE BLVD
DEES, JOHN	7200 MARANATHA CT	COLLEYVILLE, TX	76034	7200 MARANATHA CT
WHITAKER, M C	7204 MARANATHA CT	COLLEYVILLE, TX	76034	7204 MARANATHA CT
CHESAPEAKE LAND DEV CO LLC	6100 N WESTERN AVE	OKLAHOMA CITY, OK	73118	6900 COLLEYVILLE BLVD
ANDERSON, DAVID	1813 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1813 PRINCE MEADOW DR
ALLSTAR DOOR & MAINTENANCE LP	PO BOX 92565	SOUTHLAKE, TX	76092	4205 COLLEYVILLE BLVD
LOW-T CENTERS INC	1901 JOHN MCCAIN RD STE A	COLLEYVILLE, TX	76034	1901 JOHN MCCAIN RD # A
LOW T TOYZ LLC	1901 JOHN MCCAIN RD STE A	COLLEYVILLE, TX	76034	1901 JOHN MCCAIN RD # A
1901 JOHN MCCAIN LLC	7308 THAMES TR	COLLEYVILLE, TX	76034	1901 JOHN MCCAIN RD
BRM ROOFING & CONSTRUCTION SVC	8205 KENTWOOD DR	N RICHLND HLS, TX	76182	1901 JOHN MCCAIN RD # D
RENDER, RICHARD E	7200 THAMES TR	COLLEYVILLE, TX	76034	7200 THAMES TR
PROFESSIONAL SALES LLP	1809 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1809 JOHN MCCAIN RD
NELSON, ARNOLD E	5800 HUNTER TR	COLLEYVILLE, TX	76034	1809 JOHN MCCAIN RD

TIMARRON OWNER ASSOCIATION	700 WENTWOOD DRIVE	SOUTHLAKE, TX	76092	COURTESY NOTICE
GARDNER, ANDY	1815 JOHN MCCAIN ROAD	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed Friday,
March 24, 2017 by Araceli Botello

Speaker Card - Applicant - Support

Date: 4-10-17 **SPEAKER CARD**

✓ I will speak **In Support** of this item.
____ I will speak **In Opposition** to this item.
____ I do not wish to speak, but please record my: ☐**support** ☐**opposition**

Agenda Item Number: 5 A.
Name: ANDY GARDNER
Address: 1815 John McCain Rd.
City: Colleyville **State:** TX **Zip Code:** 76034
Telephone Number: 817-472-5165 **Representing:** A+L Imports
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: [signature]
This information is a Public Record.

SPEAKER CARD

Date: 4-8-17

Agenda Item Number: 6 ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

Do you have special technology needs, such as loading photos, connecting a laptop or tablet, during your time to speak? _____ Yes _____ No

✓ I will speak **In Support** of this item. _____ I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: _____ **support** _____ **opposition**

Name: Kathy Hadley

Address: 204 N. Timber Lane City: Colleyville

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Kathy Hadley

This information is a Public Record

Letters of Support

April 17, 2017

905 Rodeo Drive
Colleyville, TX 76034

City of Colleyville
100 Main Street
Colleyville, TX 76034

Dear Members of the City Council:

This letter is in support of A&L Imports, Inc's Special Use Permit (SUP) from the City of Colleyville. A&L Imports is in need of leasing the vacant lot next to their property to assist their business. In no way will this lease complicate or demonstrate a lessening of property values in Colleyville. In fact, based on the limited amount of businesses which call Colleyville home, as a citizen I would hope that supporting a Colleyville business which is owned by Colleyville residents would be a priority for this City Council.

Thank you in advance for supporting A&L Imports, Inc's SUP application. A city works best when it works with its citizens.

Thank you,

Steve Nash

Steve & Lynne Nash

Letters of Support

April 11, 2017

City of Colleyville
100 Main Street
Colleyville, TX 76034
Attn: City Council/Community Development

Re: 1821 John McCain Road

To whom it may concern:

My name is Cathy Nguyen, and I live at 2500 Independence Road in Colleyville. I am writing this letter in support of the Special Use Permit that A&L Imports is requesting for the property at 1821 John McCain Road. I think we should support our small local businesses, and do everything possible to help them thrive.

Thank you for your consideration.

Sincerely,

Cathy Nguyen

Amy Shelley

Subject: FW: 1821 John McCain Road- SUP Petition A&L Imports

From: Barbara Frechette
Sent: Sunday, April 16, 2017 3:22 PM
To: Richard Newton; Tammy Nakamura; Chris Putnam; Bobby Lindamood
Subject: Re: 1821 John McCain Road- SUP Petition A&L Imports

April 16, 2017

City of Colleyville
100 Main Street
Colleyville, TX 76034
Attn: City Council/Community Development

Re; SUP Petition A&L Imports

Dear City Council,

My name is Barbara Frechette and my husband and I are in support of A&L Imports request of a Special Use Permit on 1821 John McCain Road. When we first moved here six years ago I remember very vividly my impression of Colleyville. I remember when our realtor drove us off 26th onto John McCain. I remember looking to the left and seeing these beautiful high end cars lined up perfectly. The cars were clean and unique in brands. I then thought to myself, I love that Boutique Car Business it's Classy, Clean, and Quaint..... Who would know then that we would purchase our home in Colleyville and buy more than a few cars from A& L Imports. Like my husband always says to me, "Keep Our Money in Colleyville!"

In my opinion, A&L Imports has always kept their location clean, and it would only be an added benefit to keep our Boutique Car Dealership doing well by supporting them in this request. Please feel free to contact me if you have any questions at #505-814-9118 regarding this matter,

Scott & Barbara Frechette
6748 St. Moritz Parkway
Colleyville, TX 76034

Michael Glenn
4901 Preservation Avenue
Colleyville, Texas 76034

April 13, 2017

City of Colleyville
100 Main Street
Colleyville, TX 76034
Attn: City Council/Community Development

Re: 1821 John McCain Road - Special Use Permit

Dear Members of the City Council,

My name is Michael Glenn, and my address is 4901 Preservation Avenue in Colleyville. I am writing this letter to show my support for A&L Imports and their petition for a Special Use Permit for the property at 1821 John McCain Road. I am a customer of A&L, and am more than happy to lend them my support in this issue. Thank you for your consideration.

Sincerely,

Michael Glenn

Letter of Support

City of Colleyville
100 Main St
Colleyville, TX 76034
Attn: City Council/Community Development
Re: 1821 John McCain Road - SUP Petition by A&L Imports

April 17, 2017

To whom it may concern;

Please be advised that we are homeowners here in Colleyville. Our residence is located in Castleton Manor off of Pleasant Run. The homes in our addition are in the million dollar plus price range. We are in a close proximity to A&L Imports. They are just north on Pleasant Run then a short distance East on John McCain Road, we travel this route daily. We do not have a problem with A&L Imports utilizing outside storage on their property. There is a motor home business close by that has outside storage and parking. In our opinion these two businesses should blend in fine together with no adverse effects whatsoever.

Yours Truly,

Roger and Pam Anderson
6904 Sir Spencer Ct
Colleyville, TX 76034

ORDINANCE O-17-2010

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON LOT 2R, BLOCK 1, OF THE NYSTEL ADDITION, LOCATED AT 1821 JOHN MCCAIN ROAD BY AUTHORIZING A SPECIAL USE PERMIT FOR AUTOMOTIVE AND MOTOR VEHICLE SALES; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for Automotive and Motor Vehicle Sales under Case No. ZC17-004; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road, as depicted on the attached as Exhibit "A".

Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

a. Only vehicles for sale shall be stored on the subject property.

b. The delivery of vehicles by tractor-trailer to the property shall be restricted to the hours between 9:00 a.m. and 3:00 p. m., Monday through Friday.

c. Delivery trucks shall not idle or have on lights after business hours.

d. There shall be no additional signage on the subject property.

e. Automobile repair and service, as defined by the Land Development Code, shall be prohibited.

f. Landscaping shall be provided in the right-of-way adjacent to the property. Shrubs shall be provided such that one eighteen inch or five-gallon plant shall be planted for each five (5) feet of street frontage.

g. Other than landscaping, the subject property shall be permitted to remain in its current state without additional improvements.

h. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.

i. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. 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 Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 18th day of April 2017.

The second reading and public hearing being conducted on the 2nd day of May 2017.

