

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.01 GENERAL PROVISIONS

Sec. 3.01.001 Mechanical fees

Mechanical fees shall be as provided in [section A3.01.001](#) of the fee schedule in appendix A to this code. (Ordinance adopting Code)

ARTICLE 3.02 BUILDING CODE^{*}

Sec. 3.02.001 Adopted

The International Building Code, 2012 edition, as published by the International Code Council, is hereby adopted as the building code of the city regulating the enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the city, providing for issuance of permits and collection of fees therefor. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made a part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (Ordinance 2015-O-1, sec. 1, adopted 4/28/15)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

State law reference—International Building Code adopted as municipal commercial building code, V.T.C.A., Local Government Code, sec. 214.216.

Sec. 3.02.002 Reserved

Editor's note—Former section 3.02.002 pertaining to height restrictions and deriving from Ordinance 681, sec. 1, adopted 12/15/03 and Ordinance adopting Code, was repealed in its entirety by Ordinance 2016-O-1, sec. 3, adopted 3/22/16.

Sec. 3.02.003 Reserved

Editor's note—Former section 3.02.003 pertaining to setback requirements and deriving from the 1996 Code, sec. 103 and Ordinance adopting Code, was repealed in its entirety by Ordinance 2016-O-1, sec. 3, adopted 3/22/16.

Sec. 3.02.004 Definitions

The International Building Code shall be amended by adding the following definition:

Building contractor. Means and includes and shall be construed to mean and include all persons, companies, or corporations as well as their agents or employees who engage in the business of contracting building work for residential or commercial building and installations in the city, whether or not such business is conducted on a full-time basis or a part-time basis.

(Ordinance 02-01-2006, sec. 2, adopted 2/6/06)

Sec. 3.02.005 Bond required for building contractor

Any building contractor conducting business in the city shall be bonded in the amount of five thousand dollars (\$5,000.00) with the exception of the proof of liability insurance in the amount of \$100,00 or more. (1996 Code, sec. 3.105)

Sec. 3.02.006 Building permits and certificate of occupancy

- (a) Permit basis; term. Building permits are based on the estimated cost of the project. This permit is valid for six (6) months.
- (b) Permit extension. An extension on these permits may be made through the building inspector.
- (c) Mobile homes.
 - (1) Moving permit. The fee for a moving permit is as provided for in section A3.02.006 of the fee schedule in appendix A to this code.
 - (2) Parking permit. The fee for a parking permit is as provided for in section A3.02.006 of the fee schedule in appendix A to this code.

(3) Mobile home park. A tract or parcel of land used for lease or rental occupancy by three (3) or more mobile homes.

(1996 Code, sec. 3.106)

(A) Operator's permit duration and fees. The permit shall be valid for one year from date of issue, but may be renewed annually so long as the mobile home park is in compliance with city ordinances regulating mobile homes parks. The permit fees shall be as provided for in section A3.02.006 of the fee schedule in appendix A to this code.

(B) Operator's permit renewal and inspection fees. The operator's permit may be renewed each January 1, after the park passes the yearly November inspections. The inspection fee and reinspection fees shall be as provided for in section A3.02.006 of the fee schedule in appendix A to this code. Permits are not transferable.

(Ordinance 05-02-2006, sec. 1, adopted 3/6/06)

(d) Building permit fees. Building permit fees shall be as provided for in section A3.02.006 of the fee schedule in appendix A to this code.

(e) Certificate of occupancy required.

(1) No land shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the city stating that the building or proposed use thereof complies with the provisions of city ordinances. The fee for such certificate shall be as provided for in section A3.02.006 of the fee schedule in appendix A to this code.

(2) Application for a certificate of occupancy shall be made with the application for a building permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within five (5) days after the city has been notified in writing that the building or premises is ready for occupancy.

(3) The building official shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

(4) No permit for excavation for or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

(5) No permanent water, sewer, electrical or gas utility connection shall be made to the land, building or structure until and after a certificate of occupancy has been issued by the city.

(6) Upon request of the owner or authorized representative, the building official may issue a temporary certificate of occupancy for the temporary use and occupancy of the entire building provided such temporary occupancy or use will not in any way or manner jeopardize life or property.

(f) Homeowner's exemption from permit fees. Nonstructural construction, maintenance, and/or repairs performed by the homeowner or by the owner of a business with his own hands on his home or business shall be exempt from permit fees, provided that the proposed work does not exceed a total cost of one thousand five hundred dollars (\$1,500.00).

(g) Remodeling and minor repair permit. Any person wishing to make minor repairs or remodeling must make application for a permit. However, the application need not go through the plan review procedure provided the following conditions are met:

(1) Total cost is less than one thousand five hundred dollars (\$1,500.00).

(2) No major structural change in size, shape, or location of building is planned.

(h) Building permit request.

(1) Any person, company, or corporation doing work as a contractor shall secure a building permit for any project with a cost exceeding five hundred dollars (\$500.00).

(2) Any person, company, or corporation that engages in the business of demolishing or moving homes and/or mobile homes shall secure a building permit.

(i) Conditions of permit for demolition of abandoned building. Every permit issued for demolition of an abandoned building shall become invalid unless the work authorized by such permit is commenced within forty-five (45) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of forty-five (45) days after the time the work is commenced; provided that, for

cause, one (1) or more extensions of time, for periods not exceeding forty-five (45) days each, may be allowed and such extensions shall be in writing by the building official.

(1996 Code, sec. 3.106)

Sec. 3.02.007 Contractor's licensing

(a) It shall be unlawful for any person to do contracting work unless said person, company, or corporation has secured a contractor's license from the city, except as provided in [section 3.02.008](#) of this article. To apply for a license a person, company, or corporation must meet the following requirements:

- (1) Show proof of having at least five (5) years; experience as a contractor;
- (2) Be registered with the state or another municipality as a contractor;
- (3) Be in the construction business as of December 1, 1984 as a contractor in the city; or
- (4) Take a test based on the latest edition of the International Building Code.

(Ordinance 02-01-2006, sec. 3, adopted 2/6/06)

(b) The fee for a contractor's license for the city shall be as provided for in [section A3.02.007](#) of the fee schedule in appendix A to this code. (1996 Code, sec. 3.107(b))

Sec. 3.02.008 Owner repairs exempted from license and bond requirements

A homeowner or owner of a business performing repair work himself with his own hands on his home or business is not required to have a contractor's license or bond if the total cost of the work is less than one thousand five hundred dollars (\$1,500.00). (1996 Code, sec. 3.108)

Sec. 3.02.009 Appeals; enforcement

Appeals under the building code and enforcement thereof shall be directed to the board of adjustments and appeals as established by the city. (1996 Code, sec. 3.111)

ARTICLE 3.03 HOUSING*

Division 1. Generally

Secs. 3.03.001–3.03.030 Reserved

Division 2. Residential Code*

Sec. 3.03.031 Adopted

The International Residential Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the residential code of the city, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made a part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (Ordinance 2015-O-1, sec. 2, adopted 4/28/15)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

Sec. 3.03.032 Amendments

The following sections are hereby revised:

Section R101.1. Insert: City of Palacios.

Table R301.2(1). Insert: 120 mph wind load.

Section P2603.5.1. Insert: 12 inch depth on water and sewer lines.

Section P3103.1. The previous amendment to this section is hereby repealed and deleted in its entirety,

and the provisions of the 2012 Code shall apply.

(Ordinance 2015-O-1, sec. 3, adopted 4/28/15)

ARTICLE 3.04 ELECTRICITY

Division 1. Generally

Sec. 3.04.001 Standards for electrical equipment and signs

Conformity of electrical equipment with the applicable standards of the Underwriters' Laboratories, Inc., shall be prima facie evidence that such equipment is reasonably safe to persons and properties. Only standard parts and materials approved by the Underwriters' Laboratories, Inc., National Electrical Safety Code or electrical provisions of other safety codes which have been approved by the American National Standards Institute shall be prima facie evidence that such installations are reasonably safe to persons and property. (1996 Code, sec. 3.508)

Secs. 3.04.002–3.04.030 Reserved

Division 2. Code

Sec. 3.04.031 Adopted

The National Electrical Code, 2011 edition, as published by the National Fire Protection Association, is hereby adopted as the electrical code of the city. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made a part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (Ordinance 2015-O-1, sec. 5, adopted 4/28/15)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

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

Sec. 3.04.032 Definitions

The National Electrical Code is hereby amended by adding the following definitions: (1996 Code, sec. 3.502)

Apprentice electrician. A person who is learning the trade of an electrician and who works under the direct supervision of a master or journeyman electrician and who is registered as provided in this article.