PASSED AND APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST: **CITY OF COLLEYVILLE**

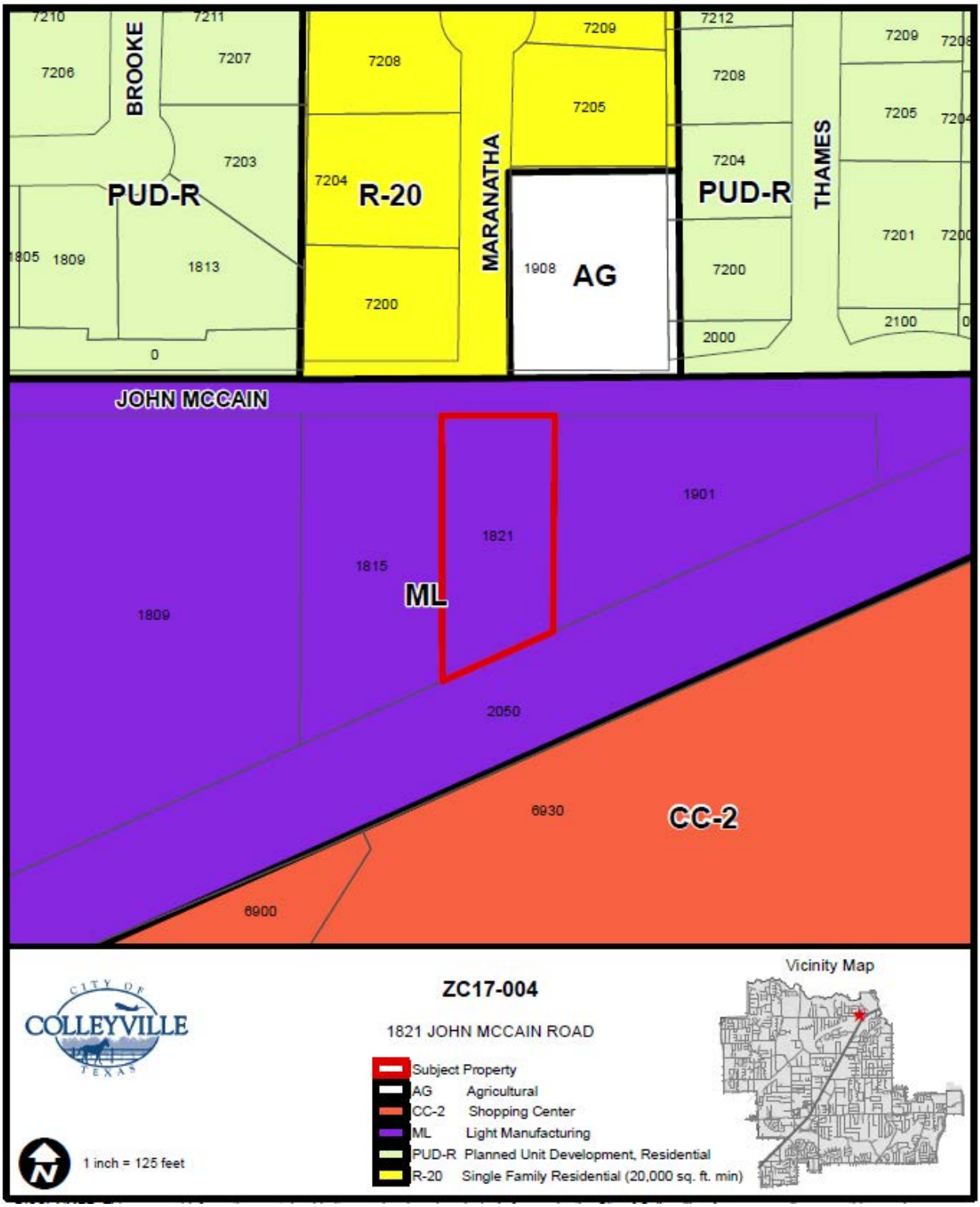
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map



City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 7a **Agenda Date** 05/02/2017 **Number** Resolution R-17-4123
Type Resolution
Department Community Development

Title
Consideration of a minor plat for the Glory House-Colleyville Addition, on property legally described as Tract 3A, Abstract 206, of the BBB & C RY Survey, located at 5300 Pleasant Run Road, Case PC17-003

Strategic Plan
There is no Strategic Plan connection for this item.

Explanation
Reading and Public Hearing

Olanrewaju Sobo, of Glory House Church, requests approval of a minor plat for the Glory House–Colleyville Addition on approximately 0.64 acres, located at 5300 Pleasant Run Road. The applicant proposes to create one lot with the intent to construct a new building. The applicant is requesting a waiver to the minimum lot width of the CN-Neighborhood Commercial district.

Existing Conditions/Background: The subject property is currently unplatted and undeveloped. Approval of a rezoning request from the AG-Agricultural district to the CN-Neighborhood Commercial district was approved by City Council on December 20, 2016 (O-16-2001). The Glory House Church currently occupies the property at 5310 Pleasant Run Road (the former Colleyville Post Office). The church has purchased the property at 5300 Pleasant Run Road and plans to vacate the existing building and construct a new building on the subject property. Following completion of the new building, Glory House Church will only occupy the property at 5300 Pleasant Run Road.

Lot Dimensions and Setbacks: Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the CN-Neighborhood Commercial district regulations require the following standards:

Minimum Lot Area: 10,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 120 feet
Minimum Front Yard Setback: 40 feet
Minimum Side Yard Setbacks: 15 feet
Minimum Rear Yard Setback: 10 feet
Maximum Lot Coverage: 40 percent

As submitted, the proposed plat meets all of the requirements of the Land Development Code with the exception of the minimum lot width.

Waiver Request: The applicant is requesting a waiver to the minimum lot width requirements of the CN-Neighborhood Commercial district. As noted above, the minimum lot width requirement is 100 feet (measured at the front building line). The subject property is currently 87 feet wide.

Minor plats are typically approved administratively by City staff. When circumstances arise requiring a waiver to a specific provision, the Land Development Code explicitly prescribes the authority to grant such waivers to the City Council. Therefore the request up for consideration must receive approval from City Council for the plat to be approved and filed.

Analysis: The lot width dimension of 87 feet does not meet the requirements of the CN-Neighborhood Commercial district. Additionally, the lot width does not meet the minimum requirements for any of the commercial or single family residential districts. The Land Development Code only permits lot widths less than 100 feet in the Multi-Family or Planned Unit Development zoning districts.

Section 9.7 of the Land Development Code states that the *"City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist."* In this case staff believes there are special conditions. The subject property is constrained in lot width due to existing developed conditions on three sides. The lots to the north and south currently have existing buildings and limited setbacks from the property lines. Therefore, acquiring additional land appears to be unfeasible.

Surrounding Development: The properties to the north are zoned CN-Neighborhood Commercial and R-20 Single Family Residential. The property directly to the north is developed with the existing Glory House Church building. The properties to the west are zoned R-20 Single Family Residential and developed with single family homes. The property to the south is zoned AG-Agricultural district and is developed with one permanent structure (a large metal building). The properties to the east are zoned AG-Agricultural district and developed with single family homes.

Fees: Park Land Dedication fees are required, in the amount of $800 per acre for non-residential development, when applicable. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: The proposed subdivision must comply with Chapter 5 (Tree Preservation) of the Land Development Code. A Tree Removal Permit and associated Tree Preservation Plan must be approved prior to the removal of any tree, prior to site grading or dirt disturbance, or prior to new construction on the subject property.

In addition to the requirements for approval of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the required percentage of existing protected tree canopy coverage as specified in Chapter 5, unless or until the Planning and Zoning Commission formally grants a waiver to the required preservation.

Staff has received a preliminary tree survey and it appears the project will maintain compliance with the Land Development Code

Sidewalks: A minimum five-foot wide sidewalk is required along Pleasant Run Road with the construction of any new commercial building. The sidewalk currently exists and must be repaired if damaged with the new construction.

Drainage and Stormwater Runoff: As required by the Land Development Code, preliminary drainage plans have been submitted with the proposed plat. Water and sanitary sewer services are available to the property. The developer is responsible for the extension of any water and sewer service lines to the individual lot as part of the development process.

Public Notification: Notification of property owners is not required for the approval of a minor plat. However, notices were published on the City's website and the agenda was posted in advance of the meeting for public review per standard procedure and the Texas Local Government Code.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of this request at the April 10, 2017 meeting by a vote of 5-0 with the following condition:

1. The mutual and emergency access easement connecting to the adjacent property to the north shall be filed and recorded with the Tarrant County Clerks office, and the filing information shall be provided to staff and recorded on the plat document prior to filing the plat for record.

Staff Recommendation: The proposed minor plat meets the requirements of the Land Development Code, with the exception of the minimum lot width. As outlined in this briefing, staff believes special conditions exist on the subject property, which warrants the approval of the waiver request. Staff recommends approval.

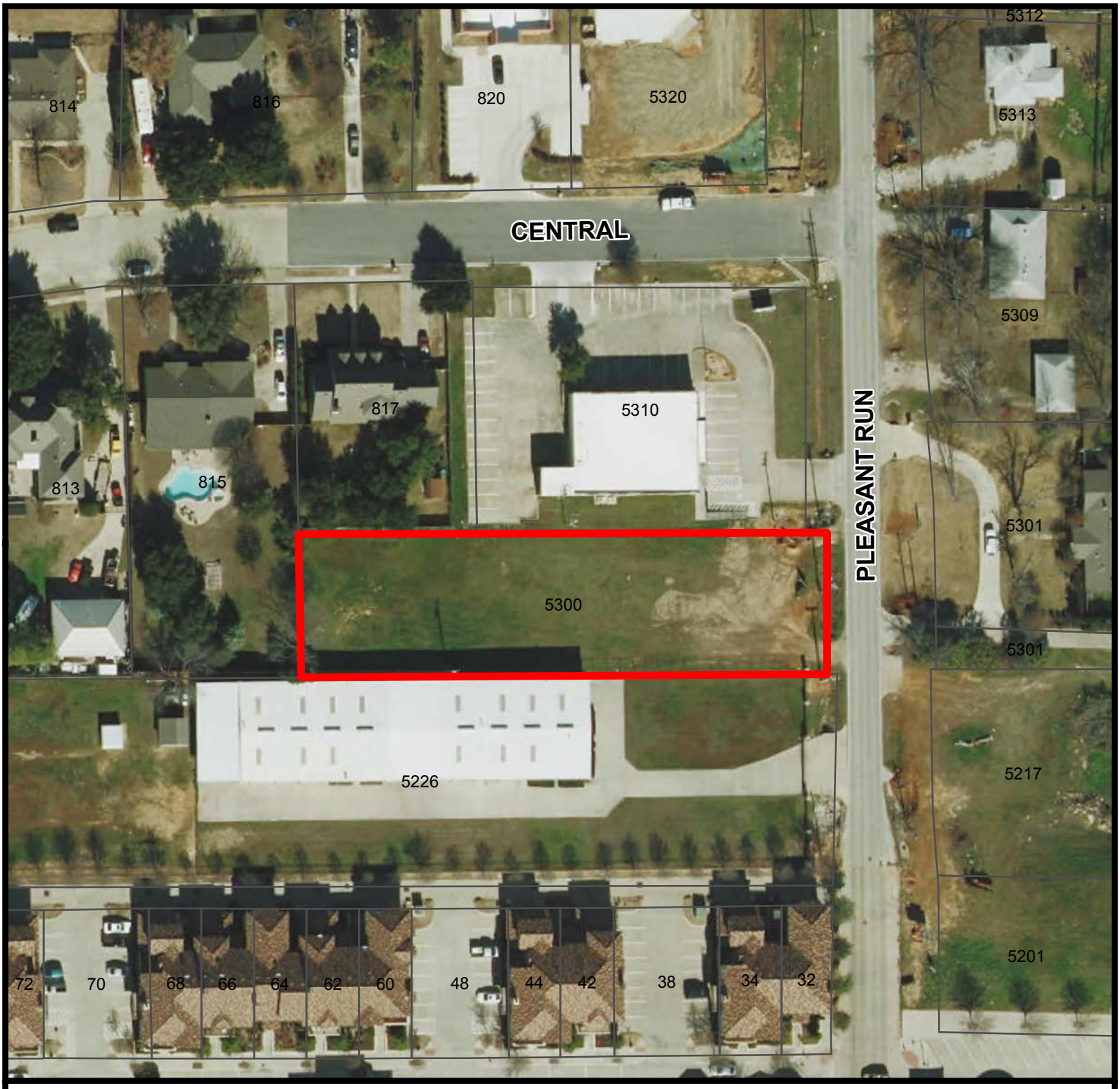
Financial Impact
There is no financial impact to the City.

Recommendation
Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Plat Exhibit
4. Ordinance
5. Resolution R-17-4123

AERIAL MAP



PC17-003

5300 PLEASANT RUN ROAD

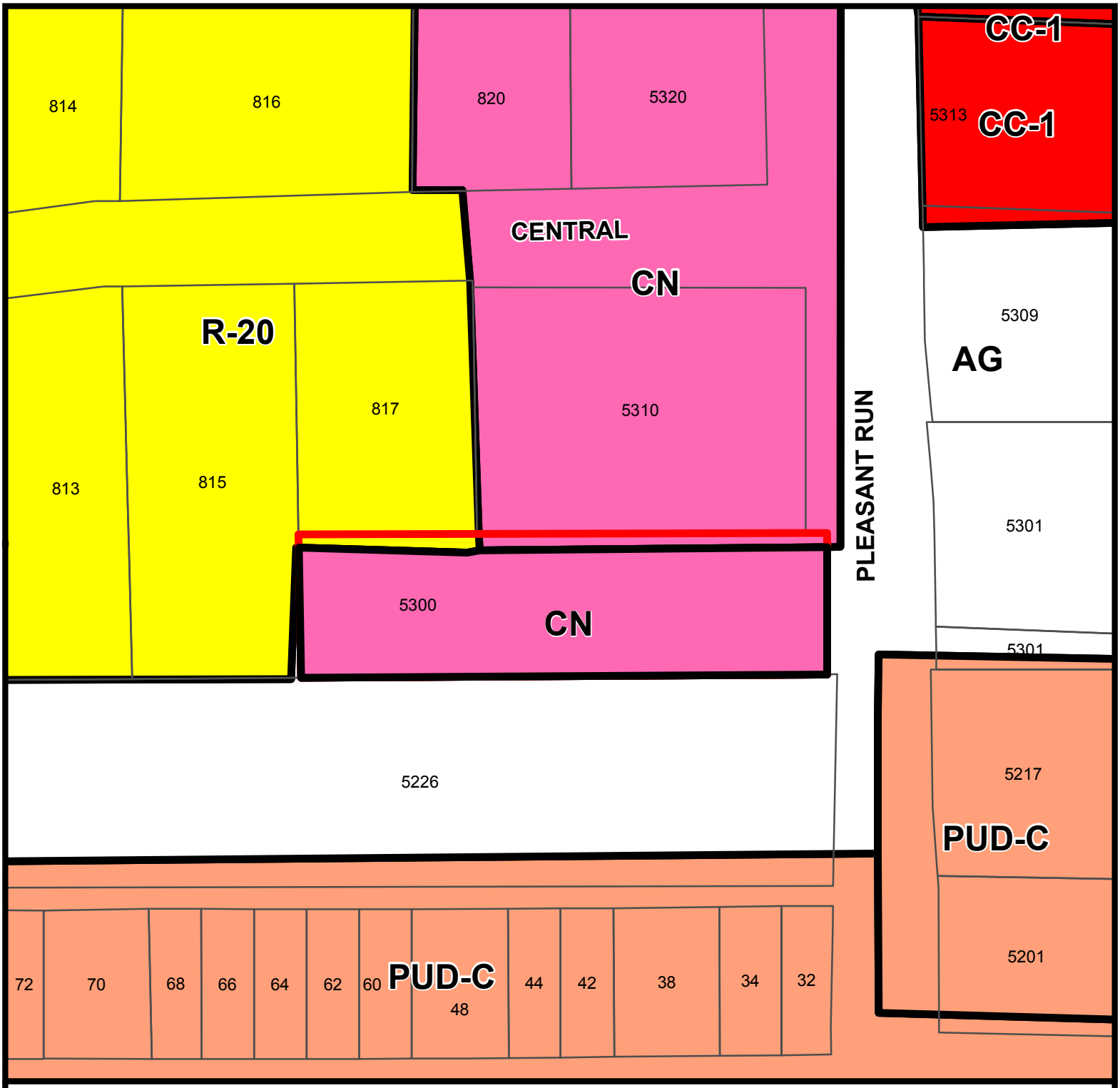
Subject Property

1 inch = 83 feet

Vicinity Map

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

ZONING MAP



CITY OF COLLEYVILLE TEXAS

PC17-003

5300 PLEASANT RUN ROAD

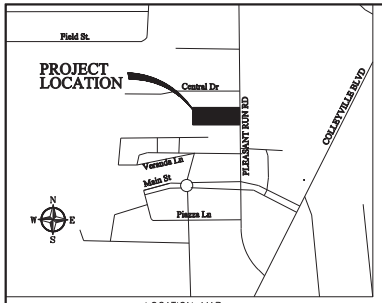
- Subject Property
- AG Agricultural
- CC-1 Village Retail
- CN Neighborhood Commercial
- PUD-C Planned Unit Development, Commercial
- R-20 Single Family Residential (20,000 sq. ft. min)

1 inch = 83 feet

Vicinity Map

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

Plat Exhibit



LOCATION MAP
NTS

N

20 10 0 20 40
SCALE 1" = 20'

UTILITY EASEMENT:

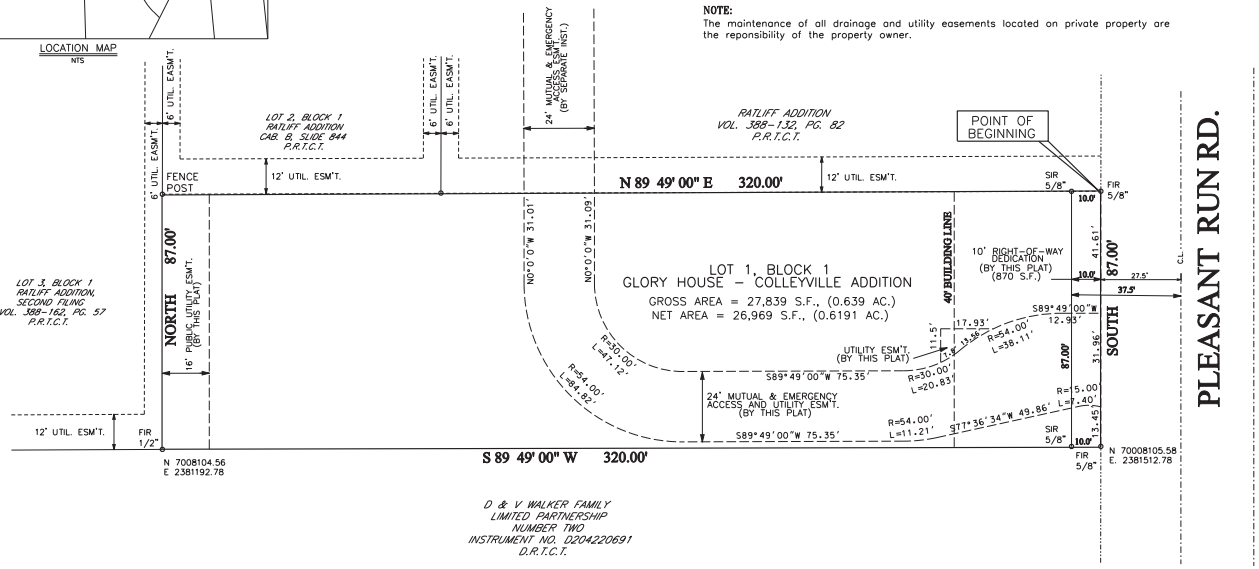
Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of constructing, ronstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

DRAINAGE EASEMENT RESTRICTION:

No construction or filling, without th written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

NOTE:

The maintenance of all drainage and utility easements located on private property are the reponsibility of the property owner.



OWNER'S CERTIFICATE:

WHEREAS, REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE IS THE OWNER OF A TRACT OF LAND SITUATED IN THE B.B.B. AND C. RAILROAD CO. SURVEY, ABSTRACT NO. 206, TARRANT COUNTY, TEXAS AND BEING ALL THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE, RECORDED IN INSTRUMENT NO. D216026574, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND 5/8" IRON ROD IN THE WEST LINE OF PLEASANT RUN ROAD (VARIABLE R.O.W.), SAID IRON ROD BEING THE NORTHEAST CORNER OF SAID CHURCH TRACT AND BEING NORTH 89°49'00" EAST, A DISTANCE OF 25.00 FEET FROM THE SOUTHEAST CORNER OF RATLIFF ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-132, PAGE 82, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH, ALONG THE SAID WEST LINE OF PLEASANT RUN ROAD A DISTANCE OF 87.00 FEET TO A 5/8" IRON ROD FOUND, SAID POINT BEING THE SOUTHEAST CORNER OF THE SAID CHURCH TRACT, AND BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO D & V WALKER FAMILY LIMITED PARTNERSHIP NUMBER TWO AS RECORDED IN INSTRUMENT NO. D204220691, OF SAID DEED RECORDS;

THENCE SOUTH 89°49'00" WEST, A DISTANCE OF 320.00 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID CHURCH TRACT AND BEING ON THE NORTH LINE OF SAID WALKER FAMITY TRACT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK 1 OF RATLIFF ADDITION, SECOND FILING, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-162, PAGE 57, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH, A DISTANCE OF 87.00 FEET TO A FENCE CORNER AT THE NORTHWEST CORNER OF SAID CHURCH TRACT AND BEING ON THE EAST LINE OF SAID LOT 3, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2, BLOCK 1 OF RATLIFF ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET B, SLIDE 844, OF SAID PLAT RECORDS;

THENCE NORTH 89°49'00" EAST, PASSING THE SOUTHEAST CORNER OF SAID LOT 2 AND THE SOUTHWEST CORNER OF AFORESAID LOT 1 AT 95.00 FEET AND CONTINUING A TOTAL DISTANCE OF 320.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.639 ACRES OR 27,8398 SQUARE FEET OF LAND, MORE OR LESS.

THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE, does hereby adopt this plat as LOT 1, BLOCK 1, GLORY HOUSE - COLLEYVILLE ADDITION, to the City of Colleyville, Tarrant County, Texas and do hereby dedicate fee simple to the public use forever all streets, right-of-way, and alleys shown thereon. and do hereby reserve the easement shown on the plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths in which any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements, and any public uitlity shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, ronstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of City of Colleyville, Texas.

Witness my hand this____day of _____, 2017.

_____

STATE OF TEXAS:
COUNTY OF TARRANT:

BEFORE ME, the undersignedNotary Public in and for said county and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS_____DAY OF_____ , 2017.

NOTARY PUBLIC IN AND FOR TARRANT COUNTY _____

MY PRINTED NAME _____

MY COMMISSION EXPIRES _____

BASIS OF BEARING:
BASIS OF BEARING IS BASED ON THE SOUTH LINE OF RATLIFF ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-132, PAGE 82, PLAT RECORDS, TARRANT COUNTY, TEXAS.

FLOOD CERTIFICATE:
As determined by the FLOOD INSURANCE RATE MAPS for the Tarrant County, Texas, the subject property Does Not lie within a Special Flood Hazard Area (100 Year Flood), Map date Sep. 25, 2009 Community Panel No. 48439C0095K subject lot is located in Zone "X".

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ERNEST HEDGCOTH, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SUEVEY MADE UNDER MY SUPERVISION ON THE GROUND. FURTHER, THIS SURVEY CONFIRMS TO THE GENERAL RULES OF PROCEDURES AND PRACTICES OF THE MOST CURRENT PROFESSIONAL LAND SURVEYING PRACTICES ACT.

_____ _____
Signature Date

City Council Approval

WHEREAS The City Concil of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 2017, to approve of this Plat.

_____
Mayor, City of Colleyville

_____
Attest: City Secretary

THIS PLAT WAS FILED ON DATE_____,
INSTRUMENT NUMBER D_____.

MINOR PLAT

LOT 1, BLOCK 1

GLORY HOUSE - COLLEYVILLE ADDITION

GROSS AREA = 27,839 S.F., (0.639 AC.)
NET AREA = 26,969 S.F., (0.6191 AC.)
COLLEYVILLE, TARRANT COUNTY, TEXAS

B.B.B. AND C. RAILROAD CO. SURVEY,
ABSTRACT NO. 206,
TARRANT COUNTY, TEXAS

OWNER:
REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE
5310 PLEASANT RUN RD
COLLEYVILLE TX 76034

CONTACT: LANRE SOBO
817-793-4140, OLASOBO@GMAIL.COM

PREPARED BY:
MORI'S ENGINEERING, INC.
3916 Plattsbrk Lane Plano, Texas 75093

CONTACT:
MORI AKHAVAN 972-816-2626
moriakhavan@yahoo.com

DATE: MAR. 2017 SCALE: 1"=30'

ORDINANCE O-16-2001

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.64 ACRES, ABSTRACT 206, TRACT 3A, IN THE BBB & C RY SURVEY LOCATED AT 5300 PLEASANT RUN ROAD, FROM THE AG-AGRICULTURAL DISTRICT TO THE CN-NEIGHBORHOOD COMMERCIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC16-019; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; and to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance

Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 0.64 acres of Abstract 206, Tract 3A, in the BBB & C RY SURVEY located at 5300 Pleasant Run Road, located at 5300 Pleasant Run Road from the AG-Agricultural district to the CN-Neighborhood Commercial district, as depicted in the attached Exhibit "A" and Exhibit "B".

Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 4. 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 Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 6th day of December 2016.

The second reading and public hearing being conducted on the 20th day of December 2016.

PASSED AND APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 20TH DAY OF DECEMBER 2016.