Chief electrical inspector. The city building official or other employee of the city appointed by the city manager. (1996 Code, sec. 3.502; Ordinance adopting Code)

City. The territory within the corporate limits of the city. (1996 Code, sec. 3.502)

Electrical work. Any labor or material used in installing, maintaining, or extending an electrical wiring system and the appurtenances, apparatus, or equipment used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. The term includes service entrance conductors as defined by the National Electrical Code.

Licensed electrician. A state-licensed electrician under provisions of this article who has paid the necessary registration fee to date and whose name is carried in the records of the chief electrical inspector as a person authorized to do electrical work as defined by this code. (1996 Code, sec. 3.502; Ordinance adopting Code)

Maintenance. The act of keeping in a state of safe operating condition any conductor or piece of equipment used inside or outside, attached or connected to any building electrical system by replacement of units or elements thereof, but shall not include additions to or replacement of an existing system or branch.

Readily accessible. As applied to service disconnecting mean 230-72C of the NEC, the service disconnecting mean shall be located no farther than twenty-four (24) inches from the point of entrance of the service entrance.

Reasonable amount of time. Two (2) weeks, unless otherwise noted by the chief electrical inspector in writing.

Rough-in work. Initial rough work of installing, altering, repairing or maintaining of electrical wires, conduits,

apparatus, or other electrical installation, performed so that all such work is easily visible and may be easily corrected or changed.

(1996 Code, sec. 3.502)

Sec. 3.04.033 Administration and enforcement

(a) Restriction on employees. No employee of the building inspection division shall be financially interested in the furnishing of labor, material, or equipment for the installation, alteration, or maintenance of electrical wiring, fixtures, or equipment or in the making of plans or specifications therefor, unless he is the owner of the property on which the installation exists or is planned to take place. (1996 Code, sec. 3.503)

(b) Chief electrical inspector. The chief electrical inspector is hereby designated as the person responsible for the administration and enforcement of this code, and who shall discharge the duties and have the authority hereinafter provided. The chief electrical inspector may delegate said authority to inspectors and other employees of the building inspection department as may be required to carry out his duties. The chief electrical inspector shall be responsible to the building official and the city manager, each of whom is authorized to act in lieu of and with the same authority as the chief electrical inspector. (1996 Code, sec. 3.503; Ordinance adopting Code)

(c) Powers of inspectors. The chief electrical inspector and inspectors shall have the following powers:

(1) Enforce the provisions of this code and file complaints in municipal court against persons who violate any of its provisions.

(2) Enter any house or premises during reasonable hours, while any electrical wiring or fixture or equipment is being installed; examine any electrical wiring or installation of electrical wiring, fixtures, or equipment therein, in the performance of his official duties.

(3) Order electrical service disconnected where improper or defective wiring exists, or where electrical construction or equipment has been installed without a permit as required by this code.

(4) Order compliance with this code where a change of occupancy occurs in a building which requires changes or alteration to the existing building.

(5) Disconnect electrical service in cases of emergency where necessary for the safety of persons or property or where electrical equipment may interfere with the work of the fire department.

(6) Attach to electrical equipment or electrical meters any official notice or seek to prevent the use of electricity; and it shall be unlawful for any person to use any such seal or break, change, destroy, tear, mutilate, cover, or otherwise deface or injure any such official notice or seal posted by any electrical inspector.

(7) Order persons to cease or desist doing any work being done without a permit where a permit is required or where such work is otherwise being done in violation of this code. It shall be unlawful for any person to interfere with the enforcement official or his/her assistants in the discharge of their duties or to prevent or in any manner attempt to prevent them from carrying out the provisions of this code.

(8) The enforcement official shall make a thorough inspection of all electrical work from time to time, and where such electrical work is in a dangerous or unsafe condition, or is deemed to be an interference with the work of the fire department, the official shall notify the person owning, using, or operating such electrical work to place it in a safe, secure and noninterfering condition. Any person failing, neglecting or refusing within a reasonable amount of time to make the necessary changes or repair, and have the necessary work completed within a reasonable amount of time, shall be deemed guilty of violation of this article, and every day which shall elapse after the expiration of such reasonable time until such wire and apparatus are repaired, removed or changed as required by the enforcement official shall be considered a separate offense within the intent and meaning of this article.

(9) The enforcement official shall require plans, specifications and a complete feeder layout of installations of electrical work, and when such plans, specifications, layouts are demanded, it shall be a violation of this division to install any part of the electrical work concerned until the enforcement official initially approves installation.

(d) Inspection procedures and performance of electrical work. Inspection procedures and electrical work will be performed as follows:

- (1) The enforcement official shall inspect and approve electrical work after rough-in work is completed and requests for inspections are made.
- (2) All requests for inspection of electrical work shall be made twenty-four (24) hours before the electrical work concerned is to be concealed or connected for service, as the case may be, by the permit electrician.
- (3) When any electrical work for which a permit is required under this article has been installed, but not concealed or connected for service, as the case may be, the electrician to whom the permit was issued shall request inspections by notifying the enforcement official in such manner as the enforcement official may prescribe; the enforcement official shall inspect such electrical work as soon as practical and within forty-eight (48) hours of notification except Saturdays, Sundays and legal holidays.
- (4) No electrical work for which a permit is required under this article shall be concealed in any manner from access or plain sight until such electrical work has been inspected and approved by the enforcement official, and no electrical work shall be connected to a source of energy until such electrical work is completed and all outlets supplied with approved fixtures, devices or covers, and such electrical work has been finally approved for service.
- (5) Whenever the complexity of electrical work may demand it, the enforcement official may schedule inspections to be made of phases of electrical work completed and ready for inspection. It shall be unlawful for any person to fail to request inspection pursuant to such schedule and subsection (d)(2) hereof.
- (6) If the electrical work upon final inspection meets all the requirements of this article, the enforcement official shall immediately make the necessary service records to allow connection of such electrical work to a source of energy; provided that should such electrical work fail to meet such requirements, then written notice by the enforcement official of existing deficiencies shall be given to the permit electrician, and such electrician shall promptly correct the defects and request reinspection.
- (7) Whenever a permit electrician is given notice of defects in electrical work, he shall promptly correct same. Failure to do so within fifteen (15) days of notice of defects shall be unlawful and a violation of this article, and, in addition to any other penalties, the enforcement official shall refuse to issue any further permits for electrical work to such electrician until existing defects are corrected and approved in accordance with the provisions of this article.
- (8) After final inspection, a written certificate of approval shall be issued, upon request, to a permit electrician to cover any electrical work done by him and approved by the enforcement official.
- (9) When a permit electrician does not have the contract for finishing the electrical work covered by his permit, he shall request an inspection in writing of the electrical work completed by him, specifying therein the extent of his obligation to install electrical work.
- (10) When any permit electrician refuses to request a final inspection on substantially completed work covered by his permit, the owner or person in control of the premises where the electrical work has been performed may request inspection. Notice of such request shall be given to the permit electrician by the enforcement official.

(1996 Code, sec. 3.503)

Secs. 3.04.034–3.04.060 Reserved

Division 3. Permits

Sec. 3.04.061 Required

- (a) Except as otherwise specifically provided in this code, it shall be unlawful for any person to install or cause to be installed, or to permit any person to install, any electrical wiring fixtures or equipment within or on any building, structure, or premises, publicly or privately owned, or to make any alteration, additions, changes or repairs within the scope of this code, without having procured a permit therefor issued by the chief electrical inspector except as provided herein. Accessory buildings, tourist cottages or group houses shall not be considered separate buildings when the work is to be installed as one (1) complete project, and at any one (1) time; except where separate meter loops are installed.
- (b) There shall be one (1) permit issued or outstanding at the same time for any one (1) installation of

electrical equipment.

(c) No service entrance equipment shall be connected to the electric distribution system of the city, unless it has been approved, a permit shall have been obtained, and fees paid.

(1996 Code, sec. 3.504(a))

Sec. 3.04.062 Exceptions

(a) No permit shall be required for the replacement of lamps, switch and receptacle plates, covers, and fuses, or for the connection of portable electrical equipment to suitable permanently installed receptacles.

(b) No permit shall be required for the installation of electrical conductors or equipment to be installed where such installation is in accordance with the plans and specifications approved by the city, and where such installation will be within and on the premises with the control and supervision of the state department of transportation, and where such installation will be part of highway facilities operated, maintained or controlled by said state department of transportation.

(c) No permit shall be required for the installation of electrical conductors or equipment to be installed by or for a public utility corporation in the generation, transmission, sale or use of electrical energy as outlined in their franchises; nor for the use of such corporation in the transmission of messages.

(d) No permit shall be required for the replacement of a motor by another motor of the same horsepower and rating, solenoid valves, low-pressure controls or other controls when the electrical supply to the same is or has been properly installed by a licensed electrician.

(e) No permit shall be required for any work involved in the manufacturing, testing or servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

(f) No permit shall be required for maintenance work performed by a licensed electrician on the premises of his employer.