Mayor Richard Newton	Aye	Mayor Pro Tem Chris Putnam	Aye
Place 1, Tammy Nakamura	Aye	Place 5, Nancy Coplen	Aye
Place 2, Bobby Lindamood	Aye	Place 6, Mike Taylor	Aye
Place 4, Jody Short	Aye		

ATTEST:

Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A"- Zoning Map

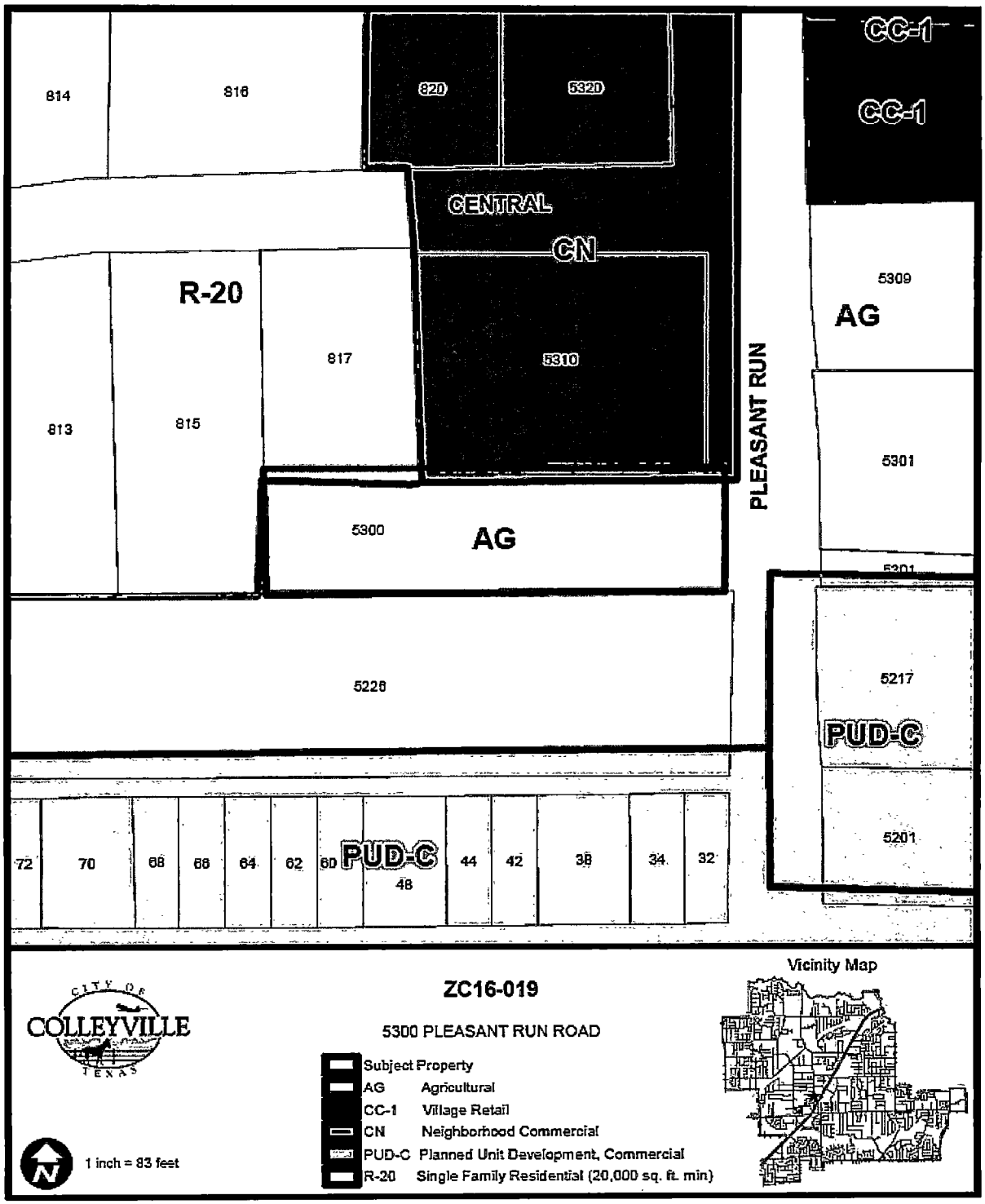


Exhibit "B"- Metes & Bounds Description

PROPERTY DESCRIPTION

Being a tract of land situated in the B.B.B. and C. RAILROAD CO. SURVEY, Abstract No. 206, Tarrant County, Texas, and being all that certain tract of land described in deed to Ruth M. Venable as recorded in Volume 7478, Page 1163, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8-inch iron rod on the west line of Pleasant Run Road (50 foot right-of-way), said iron rod being the northeast corner of said Venable tract and being North 89 degrees 49 minutes 00 seconds East, a distance of 25.00 feet from the southeast corner of Ratliff Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-132, Page 82, Plat Records, Tarrant County, Texas;

THENCE South, a distance of 87.00 feet to the southeast corner of said Venable tract and being the on the west line of said Pleasant Run Road and being the northeast corner of a tract of land described in deed to D & V Walker Family Limited Partnership Number Two as recorded in Instrument No. D204220691, of said Deed Records, from which a found 1/2-inch iron rod bears South 53 degrees 02 minutes 52 seconds West, 3.53 feet;

THENCE South 89 degrees 49 minutes 00 seconds West, a distance of 320.00 feet to the southwest corner of said Venable tract and being on the north line of said Walker Family tract and being the southeast corner of Lot 3, Block 1 of Ratliff Addition, Second Filing, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-162, Page 57, Plat Records, Tarrant County, Texas;

THENCE North, a distance of 87.00 feet to a fence corner at the northwest corner of said Venable tract and being on the east line of said Lot 3 and being the southwest corner of Lot 2, Block 1 of Ratliff Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Cabinet B, Slide 844, of said Plat Records;

THENCE North 89 degrees 49 minutes 00 seconds East, passing the southeast corner of said Lot 2 and the southwest corner of aforesaid Lot 1 at 95.00 feet and passing the southeast corner of said Lot 1 at 295.00 feet and continuing a total distance of 320.00 feet and containing 27,839 square feet or 0.639 of one acre of land.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the above described tract of land.

There are no visible conflicts, visible evidence of easements or rights-of-way, or protrusions, except as shown, and that this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the Map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48439C0295 J, dated AUGUST 23, 2000. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This Survey is not to be used for construction purposes and is for the exclusive use of Rattikin Title Company only and this survey is made pursuant to that one certain title commitment under the GF number 05-11085, provided by the title company named hereon.

RESOLUTION R-17-4123

A RESOLUTION APPROVING A MINOR PLAT FOR THE GLORY HOUSE-COLLEYVILLE ADDITION

WHEREAS, the Planning and Zoning Commission recommended approval of the Minor plat for the Glory House-Colleyville Addition, on April 10, 2017.

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

Sec. 1. THAT the Minor plat for the Glory House-Colleyville Addition, on approximately 0.639 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved with the following conditions:

a. A waiver to the minimum lot width requirements is hereby approved

b. The minimum lot width for this addition shall be 87 feet .

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 2ND DAY OF May 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST: **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

Exhibit "A" - Plat Exhibit

LOCATION MAP
NTS

UTILITY EASEMENT:

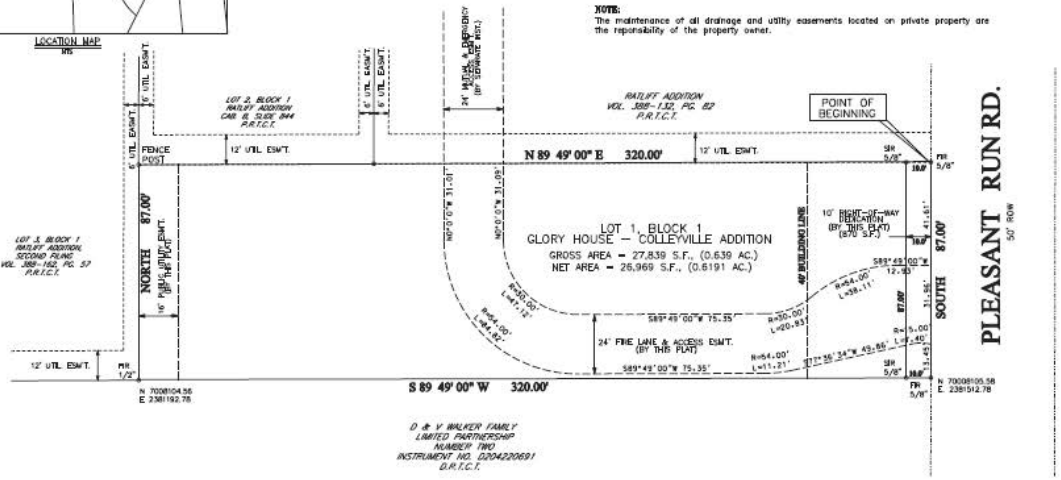
Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of constructing, reconstructing, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

DRAINAGE EASEMENT RESTRICTION:

No construction or filing, without th written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

NOTE:

The maintenance of all drainage and utility easements located on private property are the reponsibility of the property owner.