(g) No permit will be required of work done by the telephone company and cable company, or their authorized agent when franchised by the city.

(1996 Code, sec. 3.504(b))

Sec. 3.04.063 Application

Applications for permits shall be made in writing upon forms provided by the city for that purpose. When required by the chief electrical inspector, the application shall include a diagram or plan showing clearly the character and kind of wiring or installation of fixtures or equipment work to be done. The plan or electrical diagram shall show the manner in which the electrical installation is to be made and/or the character of any repairs to any existing definite scale showing the point at which service connection is required, the site of the feeders and subfeeders, the location at service switches and centers of distribution, and the arrangement of circuits and the number of outlets connected thereto. The applications shall also contain the following information: the date the application is submitted, the name of the person under whose authority the application is made, the name of the person actually offering the application, the address where electrical work is to be done, a description of the electrical work to be done and other pertinent information required by the enforcement official. (1996 Code, sec. 3.504(c))

Sec. 3.04.064 To whom issued

(a) Permits shall be issued to licensed master electricians, qualified to secure permits as determined by ordinance of the city providing for registration of electricians, or their duly authorized agents, who shall be certified to the chief electrical inspector by affidavit stating that said electrician assumes all and full responsibility for any permit taken out or applied for by said agent. This affidavit shall be kept on file after it has been approved by the city attorney. (1996 Code, sec. 3.504(d); Ordinance adopting Code)

(b) Permits shall be issued to a person performing electrical work or maintenance work with his own hands in a single-family dwelling owned by him and claimed as his homestead.

(c) When the permit electrician fails or refuses to complete electrical work, in whole or in part, on any electrical wiring or installation of fixtures or equipment, a new permit may be issued upon written request of the owner or person in charge of construction, and fees therefor shall be assessed covering all electrical work done or to be done, whether completed or not at the time a subsequent permit is issued. Before any subsequent permit is issued, the enforcement official shall notify the permit

electrician failing or refusing to complete the electrical work, if he can be found, to show cause within ten (10) days of receipt of written notice why a subsequent permit should not be issued to a subsequent electrician. All written requests for subsequent permits shall set forth the reasons why the current permit electrician has failed or refused to complete electrical work. Where it appears that requests for subsequent permits are made to defeat contractual obligations between the electrician and owner or person in charge of construction, no subsequent permit shall be issued. If subsequent permits are issued, all subsisting permits shall be canceled by the enforcement official, and no fees due therefor shall be refunded or credited.

(d) A permit is required for the installation, rough in or changing of a cable system, telephone system, and fire security system unless they have a franchise.

(1996 Code, sec. 3.504(d))

Sec. 3.04.065 Fees

(a) Before proceeding with the installation, alteration of, or the addition to electrical wiring or equipment within the city, an applicant shall first file with the city an application requesting a permit to carry on such work and the necessary inspections and pay fees to the city in accordance with the schedule, provided that the minimum fee for any electrical work at the same time and place shall be as provided for in [section A3.04.065](#) of the fee schedule in appendix A to this code.

(b) Permit fees for inspection of all electrical work and appliances shall be made and collected upon and in accordance as provided for in [section A3.04.065](#) of the fee schedule in appendix A to this code.

(1996 Code, sec. 3.504(e))

Sec. 3.04.066 Issuance

When the chief electrical inspector finds the application, the diagram or plans and specifications to be correct, he shall cause the permit to be issued. Upon receipt of such permit and payment of all fees, the electrician may start the proposed job and make the installation described in his application, requesting inspection by the chief electrical inspector in the proper sequence as the work progresses. (1996 Code, sec. 3.504(g))

Sec. 3.04.067 Miscellaneous procedures

(a) If the office of the chief electrical inspector has not been notified within twenty-four (24) hours (Saturday, Sunday, and legal holidays excepted) after a specific job is started, then the permit fee shall be doubled. The collection made is to defray the additional cost of inspecting work already done and issuing a permit under such circumstances and is not a penalty and not preclusive of any remedy otherwise available to the city to enforce this code.

(b) Permit applications covering the installation of motors on any job shall specify each motor individually, and no grouping of motors or other such grouping of horsepower shall be permitted.

(c) In the event the total fees per installation charged are less than four dollars (\$4.00), then the minimum permit charge as provided in [section 3.04.065\(a\)](#) shall apply. If such total fees exceed the sum of four dollars (\$4.00), the greater amount shall be charged.

(d) In the event the inspection is made and the resulting discovery is that work for which a permit is required by this code has been done, but the required permit has not been issued, then a fee as provided for in [section A3.04.067](#) of the fee schedule in appendix A to this code shall be added to the permit fee.

(e) Agencies of the federal, state, and county governments are exempt from the payment of fees in connection with the construction or repair of a building used, owned, and located on property owned by said governmental agencies. Permit fees for public schools and other political subdivisions having ad valorem tax exempt status, and for church sanctuaries, and all other state constitutionally exempted ad valorem tax entities shall be fifty percent (50%) of the regular fee.

(1996 Code, sec. 3.504(f))

Sec. 3.04.068 Part jobs

When an electrician completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment and a second electrician is called upon to complete the work in whole or in part; then, in that event, a separate permit is required for which regular fees shall be paid for the work to be done. Each electrician shall be held responsible only for the work installed by him. Before the second electrician is issued a permit for the

completion of electrical wiring or installation of fixtures or equipment, the chief electrical inspector shall first notify the electrician holding the original or first permit, if he can be found, that the second permit is proposed to be issued. The issuance of the second permit shall cancel the first permit, and no refund of fees for such canceled permit shall be made. (1996 Code, sec. 3.504(h))

Sec. 3.04.069 Time limitation

If electrical wiring of fixtures or equipment work authorized under a permit is not started within sixty (60) days after issuance of such permit, or if the work is started and then discontinued and the work remains discontinued for a period of sixty (60) days, the permit shall become void, and no work shall be done on the premises until a new permit is issued and all necessary fees paid. No refund shall be made for permits that have become void. (1996 Code, sec. 3.504(i))

Sec. 3.04.070 Revocation

The chief electrical inspector shall have the right to declare a permit null and void if there has been misrepresentation of facts or such declaration, and no work shall be performed until a new permit is issued and all fees have been paid. (1996 Code, sec. 3.504(j))

Sec. 3.04.071 Refund of fees

An electrical permit may be canceled by the applicant at any time within sixty (60) days of the date of its issuance. If no work has been done under such permit, the chief electrical inspector, when formally requested in writing by the applicant, may refund seventy-five (75) percent of the permit fee paid, but in no case shall the city retain less than three dollars (\$3.00) to cover the cost of auditing the fee and preparing the request for refund. (1996 Code, sec. 3.504(k))

Secs. 3.04.072–3.04.100 Reserved

Division 4. Inspections

Sec. 3.04.101 Required

It shall be unlawful for any person, firm, or corporation to make connections from a source of electrical energy to any electrical wiring, devices or equipment on an installation for which a permit is required, as set forth in this article, until it has been approved by the chief electrical inspector authorizing such connection and the use of such wiring, devices or equipment. (1996 Code, sec. 3.507(a))

Sec. 3.04.102 Rough inspection

- (a) Generally. When the rough wiring or installation work is completed on any premises, the person responsible therefor shall notify the chief electrical inspector that the job is ready for inspection, giving proper identification of the work, address and permit number. The chief electrical inspector shall then make an inspection of the electrical installation. If said wiring or installation work has been installed in accordance with the terms and provisions of this code, the chief electrical inspector shall sign the inspection card, noting thereon the date of approval of the work. More than one (1) rough inspection may be made without charge when the progress of construction requires such inspection.
- (b) Faulty work. If the wiring or installation of fixtures or equipment is found to be faulty or incorrectly or defectively installed, the chief electrical inspector shall notify the responsible person who installed such work of the changes necessary to be made in order that the work may conform to this code.
- (c) Correction of faulty work. The permittee shall, within forty-eight (48) hours from the time of notification, make or start to make the changes ordered and shall proceed with the work until the same is completed. Upon completion thereof and payment of the reinspection fee, he shall notify the chief electrical inspector to the effect that faulty work has been corrected. The latter shall then cause the reinspection to be made, and if said work is found to comply with this code, he shall sign the inspection card, noting thereon the date of approval of the work. If the chief electrical inspector shall again find the work incorrectly installed, he shall notify the permittee of the necessary changes, and the permittee shall pay an additional reinspection fee. If the permittee fails to correct the faulty work within seventy-two (72) hours' time, the chief electrical inspector shall refuse to issue to any such person any further permits until said work in question is corrected and approved.

(1996 Code, sec. 3.507(b))

Sec. 3.04.103 Final inspection

Upon the completion of all electrical wiring and installation of fixtures or equipment in any building, or any premises, the permittee shall notify the chief electrical inspector that the work is ready for final inspection, giving the electrical permit number and the street address; and the chief electrical inspector shall then make the inspection, and if any faulty or defective wiring or equipment is found, the permittee shall be notified of the changes to be made in order that such work shall conform to this code. If such work is found to be correctly installed, replaced, or repaired, the chief electrical inspector shall endorse his approval upon the inspection certificate stating that the wiring or installation work has been installed in accordance with the provisions of this code. (1996 Code, sec. 3.507(c))

Sec. 3.04.104 Inspection after fire

An inspection shall be conducted by the electrical inspector on any building or structure that has been damaged by fire. (1996 Code, sec. 3.507(d))

Sec. 3.04.105 Work left open

It shall be unlawful for any person to cover or cause to be covered any part of a wiring installation with flooring, lath, wall board or other material until the chief electrical inspector shall have approved the wiring installation in part or as a whole except as herein set forth. (1996 Code, sec. 3.507(e))

Sec. 3.04.106 Inspector's removal request

It shall be the duty of the chief electrical inspector to cause all abandoned dead wire, unused poles or electrical apparatus on the outside or inside of the building or in the street or alley to be removed at the expense of the owners thereof, by giving the said owners written notice. (1996 Code, sec. 3.507(f))

Sec. 3.04.107 Interference

It shall be unlawful for any unauthorized person to in any manner change or alter electrical conductors or equipment in or on any building. If, in the course of erection of a building or structure, electrical conductors or equipment have previously been installed in such position as to interfere with the erection or completion of the structure, notice shall be immediately given to the authorized person or firm using the electrical conductors or equipment, and he shall be required to accomplish this needed change in accordance with this code. (1996 Code, sec. 3.507(g))

Sec. 3.04.108 Periodic general inspection

The chief electrical inspector shall inaugurate thorough periodic reinspections of installations of all electrical wiring, electric devices, and electric equipment now installed, or that hereafter may be installed, and within the scope of this code, and when the installation of any such wiring, devices or equipment is found to be defective, dangerous or in an unsafe condition, the person, firm, or corporation owning, using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, devices or equipment in a safe condition within five (5) days, or any longer period specified by the chief electrical inspector in said notice. The chief electrical inspector shall immediately order the disconnection or discontinuance of electrical services to such wiring, devices, or equipment until the same has been made safe as directed. (1996 Code, sec. 3.507(h))

Sec. 3.04.109 Electrical service connection

(a) It shall be unlawful for any person, firm, or corporation to make connections from a source of electrical energy to any electrical wiring, device or equipment which has been disconnected by order of the chief electrical inspector or the use of which has been prohibited for reasons herein set forth until a certificate of approval has been issued by him authorizing the reconnection and use of such wiring, device or equipment. The chief electrical inspector or his authorized agent shall then notify Central Power & Light and authorize the permanent service to be connected.

(b) It shall be unlawful for any unauthorized person, firm, or corporation to disconnect any service, except in cases of emergency.

(1996 Code, sec. 3.507(i))

Sec. 3.04.110 Service of notice

If the person to whom any order or notice issued pursuant to the provisions of this code cannot be found after reasonable search has been made for him, then such order or notice may be served by posting same in a conspicuous place upon the premises occupied by him or the premises where the defects recited in the order or

notice are alleged to exist or on the premises which may be deemed unsafe or dangerous. Such service shall be equivalent to personal service of such order or notice. An order to comply with the term of such order or notice shall be sent by mail in a sealed envelope with postage prepaid and directed to the address of the owner, lessee or occupant of the premises where the effects recited in the order are alleged to exist and shall be equivalent to the personal service of such order. (1996 Code, sec. 3.507(j))

Secs. 3.3.04.111–3.04.140 Reserved

Division 5. Registration

Sec. 3.04.141 State license and city registration required

Any person, firm or corporation desiring to engage in the business of electrical work in the city shall hold an appropriate license issued by the state under the Texas Electrical Safety and Licensing Act (V.T.C.A., Occupations Code, chapter 1305) and shall be registered with the city. The provisions of the Texas Electrical Safety and Licensing Act shall be applicable for all electrical work performed in the city.

Sec. 3.04.142 Issuance; fee

(a) Each applicant seeking to register as an electrician with the city shall hold a valid electrician's license issued by the state. The city shall issue each applicant a registration certificate upon satisfying the terms of this section with the payment of a registration fee as provided in [section A3.04.142](#) of the fee schedule in appendix A to this code. Registration certificates may be renewed upon payment of a renewal fee as provided in [section A3.04.142](#) of the fee schedule in appendix A to this code.

(b) All fees required by this division shall be paid into the city treasury before any registration certificate shall become effective or before any applicant may perform electrical work within the city.

Sec. 3.04.143 Issuance of permits

No permit for installation or alteration of any wiring, heating devices, motors, appliance and apparatus shall be issued until the applicant holds the registration certificate required by this division.

Sec. 3.04.144 Renewal

Each electrician's registration certificate issued by the city shall expire on the date the applicant's state license expires. The registration certificate may be renewed if the holder applies to the electrical inspector to renew the certificate not more than 30 days before the certificate expires and the applicant has renewed his state electrical license.

Sec. 3.04.145 Failure to correct defective work; suspension of state license

Any registrant who fails to correct any defect in his work or fails to meet required electrical standards after having been given reasonable notice of the unfit condition by the electrical inspector shall be denied the issuance of any additional electrical permit until such defect has been corrected. The city, for just cause, may request the state to suspend a license issued by the state of a license holder working within the city.

Sec. 3.04.146 Compliance with city codes and rules

Electrical work performed within the city shall be installed in accordance with all applicable city codes and rules. (Ordinance adopting Code)

ARTICLE 3.05 PLUMBING CODE*

Sec. 3.05.001 Adopted

The International Plumbing Code, 2012 edition, as published by the International Code Council, is hereby adopted by reference as the plumbing code of this city. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made a part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (Ordinance 2015-O-1, sec. 6, adopted 4/28/15)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

State law reference—Adoption of plumbing codes and amendment of codes by municipality, V.T.C.A., Occupations Code, sec. 1301.255.

Sec. 3.05.002 Definitions

The International Plumbing Code shall be amended by adding the following definition:

Plumbing contractor. Means and includes and shall be construed to mean and include all persons, companies, or corporations as well as their agents or employees who engage in the business of contracting plumbing work for residential or commercial building and installations in the city, whether or not such business is conducted on a full-time basis or a part-time basis. All plumbing contractors shall be licensed master plumbers. (Ordinance 02-01-2006, sec. 5, adopted 2/6/06)

Plumbing work. Means and shall include:

(1) All piping, fixtures, appurtenances and appliances for a supply of water or gas, or both, for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water or gas supply, or both, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal terminal holding private or domestic sewage.

(2) The installation, repair, and maintenance of all piping, fixtures, appurtenances and appliances in and about buildings where a person or persons live, work, or assemble for a supply of gas, water, or both, or disposal of wastewater or sewage.

(1996 Code, sec. 3.302)

Sec. 3.05.003 Permits

The recommended schedule of permit fees is found in [section A3.05.003](#) of the fee schedule in appendix A to this code, plumbing and gas permit fees. (Ordinance 02-01-2006, sec. 6, adopted 2/6/06)

Sec. 3.05.004 Minor plumbing service and repairs

It is not the intent nor the purpose of this article to prohibit the individual householder or business owner from doing minor plumbing service and repairs to his own facilities, and it shall be a duty of the plumbing inspector to determine whether such maintenance or repairs shall require a permit and be done by a licensed plumber. (1996 Code, sec. 3.304)

Sec. 3.05.005 Plumbing License Law adopted

The city does hereby expressly adopt the provisions of V.T.C.A., Occupations Code, chapter 1301, known as the Plumbing License Law, together with all revisions and amendments thereto relating to such act in the future, and the same is hereby adopted as the plumbing licensing act of the city insofar as the same does not conflict with the terms and provisions set out in this article. (1996 Code, sec. 3.306)

Sec. 3.05.006 Appeals; enforcement

Appeals under the plumbing code and enforcement thereof shall be directed to the board of adjustments and appeals as established by the city. (1996 Code, sec. 3.307)

ARTICLE 3.06 GAS CODE

Sec. 3.06.001 Adopted

The International Fuel Gas Code, 2012 edition, as published by the International Code Council, is hereby adopted as the gas code of the city. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made a part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (Ordinance 2015-O-1, sec. 7, adopted 4/28/15)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

Sec. 3.06.002 Fees

The fees for gas permits will be as provided in [section 3.05.003](#) of this chapter pertaining to plumbing and gas permit fees. (Ordinance 02-01-2006, sec. 8, adopted 2/6/06; Ordinance adopting Code)

Sec. 3.06.003 Appeals; enforcement

Appeals under the gas code and enforcement thereof shall be directed to the board of adjustments and appeals as established by the city. (1996 Code, sec. 3.603)

ARTICLE 3.07 ENERGY CONSERVATION CODE^{*}

Sec. 3.07.001 Adopted

The International Energy Conservation Code, 2012 edition, as published by the International Code Council, is hereby adopted by reference as the energy conservation code of this city regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems, and providing for the issuance of permits and collection of fees therefor. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made a part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (Ordinance 2015-O-1, sec. 8, adopted 4/28/15)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

Sec. 3.07.002 Amendments

The following sections are hereby revised:

Section 101.1. Insert: City of Palacios.