OWNER'S CERTIFICATE:

WHEREAS, REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE IS THE OWNER OF A TRACT OF LAND SITUATED IN THE B.B.B. AND C. RAILROAD CO. SURVEY, ABSTRACT NO. 206, TARRANT COUNTY, TEXAS AND BEING ALL THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE, RECORDED IN INSTRUMENT NO. D216026574, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND 5/8" IRON ROD IN THE WEST LINE OF PLEASANT RUN ROAD (50' R.O.W.), SAID IRON ROD BEING THE NORTHEAST CORNER OF SAID CHURCH TRACT AND BEING NORTH 89°49'00" EAST, A DISTANCE OF 25.00 FEET FROM THE SOUTHEAST CORNER OF RATLIFF ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-132, PAGE 82, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH, ALONG THE SAID WEST LINE OF PLEASANT RUN ROAD A DISTANCE OF 87.00 FEET TO A 5/8" IRON ROD FOUND, SAID POINT BEING THE SOUTHEAST CORNER OF THE SAID CHURCH TRACT, AND BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO D & V WALKER FAMILY LIMITED PARTNERSHIP NUMBER TWO AS RECORDED IN INSTRUMENT NO. D204220691, OF SAID DEED RECORDS;

THENCE SOUTH 89°49'00" WEST, A DISTANCE OF 320.00 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID CHURCH TRACT AND BEING ON THE NORTH LINE OF SAID WALKER FAMILY TRACT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK 1 OF RATLIFF ADDITION, SECOND FILING, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-162, PAGE 57, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH, A DISTANCE OF 87.00 FEET TO A FENCE CORNER AT THE NORTHWEST CORNER OF SAID CHURCH TRACT AND BEING ON THE EAST LINE OF SAID LOT 3, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 2, BLOCK 1 OF RATLIFF ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET B, SLIDE 844, OF SAID PLAT RECORDS;

THENCE NORTH 89°49'00" EAST, PASSING THE SOUTHEAST CORNER OF SAID LOT 2 AND THE SOUTHWEST CORNER OF APOREMAD LOT 1 AT 95.00 FEET AND CONTINUING A TOTAL DISTANCE OF 320.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.639 ACRES OR 27,8398 SQUARE FEET OF LAND, MORE OR LESS.

THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE, does hereby adopt this plat as LOT 1, BLOCK 1, GLORY HOUSE - COLLEYVILLE ADDITION, to the City of Colleyville, Tarrant County, Texas and do hereby dedicate fee simple to the public use forever all streets, right-of-way, and alleys shown thereon, and do hereby reserve the easement shown on the plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths in which any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of City of Colleyville, Texas.

Witness my hand this_____day of _____ 2017.

_____

STATE OF TEXAS:
COUNTY OF TARRANT:

BEFORE ME, the undersigned Notary Public in and for said county and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS_____DAY OF_____ , 2017.

NOTARY PUBLIC IN AND FOR TARRANT COUNTY _____

MY PRINTED NAME _____

MY COMMISSION EXPIRES _____

BASIS OF BEARING:
BASIS OF BEARING IS BASED ON THE SOUTH LINE OF RATLIFF ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-132, PAGE 82, PLAT RECORDS, TARRANT COUNTY, TEXAS.

FLOOD CERTIFICATE:
As determined by the FLOOD INSURANCE RATE MAPS for the Tarrant County, Texas, the subject property Does Not lie within a Special Flood Hazard Area (100 Year Flood), Map date Sep. 25, 2009 Community Panel No. 48439C0095K subject lot is located in Zone "X".

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ERNEST HEDGCOTH, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE GROUND. FURTHER, THIS SURVEY CONFIRMS TO THE GENERAL RULES OF PROCEDURES AND PRACTICES OF THE MOST CURRENT PROFESSIONAL LAND SURVEYING PRACTICES ACT.

_____ _____
Signature Date

PLANNING & ZONING COMMISSION APPROVAL

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 2017, to approve this Plat.

_____
CHAIRMAN, PLANNING AND ZONING COMMISSION

_____
ATTEST: SECRETARY, PLANNING AND ZONING COMMISSION

THIS PLAT WAS FILED ON DATE_____.
INSTRUMENT NUMBER D_____

FINAL PLAT
LOT 1, BLOCK 1
GLORY HOUSE - COLLEYVILLE ADDITION
GROSS AREA = 27,839 S.F., (0.639 AC.)
NET AREA = 26,969 S.F., (0.6191 AC.)
COLLEYVILLE, TARRANT COUNTY, TEXAS
B.B.B. AND C. RAILROAD CO. SURVEY, ABSTRACT NO. 206, TARRANT COUNTY, TEXAS

OWNER:
REDEEMED CHRISTIAN CHURCH OF GOD GLORY HOUSE COLLEYVILLE
5310 PLEASANT RUN RD
COLLEYVILLE TX 76034
CONTACT: LANRE SOBO
817-793-4140, OLASOBO@GMAIL.COM

PREPARED BY:
MORI'S ENGINEERING, INC.
3000 Pleasant Run Plano, Texas 75093
CONTACT:
MORI ARYAVAN, 972-515-2626
moriaryavan@yahoo.com

DATE: MAR. 2017 SCALE: 1"=30'

City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 7b **Agenda Date** 05/02/2017 **Number** Resolution R-17-4124
Type Resolution
Department Public Works

Title
Consideration of a resolution to proceed with design for the next phase of Glade Road

Strategic Plan
There is no Strategic Plan connection for this item.

Explanation
Reading and Public Hearing

During the April 17, 2017 City Council Worksession, staff and the design consultant provided answers and updates to questions posed by City Council at the January 24, 2017 City Council Worksession. Specifically, staff and the design consultant addressed the following in regard to Phase 2 of the Glade Road Project:

- A comparison chart that clearly shows information on the options that include impacted trees, ROW impacts, costs, and a summary of the options design elements
- Consideration of the combination of the original "Base" project and "Option 3", per the recommendation of the design consultant
- Consideration a Full Depth Reclamation style reconstruction project with the addition of ribbon curbs for Glade Road - Phase 2
- Consideration a Full Depth Reclamation style maintenance project for Glade Road - Phase 2
- Updated costs for all Glade Road Phases

At the April 17, 2017 Worksession, the following options were again reviewed and discussed.

- **Base Option** - Curb and gutters with turn lanes, trail on the north side and sidewalk on the south

- **Alternate Option 1** – Ribbon curb with roadside ditches and no turn lanes, sidewalk on the north side and trail on the south

- **Alternate Option 2** – Alternate Option 1 with the addition of grate inlet along with the roadside ditches (storm drainage), sidewalk on the north side and trail on the south

- **Alternate Option 3** – Alternate Option 2 with the addition of left turn lanes, sidewalk on the north side and trail on the south

- **Alternate Option 4 –** is a combination two options. The Base Option for Rose to Montclair and Alternate Option 3 for Montclair to Pool Road

- **Alternate Option 5 –** Pavement reclamation with the addition of ribbon curbs and additional grading, no additional pedestrian facilities

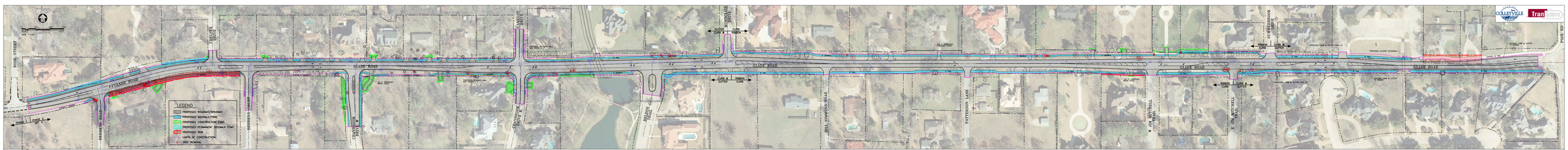
- **Alternate Option 6** – Pavement reclamation only, no additional pedestrian facilities

The attached resolution is consistent with the direction provided by City Council and would direct staff to move forward with the design of the Glade Road Project, Phase 2, Option 4, attached as Exhibit 4 - Glade Road.

Financial Impact
It is estimated the cost of construction of Glade Road, Phase 2, will be reduced by approximately $291,141, as a result of moving forward with Option 4.