(Ordinance 674, sec. 2, adopted 4/21/03)

ARTICLE 3.08 UNSAFE BUILDING ABATEMENT CODE^{*}

Sec. 3.08.001 Adopted

The Standard Unsafe Building Abatement Code, 1985 edition, as published by the Southern Building Code Congress International, is hereby adopted. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (1996 Code, sec. 3.701)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

Sec. 3.08.002 Amendments

The unsafe building abatement code is amended by the addition of section 702, Administrative Fee, to chapter 7, which addition shall read as follows:

In addition to the actual cost incurred in repair or demolition of any structure under this article, the city shall be entitled to assess and collect an administrative charge of fifty dollars (\$50.00). Such additional administrative charge shall be a lien in favor of the city, which lien shall be superior to all other liens except tax liens.

(1996 Code, sec. 3.703)

Sec. 3.08.003 Appeals; enforcement

Appeals under the unsafe building abatement code and enforcement thereof shall be directed to the board of adjustments and appeals as established by the city. (1996 Code, sec. 3.702)

ARTICLE 3.09 SWIMMING POOLS

Division 1. Generally

Sec. 3.09.001 Fences

As provided for by V.T.C.A., Local Government Code, the city elects to require pool yard enclosures constructed and maintained in accordance with V.T.C.A., Health and Safety Code, chapter 757. (1996 Code, sec. 3.404)

State law references—Swimming pool enclosures, V.T.C.A., Local Government Code, sec. 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

Secs. 3.09.002–3.09.030 Reserved

Division 2. Code

Sec. 3.09.031 Adopted

The International Swimming Pool and Spa Code, 2012 edition, as published by the International Code Council is hereby adopted by reference as the swimming pool code of this city. Such code, one (1) copy of which shall be placed on file in the office of the city secretary, is made a part hereof as if set out verbatim and shall be in effect except as it may be in conflict with provisions of this article. (Ordinance 2015-O-1, sec. 9, adopted 4/28/15)

Charter reference—Adoption of codes of technical regulations, sec. 3.15.

Sec. 3.09.032 Permit fees

The recommended schedule of permit fees as found in the Standard Swimming Pool Code is hereby adopted. (1996 Code, sec. 3.402)

Sec. 3.09.033 Appeals; enforcement

Appeals under the swimming pool code and enforcement thereof shall be directed to the board of adjustments and appeals as established by the city. (1996 Code, sec. 3.403)

ARTICLE 3.10 FLOOD DAMAGE PREVENTION*

Sec. 3.10.001 Statutory authorization

The legislature of the state has in the Flood Control Insurance Act, Texas Water Code, section 16.315 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows. (Ordinance 2021-O-1, sec. 1, adopted 1/19/21)

Sec. 3.10.002 Findings of fact

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

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

(1996 Code, sec. 3.802)

Sec. 3.10.003 Statement of purpose

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

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

(1996 Code, sec. 3.803)

(7) Ensure the potential buyers are notified that property is in a flood area. (Ordinance 2021-O-1, sec. 2, adopted 1/19/21)

Sec. 3.10.004 Methods of reducing flood losses

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

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected

against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protection barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(1996 Code, sec. 3.804)

Sec. 3.10.005 Definitions

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

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

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

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

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

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

Area of special flood hazard. The land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

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

(Ordinance 25-11-2007, sec. 1, adopted 11/19/07)

Base flood elevation (BFE). The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the base flood. (Ordinance 2021-O-1, sec. 3, adopted 1/19/21)

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

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

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

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

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

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the

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

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

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

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

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

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

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

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

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

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

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

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

Floodway. See regulatory floodway.

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

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

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary [of the Interior] to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation

programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(A) By an approved state program as determined by the Secretary of the Interior; or

(B) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

Primary frontal dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle. A vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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

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

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

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

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

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

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

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

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

(Ordinance 25-11-2007, sec. 1, adopted 11/19/07)

Sec. 3.10.006 General provisions

- (a) Lands to which these provisions apply. These provisions shall apply to all areas of special flood hazard within the jurisdiction of the city. (1996 Code, sec. 3.806)
- (b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Matagorda County and Incorporated Areas," dated January 15, 2021, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated January 15, 2021 and any revisions thereto are hereby adopted by reference and declared to be a part of this article. (Ordinance 2021-O-1, sec. 4, adopted 1/19/21)
- (c) Establishment of development permit. A development permit shall be required to ensure conformance with the provisions of this article.
- (d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(e) Abrogation and greater restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation. In the interpretation and application of this article, all provisions shall be:

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

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

(1996 Code, sec. 3.806)

Sec. 3.10.007 Administration

(a) Designation of floodplain administrator. The city building inspector is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management. (1996 Code, sec. 3.807)

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

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state-coordinating agency which is the state commission on environmental quality, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 3.10.006(b), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this section.

(Ordinance 25-11-2007, sec. 3, adopted 11/19/07)

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

community. (Ordinance 2021-O-1, sec. 5, adopted 1/19/21)

(10) Under the provisions of 44 CFR Chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by section 65.12. (Ordinance 25-11-2007, sec. 3, adopted 11/19/07)

(c) Permit procedures.

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

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

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

(C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of [section 3.10.008\(b\)\(2\)](#);

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

(E) Maintain a record of all such information in accordance with subsection (b)(1).

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

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

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

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

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

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

(F) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

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

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

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

(Ordinance 25-11-2007, sec. 4, adopted 11/19/07)

(d) Variance procedures.

(1) The planning and zoning commission, as established by the city council, shall be the appeal board and shall hear and render judgment on requests for variances from the requirements of this article.

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

(3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

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

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

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

(7) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of [section 3.10.003](#) of this article.

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

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

(10) Prerequisites for granting variances:

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

(B) Variances shall only be issued upon:

(i) Showing a good and sufficient cause;

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

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

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

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

(A) The criteria outlined in subsections (d)(1)–(10) are met; and

(B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 25-11-2007, sec. 5, adopted 11/19/07)

Sec. 3.10.008 Provisions for flood hazard reduction

(a) General standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and

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

(1996 Code, sec. 3.808)

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in [sections 3.10.006\(b\)](#), [3.10.007\(b\)\(8\)](#), and [3.10.008\(c\)\(4\)](#), the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot or above the base flood elevation or one (1) foot above the crown of the highest adjacent street whichever has the highest elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that these standards as proposed in [section 3.10.007\(c\)\(1\)-\(9\)](#), are satisfied.

(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated one (1) foot or above the base flood level or one (1) foot above the crown of the highest adjacent street whichever has the highest elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and method of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

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

(A) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

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

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

(Ordinance 2021-O-1, secs. 6–8, adopted 1/19/21)

(4) Manufactured homes.

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

(B) All manufactured homes shall be in compliance with subsection (b)(1) above.

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

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

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

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

(Ordinance 25-11-2007, sec. 6, adopted 11/19/07)

(5) Recreational vehicles.

(A) Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:

- (i) Be on the site for fewer than 180 consecutive days;
- (ii) Be fully licensed and ready for highway use; or
- (iii) Meet the permit requirements of [section 3.10.007\(c\)\(1\)](#), and the elevation and anchoring requirements for "manufactured homes" in subsection (b)(4) of this section.

(B) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ordinance 25-11-2007, sec. 7, adopted 11/19/07)

(c) Standards for subdivision proposals.

(1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with sections [3.10.002](#), [3.10.003](#), and [3.10.004](#) of this article.

(2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of [sections 3.10.006\(c\)](#), [3.10.007\(c\)](#) and [3.10.008](#) of this article.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to [section 3.10.006\(b\)](#) or [3.10.007\(b\)\(8\)](#) of this article.

(4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

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

(1996 Code, sec. 3.808)

(d) Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard established in [section 3.10.006\(b\)](#) are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures:
 - (A) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
 - (B) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in [section 3.10.007](#)(c), are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ordinance 25-11-2007, sec. 8, adopted 11/19/07)

(e) Floodways. Located within areas of special flood hazard established in section 3.10.006(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development, unless certification by a professional registered engineer or architect is provided by demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If subsection (e)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [section 3.10.008](#).

(1966 Code, sec. 3.808)

(f) Coastal high hazard areas. Located within the areas of special flood hazard established in [section 3.10.007](#)(b), are areas designated as coastal high hazard areas (zones V1-30, VE, and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:

- (1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.
- (2) All new construction shall be located landward of the reach of mean high tide.
- (3) All new construction and substantial improvements shall be elevated on pilings and columns so that:
 - (A) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;
 - (B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (f)(3)(A) and (B) of this section.
- (4) Provide that all new construction and substantial improvements have the space below the lowest

floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(5) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(6) Prohibit the use of fill for structural support of buildings.

(7) Prohibit manmade alteration of sand dunes and mangrove stands that increase potential flood damage.

(8) Manufactured homes. Require that manufactured homes placed or substantially improved within zone V1-30, V, and VE on the community's FIRM on sites:

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

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

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

(D) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, meet the standards of subsections (f)(1)–(6) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the community's FIRM meet the requirements of subsection (b)(4) of this section.

(9) Recreational vehicles.

(A) Require that recreational vehicles placed on sites within zones V1-30, V, and VE on the community's FIRM either:

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use; or

(iii) Meet the requirements in [section 3.10.006\(c\)](#) of this article and subsections (f)(1)–(6) of this section.

(B) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ordinance 25-11-2007, sec. 9, adopted 11/19/07)

Sec. 3.10.009 Additional contents of applications for building permits

All applications for building permits shall contain a statement that such buildings or structures and appurtenances connected herewith include facilities for the orderly runoff or retention of rain. Plans submitted with said application shall include a signed statement issued by a state-registered professional engineer that the plans include facilities adequate to prevent harmful runoff. For single-family dwellings to be located in a subdivision meeting the requirements of this section, the signed statement may, in lieu of the above, be placed on the face of the final plat. (1996 Code, sec. 3.809)

Sec. 3.10.010 Permit required for development activities increasing flooding or drainage problems

(a) Any person, firm, or corporation wishing to develop real estate or accomplish landscape-disturbing activities within the city limits must make application for and procure a permit from the city which agrees to compliance with this article. Such application shall be accompanied by plans for the water detention facilities and all other plans called for by this article. The plans shall be drawn and signed by a registered professional engineer. The application shall be on a form provided by the city secretary and accompanied by a fee as provided for in [section A3.10.010](#) of the fee schedule in appendix A to this code.

(b) Landscape-disturbing activities which increase the danger of excessive erosion and sedimentation shall be subject to the terms of this article, and a permit shall be required of all such activities which:

(1) Alter floodway storage or conveyance capacity of a floodway. Where floodways are not determined, the entire area inundated by the 100-year flood shall be considered to be a floodway;

(2) Alter existing floodwater or stormwater drainage or storage in a manner which would divert or direct stormwaters or floodwaters onto another property so as to cause damage;

(3) Produce a high risk of excessive erosion, sediment transport, or deposition.

(c) A permit shall not be issued unless it can be demonstrated through competent hydraulic analysis that alteration will not increase flood stages and/or flood damage to adjacent upstream or downstream properties.

(d) To secure a permit, the applicant shall submit for approval to the city all plans, materials, or calculations which are required to demonstrate conformity with the general requirements of this article.

(e) In regulating landscape-disturbing activities, the city shall have the authority to:

(1) Require modification of submitted plans where necessary to prevent damages to other properties and where said modifications are reasonable and economically feasible;

(2) Issue a stop-work order with regard to the landscape-disturbing activity where such activity is in violation of this article or not in compliance with authorized plans and schedules;

(3) Issue orders requiring corrective measures to be undertaken to bring landscape-disturbing activities in compliance with this article and any authorized plans and schedules.

(f) Orders issued by the city shall be serviced or posted at the location of the landscape-disturbing activity.

(1996 Code, sec. 3.810)

Sec. 3.10.011 Permit application procedures

Any person, firm, or corporation wishing to install any surface water drainage structures shall make application for and secure a permit from the city prior to installation of such structures. Such application shall specify the size, type, and location of the proposed structures. No permit shall be issued unless it is demonstrated that the proposed structure(s) is satisfactory to handle surface water drainage without altering existing drainage patterns, contributing to damage of public or private properties, or creating other drainage-related problems. The mayor or his designated representatives shall be responsible for enforcing this provision. (1996 Code, sec. 3.811)

ARTICLE 3.11 ERECTION OF TEMPORARY STRUCTURES

Sec. 3.11.001 Permit required

No person, firm, or corporation shall erect or cause to be erected any temporary structure composed wholly or partly of canvas or similar material to be used as a place of amusement or for any religious, educational, or recreational purposes or for any other public assemblages whatsoever within the city without first having made application and received permission to do so in accordance with the conditions and limitations as set out in this article. (1996 Code, sec. 3.901)

Sec. 3.11.002 Application procedures

(a) The applicant for such permission shall file an application in writing with the city.

(b) The application shall be accompanied by a set of plans, which shall indicate clearly:

(1) The type of construction;

- (2) The seating arrangements;
 - (3) The aisles;
 - (4) The structural details and calculations of the seats and supports;
 - (5) The location of electrical wiring;
 - (6) The location of all exits;
 - (7) The location of all fire equipment within the structure and the specifications of such equipment;
 - (8) The location of all restrooms or toilets.
- (c) Such application shall further specify:
- (1) Whether any open flame is intended to be used within the structure, and, if so, what precautions are to be taken to render it safe;
 - (2) The name of the person, firm, or corporation which will use the structure;
 - (3) The location of the principal place of business of such person, firm or corporation;
 - (4) The names and addresses of the officers of such firm or corporation;
 - (5) The length of time the structure is intended to be used for the purposes applied for;
 - (6) The hours of the day or night during which such structure is intended to be used as a place of assembly;
 - (7) The formula of the solution which is to be used to flameproof the structure;
 - (8) What provisions have been made for sanitary facilities for persons using the premises on which such structure is to be erected or is maintained.
- (d) The applicant shall furnish evidence that a public liability insurance policy in amounts of not less than fifty thousand dollars (\$50,000.00) for one person and one hundred thousand dollars (\$100,000.00) for any one accident shall be in force and effect at the time such structure is to be occupied as a place of assembly by the public.
- (1996 Code, sec. 3.902)

ARTICLE 3.12 STREETS, SIDEWALKS AND OTHER PUBLIC WAYS^{*}

Division 1. Generally

Sec. 3.12.001 Street address required

All new and existing buildings are required to have the number or the address of the property displayed on the front of such building or property; same to be displayed in such manner as to be plainly visible and legible from the nearest adjacent street or roadway. The figures will be no less than four (4) inches in size. All existing buildings shall have six (6) months from the effective date hereof to comply herewith. All new buildings must comply herewith in order to be certified as suitable for occupancy. (1996 Code, art. 3.1200)

Sec. 3.12.002 Driveway installation fees

Fees for culvert installation in driveways are as provided in [section A3.12.002](#) of the fee schedule in appendix A to this code. (Ordinance adopting Code)

Sec. 3.12.003 Mailbox requirements

All mailboxes installed or replaced after the adoption of this section shall comply with the following:

- (1) All mailboxes shall conform to the USPS guidelines for installation and maintenance.
- (2) Mailboxes must have a "postmaster general's seal." Handmade mailboxes must meet the same standards as manufactured mailboxes and must be approved by the local postmaster.
- (3) Address numbers must be placed on each side of the mailbox, and numbers must be large enough to be visible from street.
- (4) If the address to a property is on a different street from the structure, full address including the

street name must be on the mailbox.

(5) Mailboxes must be placed on a 4"x4" wooden support post or a 2" diameter standard steel or aluminum pipe. The support post must be able to bend or breakaway if hit by vehicle. All posts must be buried no more than 24" deep.

(6) Mailboxes shall be positioned 41" to 45" above the road surface measured to the bottom of the mailbox or point of mail entry, with the front of the mailbox or point of mail entry positioned 6" to 8" back from the curb.