Recommendation
Approve

Attachments
1. Exhibit 4 - Glade Road
2. Resolution R-17-4124


OPTION 4
PHASE 2 - OPTION 4
GLADE ROAD
ROSS STREET
TIMBER RIDGE ROAD
BERRENS CREEK
CHANDLER DRIVE
CAMELOT DRIVE
BRAEBURN VALLEY
BILL SAMMONS ROAD
PATTERSON LANE
W. JIM MITCHELL TRAIL
E. JIM MITCHELL TRAIL
SUTHERLAND DRIVE
CURB & GUTTER
RIBBON CURB
LEGEND
PROPOSED ROADWAY/DRIVEWAY
PROPOSED SIDEWALK/TRAIL
PROPOSED CONSTRUCTION EZMT.
PROPOSED PERMANENT SIDEWALK EZMT.
PROPOSED ROW
LIMITS OF CONSTRUCTION
TREE REMOVAL
COLLEYVILLE
Transcriptions

RESOLUTION R-17-4124

A RESOLUTION APPROVING THE DESIGN OF THE GLADE ROAD PROJECT, PHASE 2, OPTION 4

WHEREAS, the Colleyville City Council is committed to the best interests of the health, safety, and welfare of the citizens of Colleyville; and

WHEREAS, the Colleyville City Council adopted Resolution R-15-3940 on December 15, 2015, approving an agreement with TranSystems, Inc. for the design of Glade Road, Phases 2, 3, and 4; and

WHEREAS, the Colleyville City Council has conducted numerous worksessions, open to the public, to assess and improve upon the design of the Glade Road Project; and

WHEREAS, the Colleyville City Council seeks to move forward with a revised design of Glade Road Phase 2; and

WHEREAS, the Colleyville City Council hereby determines the passage of this resolution is in the best interests of the health, safety, and welfare of the public; and

WHEREAS, all legal prerequisites for the approval of this resolution have been met, including but not limited to the Open Meetings Act.

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

Sec. 1. THAT all matters stated above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Sec. 2. THAT TranSystems, Inc. is hereby directed to move forward with the design of Glade Road, Phase 2, Option 4, attached as Exhibit "A", which will provide for an estimated construction cost reduction of $291,141, in comparison to construction costs associated with the original design.

Sec. 3. THAT City staff will bring forward at a later date, an amendment to the contract to accommodate the design of Phase 2, Option 4.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST: **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