(Ordinance 2020-O-7 adopted 6/23/20)

Secs. 3.12.004–3.12.030 Reserved

Division 2. Cutting, Repairing and Construction of Streets

Sec. 3.12.031 Permit required

No person, firm, or corporation shall cut and construct any new streets within the city without first obtaining from the city secretary a permit to do so, and all such persons, firms, or corporations shall cut and construct said streets in accordance with specifications herein provided. (1996 Code, sec. 3.1001)

Sec. 3.12.032 Bonding and warranty

No person, firm, or corporation or any of their agents, servants, or employees shall cut and construct any street in the city without executing and delivering to the city a good and sufficient corporate surety bond executed by a surety company authorized to do business in the state for an amount equal to one-half the cost of cutting and constructing said street, which bond shall be conditioned as follows: All work done in the cutting and construction of any street shall be done in a good and workmanlike manner and that such person, firm, or corporation shall faithfully and strictly comply with the specifications and with the terms of this article and such other ordinances, regulations, or resolutions that may be passed by the governing body governing and relating to the construction and cutting of streets in the city and that the city shall be fully indemnified and be held harmless from any and all costs, expenses or damages on account of any injury done to any person or property in the prosecution of said work, or that may arise out of or be occasioned by the performance of said work; said bond shall be conditioned further that the person, firm, or corporation shall without additional cost to the city maintain all streets so constructed by said person, firm, or corporation for a period of two (2) years from the date of the completion of said construction to the satisfaction of the city and shall repair or reconstruct said streets at any time within two (2) years after said streets have been constructed, after ten (10) days' notice from the city or its authorized agent or employee that the street has been in a state of disrepair and that such defects were a result of the failure of said person, firm, or corporation to comply with the provisions of the ordinances, rules, and regulations of the city. The specifications in [section 3.12.033](#) are hereby adopted as minimum paving standards. (1996 Code, sec. 3.1002)

Sec. 3.12.033 Minimum paving standards

(a) Residential-type paving. Paving shall consist of a 3-course penetration-type asphalt treatment on a 6-inch compacted thickness of flexible base material to be placed on a thoroughly compacted, finished, and approved subgrade. The paving shall conform as to materials and construction methods with the following applicable sections of the "Texas Highway Department Standard Specifications for Road and Bridge Construction."

(1) Preparation of subgrade. The subgrade on which the flexible base material is to be placed shall be well compacted, free of soft and unstable areas, true to line and grade, and shall comply with all the applicable requirements of the state specifications, item 213.

(2) Flexible base. Flexible base shall consist of a foundation course, and shall be either bank run gravel, processed gravel, iron ore, or crushed stone. Materials and methods of construction shall conform to the state specifications, items 213, 213-A, 214, and 215.

Particular attention is called to the grading requirements of the base material and the maximum allowable limits for liquid limit, plasticity index, and linear shrinkage as set forth in these specifications. Developers and private organizations who construct paving, the maintenance of which will later be taken over by the city, are expected to have sufficient tests conducted by commercial laboratories to insure that the base material meets the specification requirements. The city reserves the right to test the material in place for compliance with the specifications before acceptance.

(3) Three-course asphalt surface treatment. This type of wearing shall consist of three (3) applications of asphalt and three (3) applications of aggregate conforming with the state specification item 306 for construction methods, item 350 for asphaltic materials and item 351 for aggregates. The asphalt shall be an oil asphalt with penetration between 120 and 200.

(A) The aggregate sizes shall be as follows:

(i) First course: Grade 1 (see T.H.D. specification, pg. 282).

(ii) Second course: Grade 2 (see T.H.D. specification, pg. 282).

(iii) Third course: Grade 10 (see T.H.D. specification, pg. 282).

(B) The rates of application for both asphalt and aggregate shall conform to the following limits, and the rates are expected to be as nearly as possible to the average between the maximum and minimum allowable:

(i) Tack coat shall be cut back asphalt RC-2 and shall be applied at the rate of one-tenth (0.1) to two-tenths (0.2) of a gallon per square yard of base surface.

(ii) OA 90 asphalt cement shall be used in all hot mix asphaltic concrete. The asphalt shall conform to state specification, item 350.

(iii) The aggregate grading shall conform to type D (fine graded surface course) of the state specification, item 317, page 202.

(4) Paving over pipe trenches. the pavement wearing surface shall not be placed over pipe trench areas until the pipe trench has been backfilled at least thirty (30) days and the backfill has been thoroughly settled. Thorough compaction will be required on the backfill of all pipe trenches in paved areas.

(b) Curb and gutter.

(1) Concrete curb and gutter shall be constructed to conform to the Federal Housing Administration specifications, data sheet S.J.-100, and S.J.- 200.

(2) Dimensions as to curb and gutter shall conform to the standard dimension now in use in this area.

(c) Purpose of these standards. The standards for paving as written herein are the minimum standards for the various types of construction that will be acceptable to the city. Where there is a variation or deviation proposed in the type of construction, the mayor of the city or his designated representative shall be the judge as to whether minimum requirements would be met under such a proposed plan.

(1996 Code, sec. 3.1003)

Sec. 3.12.034 Exemptions

(a) This division shall not apply to any branch of the state or federal government.

(b) This division shall not apply to persons, firms, or corporations making temporary cuts and excavations for any purposes other than the construction of the street, and this division shall in no way affect the ordinances, rules, and regulations of the city in regard to the obtaining of permits, filing of bonds and repairs of said cuts and excavations.

(1996 Code, sec. 3.1004)

Secs. 3.12.035–3.12.060 Reserved

Division 3. Excavations within Existing Streets^{*}

Sec. 3.12.061 Conditions to be met before excavating

No cuts, trenches, manholes, and/or excavations shall be made in the streets in the city until and after any person, firm or corporation, expecting to make such cuts, dig such trenches or manholes or to make such excavations, shall have:

(1) Delivered to the city a bond in the sum of five thousand dollars (\$5,000.00), conditioned that all of the provisions of this division shall be faithfully discharged and performed in accordance herewith.

(2) Obtained the written approval of any person(s) designated, or to be designated, by the city council to approve such bonds.

(3) Paid and deposited with the city the following sums:

(A) For manholes, a fee for each estimated square foot, or fractional part thereof, for the surface of such excavation, with a minimum deposit and payment of the fee as provided in [section A3.12.061](#) of the fee schedule in appendix A to this code.

(B) For ditches and cuts, a fee for each estimated square foot, or fractional part thereof, for the surface of such cut or excavation, with a minimum deposit and payment of the fee as provided in [section A3.12.061](#) of the fee schedule in appendix A to this code.

In the event the actual surface area of the portion of any street disrupted or excavated shall exceed the estimated number of square feet for which an initial payment or deposit has been made, then any balance shall be paid to the city immediately upon the cutting or disruption of the surface of such street.

(4) Obtained a permit from the city authorizing such cut, digging, and/or excavation.

(1996 Code, sec. 3.1101)

Sec. 3.12.062 Compliance with city specifications required

Any person, firm, or corporation cutting, digging manholes, trenches or making excavations in the streets of the city shall comply in detail with the requirements and specifications set out in division 2 of this article, except that all “base” shall be replaced with concrete, mixed four sacks of concrete to the cubic yard of gravel. (1996 Code, sec. 3.1102)

Sec. 3.12.063 Completion within ten days

Any person, firm, or corporation cutting, digging manholes, trenches, or making any excavations in the streets of the city shall complete all of such operations according to the plans and specifications herein contained and referred to within a period of ten (10) calendar days from the beginning of such operations, and such time shall not be extended except by action of the city council. (1996 Code, sec. 3.1103)

Sec. 3.12.064 Guard rails and warning signals required

It is hereby made unlawful for any person, persons, firms, or corporations to make any excavations of whatever kind in the city, whether the same be in, along, or near any street or sidewalk, alley, or highway of any kind, without placing proper guard rails and signal lights or other warnings at, in, or around the same, sufficient to warn the public of such excavations and/or embankments and to protect all persons using reasonable care from accidents on account of same. (1996 Code, sec. 3.1104)

ARTICLE 3.13 FENCES

Sec. 3.13.001 General regulations

(a) No fence, wall, or outdoor area enclosure structure may be erected, placed, or altered within the city unless the fence, wall, or outdoor area enclosure is in conformance with the provisions of this article.

(b) Definitions. For the purposes of this article, the following definitions shall apply:

Alternate orientation. Created when a structure located on a corner lot is constructed to face the street frontage not normally associated to be the front of the lot.

Approved fence materials. Wood, pipe, barbed wire, masonry, chainlink, wrought iron, welded wire, plaster, plastic vinyl post and rail.

Corner lot. A lot, tract, or parcel which abuts two streets at their intersection, with the longer street frontage being the side of the lot.

Corner orientation. Created when a structure located on a corner lot is constructed to face the intersection, diagonally across a lot, rather than a traditional orientation toward one of the intersecting streets. In cases of corner orientation, both sides of the lot along the street frontages are to be treated as front yards.

Decorative fence. A fence or outdoor area enclosure constructed for aesthetic purposes only constructed of material such as wood pickets, lattice work, decorative metal, masonry or stone, meeting the requirements of this section.

Electrical fence. An outdoor area enclosure that contains an electrically charged or partially charged metallic material designed to discourage crossing by either man or animal.

Fence. An outdoor area enclosure of masonry, wood, chainlink, plaster, or other approved building material no more than three inches in thickness, serving to enclose, divide, or protect an area.

Front building setback. Minimum required front yard setback as specified under residential regulations.

Key lot. An interior lot, tract, or parcel which sides to the rear of one or more lots, tracts, or parcels.

Nonresidential zoned areas. Any land within the city zoned for nonresidential uses: C, AG, A/R, WF3.

Office, business, or industrial park/complex enclosure (including entry features). A wall of masonry or a combination of masonry and pressure-treated timber, plaster, iron, or other approved building material serving to enclose or protect an office, business, or industrial park/complex.

Outdoor area enclosure. Any fence, wall, or structure of various materials designed to serve as an enclosure of an outdoor area, a barrier or boundary, or to otherwise divide or protect an area.

Privacy/security enclosures. Fences, walls, or structures located on individual lots, tracts, or parcels for the purpose of enclosing an outdoor area for privacy or security purposes.

Residential subdivision enclosures (including subdivision entry features). A wall of masonry or a combination of masonry and pressure-treated timber, plaster, iron or other building material as approved by the city serving to enclose, divide, or protect a residential subdivision.

Residentially zoned areas. Any land within the city zoned for residential uses: R-1, R-2, WF1, and WF2.

Wall. An outdoor area enclosure of masonry, wood, plaster or other approved building material that exceeds three inches in thickness, serving to enclose, divide, or protect an area.

Visibility triangle. An area as defined in the subdivision ordinance of the city, located at the intersection of two streets, access easements or alleys or any combination thereof where no structure, growth, or object shall exceed three feet in height.

Sec. 3.13.002 Uses

(a) Residential uses. In residentially zoned districts, fences, walls, and outdoor area enclosure structures may be erected if in accordance with the following regulations:

(1) Privacy/security enclosures.

(A) Privacy/security enclosures may be fences or walls.

(B) Privacy/security enclosures shall not exceed eight feet in height.

(C) Privacy/security enclosures may be erected upon the rear lot line of any lot.

(D) Privacy/security enclosures may be erected upon the side lot lines of any interior lot.

(E) Private/security enclosures can be no closer than 75 feet from front lot line.

(2) Decorative fences.

(A) Decorative fences shall not be walls.

(B) Maximum height of decorative fences shall not exceed eight feet.

(C) Solid surface area of any decorative fence shall not exceed 30 percent of the total surface area.

(D) Decorative fences may be erected upon any residential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easement, or floodway.

(E) Decorative fences may be allowed within the visibility triangle with a maximum height of three feet.

(F) Decorative fences shall be constructed of approved materials.

(3) Residential subdivision enclosures, including subdivision entry features. All residential subdivision enclosures shall be walls or a combination of decorative fences as approved by the city staff.

(b) Nonresidential uses. In nonresidential zoning districts, fences, walls, and outdoor area enclosures may be erected if in accordance with the following regulations:

(1) Privacy/security enclosures.

(A) Privacy/security enclosures may be fences or walls.

(B) Maximum height of privacy/security enclosures shall not exceed eight feet.

- (C) Privacy/security enclosures may be erected on the rear lot line of any lot, tract, or parcel.
- (D) Privacy/security enclosures may be erected upon the side lot line of any lot, tract, or parcel provided that no fence may be erected to extend into the required front building setback without specific city staff approval.
- (E) No privacy/security enclosure may be erected to encroach upon any visibility triangle, right-of-way, access or drainage easements or floodway.

(2) Decorative fences.

- (A) Decorative fences shall not be walls.
- (B) Maximum height of decorative fences shall not exceed eight feet.
- (C) Solid surface area of any decorative fence shall not exceed 30 percent of the total surface area.
- (D) Decorative fences may be erected upon any nonresidential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easements, or floodway.
- (E) Decorative fences may be allowed within the visibility triangle with a maximum height of three feet.
- (F) Decorative fences shall be constructed of approved material.

(3) Office, business, or industrial park or complex enclosure, including entry features.

- (A) Maximum height of all enclosures shall be eight feet.
- (B) Walls enclosing nonresidential developments may be erected along rear property lines.
- (C) Walls enclosing nonresidential developments may be erected upon rear property lines and along the front and side property lines to extend into the required front yard setback; provided that such encroaching structure does not exceed the required three-foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements, or floodway.
- (D) Plans for park or complex enclosures shall be reviewed and approved by the city staff.

(c) Miscellaneous uses. The following regulations shall apply to zoning districts of the city as applicable:

(1) Screening. Live screening using natural growth or planted vegetation shall be allowed within the city under the following provisions:

- (A) No tree, shrub, hedge, or other vegetation shall be so planted, pruned or otherwise maintained to exceed a height of three feet within the defined visibility triangle or street right-of-way.
- (B) Any tree, shrub, hedge, or other form of vegetation located within the public right-of-way, utility easement, or visibility triangle shall be subject to removal (without compensation) by the authority of the city for the purpose of utility maintenance and public safety.

(2) Barbed wire. Is prohibited.

(3) Electrical fences. Allowed for pet care only.

(A) A warning sign shall be affixed to the fence post or fence wiring, clearly reading "electric fence." The wording shall be in English with white letters on a red background.

(B) Electrical fences shall be UL-approved and installed and maintained as per manufacturer's instructions.

Sec. 3.13.003 Permits required

Prior to construction of a fence or any outdoor area enclosure, a permit shall be obtained from the city. Upon approval of the application by the city staff and payment of the permit fee, a permit shall be issued for construction. If the permit holder fails to comply with the provisions of this section, the permit shall be revoked, the fence will be considered a nuisance per se, and must be immediately removed.

Sec. 3.13.004 Permit not required

A permit is not required where fences are to be erected associated with new residential permit or new pool permit, where an existing fence is being repaired or where fences are erected within an existing fence. Enclosures in planned developments shall be addressed by the developer.

Sec. 3.13.005 Construction within easements

- (a) Permission to build a fence upon a utility easement does not remove the obligation of the owner of the fence to remove the fence upon demand of the utility company. Removal of any fence and any rebuilding of any fence shall be the responsibility of the owner of said fence and at the owner's expense.
- (b) Fences shall be designed, constructed and maintained so as not to interfere with utility lines.
- (c) Fences shall be designed, constructed and maintained so as not to interfere with normal drainage.

Sec. 3.13.006 Setback requirements generally

No fence shall be built within the required front yard or any closer than the front edge of the building in commercial districts (reference [chapter 14, exhibit B, section 12.400](#)).

Sec. 3.13.007 Height limit

- (a) No fence shall be built so as to exceed eight (8) feet in height on any residentially zoned property.
- (b) Fence height shall be measured from the grade adjacent to the fence from the applicant's side of the fence. If the fence is constructed on top of a retaining wall it shall be measured from grade near the retaining wall.

Sec. 3.13.008 Maintenance

It shall be unlawful to maintain a fence in such a manner as to allow:

- (1) Any portion of a fence to lean so that the fence is protruding on another's property or is in danger of falling.
- (2) Missing, loose or broken pickets, slats or panels in a fence.
- (3) Symbols, writings or other graffiti on a fence except for those which are permitted as signs or which pertain to the address or occupancy of a property.

Sec. 3.13.009 Variances

The zoning board of adjustments may, upon the showing of an undue hardship to the applicant, grant a variance to this article.

Sec. 3.13.010 Existing fences

- (a) A fence that does not comply with the requirements of this article as of the effective date of this article, shall be allowed to remain provided that fences located in front of a building or in yards adjacent to streets in commercial districts that include barbed wire as a component shall be screened from public view by means of an authorized fence material, slats, or materials or by any screening method authorized in the landscape and screening regulations within 90 days of the effective date of this article and shall otherwise comply with all requirements of this article. If a fence that has barbed wire as a component is screened as provided in this section, the fence shall be allowed to remain unless the fence is replaced, destroyed or damaged to the extent of sixty (60) percent or more of the value of the structure, in which even the right to maintain the structure shall terminate.
- (b) Any screening method installed under this article shall remain in place as long as the original fence is maintained. Once the original fence is removed the screening method must be removed within the 30-day period.

Sec. 3.13.011 Permitted types

The following types of fences may be built, erected or constructed within the city provided they meet all applicable requirements of this article:

- (1) Chainlink fences.
- (2) Board fences.

Sec. 3.13.012 Inspections required

When any fence is completed, an inspection must be performed by the building official. Upon completion of a fence, the permit holder shall notify the building official's office. The building official will issue a card of acceptance if the fence complies with the provision of this article. If the fence does not comply with the provisions of this article, it will not be accepted and the permit holder must call for an additional inspection when the fence is

completed in accordance with the requirements of this article. All fences constructed under the provisions of this article shall be maintained by the property owner in a vertical position and shall comply with the requirements of this article at all times.

(Ordinance 2016-O-11 adopted 12/13/16)