Exhibit - 4
Page 1 of 3

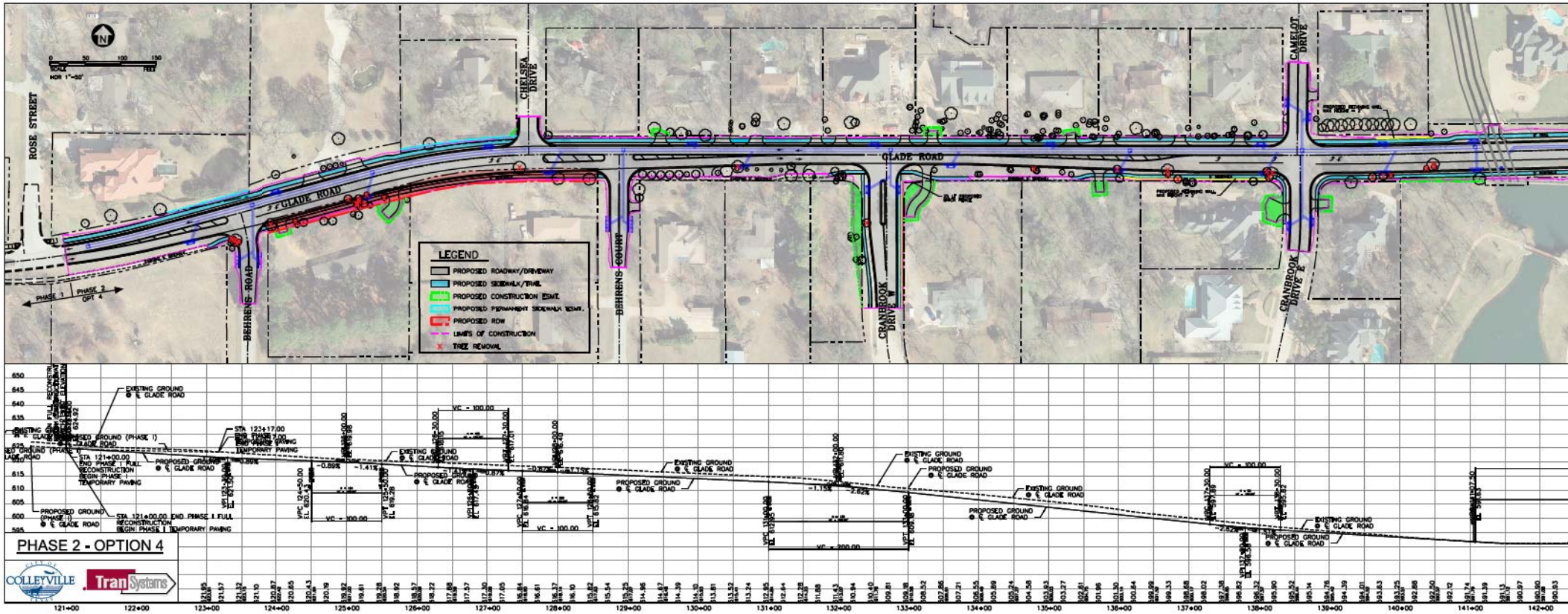


Exhibit - 4
Page 2 of 3

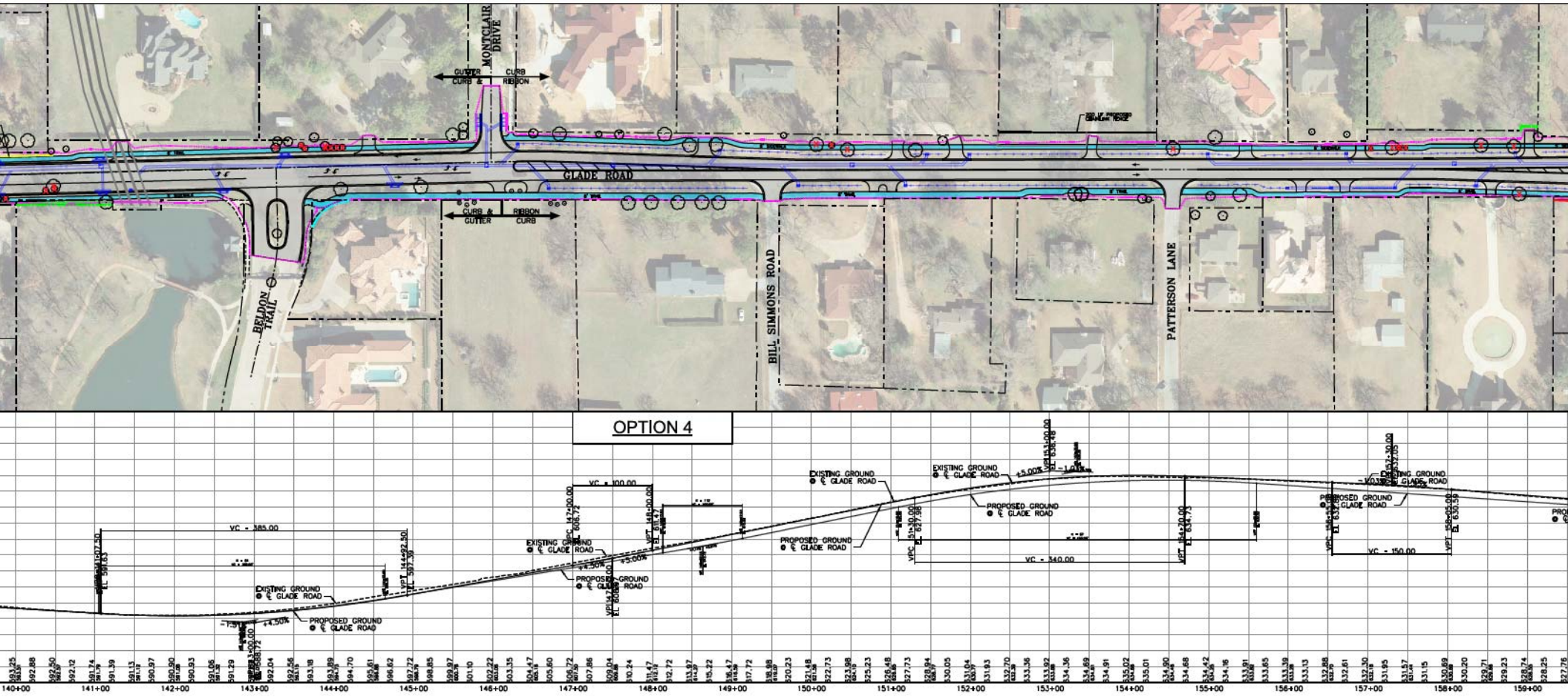
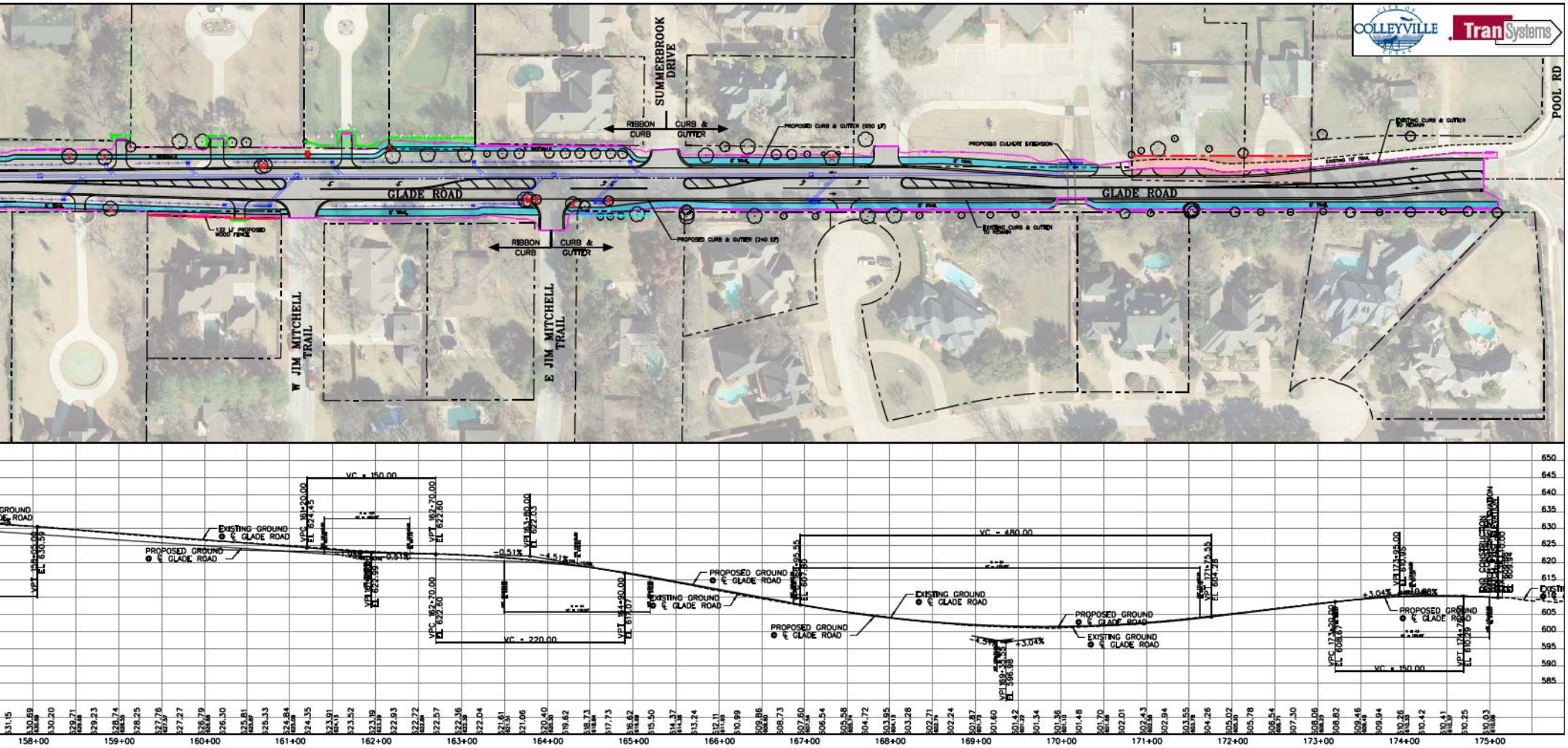


Exhibit - 4
Page 3 of 3



City of Colleyville
City Council
Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 7c **Agenda Date** 05/02/2017 **Number** Resolution R-17-4125
Type Resolution
Department City Secretary

Title
Consideration of an appointment to the Colleyville Special Events Ad Hoc Committee

Strategic Plan
1.1 Actively involve and engage stakeholders
2.4 Demonstrate stewardship of public resources
5.2 Support a variety of community events, concerts and celebrations

Explanation
Reading and Public Hearing

At the April 18, 2017, City Council meeting, City Council approved Resolution R-17-4117 (attached) establishing a Special Events Ad Hoc Committee to evaluate the four primary Colleyville Special Events, and established responsibilities for the committee prior to the selection process.

At the same meeting, each Councilmember provided an appointee to the committee, with the Mayor's appointment serving as the chair, except for Councilmember Short. He was not able to provide an appointee at that time, and was given an extension to provide an appointee at the May 2, 2017.

The resolution provides Councilmember Short the opportunity to provide an appointee to serve on the Special Events Ad Hoc Committee.

Financial Impact
There is no financial impact to the City.

Recommendation
Approve

Attachments
1. Resolution R-17-4117
2. Resolution R-17-4125

RESOLUTION R-17-4117

A RESOLUTION ESTABLISHING A COLLEYVILLE SPECIAL EVENTS AD HOC COMMITTEE AND APPOINTING MEMBERS

WHEREAS, the City Council desires to achieve the maximum benefit for the community with the continuance of special events; and

WHEREAS, the City Council desires to evaluate the current special events offered to the community; and

WHEREAS, the City Council would like to involve citizens in the review and development of such events; and

WHEREAS, the previous Special Events Steering Committee was established by Resolution R-10-3259 and dissolved by Resolution R-15-3892, upon completion of their original role as an advisory body; and

WHEREAS, the City Council desires to establish a Special Events Ad Hoc Committee.

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

Sec. 1. THAT a seven (7) member Colleyville Special Events Ad Hoc Committee is hereby established. The Mayor and each City Councilmember shall appoint one member to the Committee. The Mayor's appointee shall serve as the Chair of the Committee.

Sec. 2. THAT the following citizens are appointed to the Colleyville Special Events Ad Hoc Committee:

- Rich Hendler, Chair
- Elizabeth Zeitlin
- Chris Putnam
- James Gulizia
- Cheryl Searle
- Amy Redfearn
- To be designated by Councilmember Short on or before May 2, 2017; otherwise, City Council shall fill the appointment at the May 2, 2017 regular City Council meeting.

Sec. 3. THAT the Colleyville Special Events Ad Hoc Committee responsibilities may include:

a. Review and establish the purpose of special events; be it to celebrate community uniqueness, enhance citywide spirit and pride, promote economic development, and/or celebrate holidays.

b. Review and establish evaluation criteria with consideration of event name, schedule, location, activities, target audience, community support, production and marketing needs, funding, and desired outcomes.

c. Review and evaluate current special events against the established criteria. The City of Colleyville's current special events include: Old Tyme Bar-B-Q, Red, White & Sousa, Haunted Trail Fest, and the Christmas Tree Lighting Celebration.

d. Provide recommendations to the City Council on changes needed, if any, to current special events.

e. Meet as needed and use best efforts to complete this project by July 3, 2017.

Sec. 4. THAT upon issuance of final recommendations to the City Council, the work of the Committee will be completed, and the terms of the Committee members will be concluded.

Sec. 5. THAT this resolution shall take effect immediately upon passage.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE 18TH DAY OF APRIL 2017.

Mayor Richard Newton	Aye	Mayor Pro Tem Chris Putnam	Aye
Place 1, Tammy Nakamura	Aye	Place 5, Nancy Coplen	Aye
Place 2, Bobby Lindamood	Aye	Place 6, Mike Taylor	Aye
Place 4, Jody Short	Aye		

ATTEST:

Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE

Richard Newton
Mayor

RESOLUTION R-17-4125

A RESOLUTION APPOINTING A MEMBER TO THE COLLEYVILLE SPECIAL EVENTS AD HOC COMMITTEE

WHEREAS, the City Council desires to achieve the maximum benefit for the community with the continuance of special events; and

WHEREAS, the Special Events Ad Hoc Committee was established by Resolution R-17-4117, to evaluate the current special events offered to the community, and involve citizens in the review and development of such events; and

WHEREAS, the City Council desires to appoint an additional member to the Special Events Ad Hoc Committee.

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

Sec. 1. THAT the following citizen is appointed to the Colleyville Special Events Ad Hoc Committee:

•

Sec. 2. THAT Resolution R-17-4117 will remain in effect except wherein amended.

Sec. 3. THAT this resolution shall take effect immediately upon passage.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS AND _ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST: **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

RESOLUTION R-17-4126

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF MAY 2, 2017

WHEREAS, City Council has taken action on certain items on the agenda under Business.

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

Sec. 1. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 2ND DAY OF MAY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST: **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor