

BUILDINGS AND BUILDING REGULATION
THE BUILDING CODE OF THE CITY OF HOLLAND

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BUILDING AND CONSTRUCTION

ARTICLE 3.100. IN GENERAL

Sec. 3.101 Purpose and Scope

The purpose of this ordinance is to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use, occupancy, location and maintenance of all buildings and structures within the City and other such equipment regulated herein. The provisions of this ordinance shall apply to all construction, site clearance, alteration, moving and repair of any building or structure within the City.

Sec. 3.102 Adoption of Codes

The international codes listed in the following "Codes Schedule" are adopted and of which not less than one copy has been and is now filed in the office of the City Secretary of the City. In the event a conflict is determined to exist between said code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former. Any codes referenced therein are not adopted hereby unless specifically adopted. The following codes are hereby adopted and incorporated as fully as if set out at length in this ordinance, and the provisions of such code shall be controlling on all premises, including but not limited to all buildings thereon, within the corporate limits of the city.

- (a) International Building Code, 2000 Edition, International Code Council.
- (b) International Residential Code for 1 & 2 Family Dwellings, 2000 Edition, International Code Council.
- (c) International Plumbing Code, 2000 Edition, International Code Council.
- (d) International Electrical Code, 2000 Edition, International Code Council.
- (e) International Fire Code, 2000 Edition, International Code Council.
- (f) International Fuel Code, 2000 Edition, International Code Council.
- (g) International Energy Conservation Code, 2000 Edition, International Code Council.
- (h) International Property Maintenance Code, 2000 Edition, International Code Council.
- (i) National Electrical Code, 1999 Edition, National Fire Protection Association.
- (j) Standard Unsafe Building Abatement Code, 1985 Edition, Southern Building Code Congress International, Inc.

Sec. 3.103 Definitions

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

"Accessory Building" means a subordinate building located on the same lot as a principal building, the activity

of which is clearly integral with or incidental to the permitted use of the principal building.

"Alterations" means any change, addition or modification in construction, including any change in structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed. "

"Approved" under the terms of this ordinance means having paid all permit fees and receiving the written approval of the Code Enforcement Officer, or appropriate Inspector, as the result of an investigation and, if necessary, tests conducted by the Code Enforcement Officer or appropriate enforcement official of the City.

"Building" means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property.

"Code Enforcement Officer" or **"CEO"** (herein "Inspector", "CEO" or "Code Enforcement Officer") shall mean the person, his staff or employees, or entity designated by the City or appointed to perform the duties and responsibilities set forth herein, or, if none has been appointed, the Chief Executive Officer. Where the inspection is for plumbing, electrical or other such inspection or permitting, the Inspector designated to perform such specific duties is the Code Enforcement Officer for such project.

"Certificate of Occupancy" or **"Completion"** means a written certificate issued by the CEO authorizing use and occupancy of a structure upon the satisfactory completion of any work or operations authorized by the City's Building Permit or other Permit or change in occupancy. No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change requiring a permit, shall take place until a written certificate titled "Certificate of Occupancy" or "Certificate of Completion" therefore shall have been issued by the CEO.

"City" or **"Municipality"** shall mean the City of Holland, Texas.

"City Attorney" or **"Corporate Counsel"** means the attorney appointed to represent the City.

"City Official" means the legally designated head of a City department or his authorized representative when acting in an official capacity.

"Dwelling" means a building used for residential purposes.

"Dwelling Unit" means a residential unit designed to accommodate one (1) household.

"Fire Chief" or **"Fire Marshal"** means the legally designated Chief of the Fire Department of the City, or his authorized representative.

"Health Officer" or **"Health Inspector"** means the legally designated head of the City Health Department or his authorized representative, or where none, the head of the County Health Department or his authorized representative.

"Occupant" means any person who rents, leases or appears to reside, rent or lease a building, structure or property through custody of the premises or who has the legal right to possession of such premises.

"Owner" means any person who holds any interest in the legal title of a building, structure or property or who has the legal right of possession thereof.

"Permit" means a written document or certification issued by the CEO permitting the specific construction, alteration, or extension requiring a permit under the provisions of this ordinance and regulations stated herein.

"Person" shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"Plot Plan" or "Site Plan" means graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned; the dimensions also including the relation of each use to that adjoining and to the boundary of the property.

"Police Chief" means the legally designated Chief of the Police Department of the City, or his authorized representative.

"Repair" means the reconstruction, renovation or renewal of any part of an existing building or structure for the purpose of its maintenance or improvement.

"Responsible Parties" or "Responsible Party" means the owner or occupant, including the person in custody of the building, property or structure, and any mortgagee or lien holder.

"Utility Service" shall have its common meaning and shall specifically include, but not be limited to, electric, water, wastewater, gas and telephone service.

"Variance" means a modification of the literal provisions of this ordinance granted when strict enforcement of this ordinance would cause undue hardship caused by circumstances unique to the individual property on which the variance is granted.

Sec. 3.104 Permits, Bonds and Insurance Required

(a) *Permits.* No building or structure or part thereof shall be hereafter constructed, erected, altered, moved, or placed within the City of Holland unless all appropriate permits to comply with this ordinance shall have first been issued for such work. No permit or certificate of occupancy shall be issued by the City for building or for connection to the City's water and wastewater services or a private sewage facility upon any lot in a subdivision or confirming plat for which a final plat has not been approved by the City of Holland, Texas and filed for record, or upon any lot in a subdivision in which the standards contained in the City's Subdivision Ordinance, as amended, or referred to therein have not been complied with in full. No site clearance, excavation, grading, or land fill on public or private land shall commence unless all applicable permits shall have first been issued for such work.

Any owner or occupant may personally make minor improvements and ordinary repairs on any structure without a permit provided that such improvements and repairs conform to all applicable building laws and codes. The CEO shall have the right to inspect all such improvements or repairs and determine whether a permit is necessary.

(b) *Moving Permit.* No building or structure or part thereof shall be moved onto or over the City streets unless a permit shall have first been issued for such move.

(c) *Bonds or Deposits Required.* Before any permit pursuant to this ordinance is issued, the applicant shall file with the City a corporate surety bond, approved by the City Attorney, or a cash deposit with the City, which deposit shall be placed in an escrow account in accordance with the following table:

Estimated Cost Of Construction	Surety Bond	Cash Deposit
\$0—500.00	None	None
\$500.01—1,000.00	\$ 250.00	\$ 25.00
\$1,000.01—2,000.00	500.00	50.00
\$2,000.01—5,000.00	1,000.00	100.00
\$5,000.01—10,000.00	2,500.00	250.00
\$10,000.01 – 30,000.00	10,000.00	1,000.00
\$30,000.01 and above	Thirty three percent of costs	Ten percent of costs

When applications are submitted where the costs of the total project are estimated to be more than \$30,000.00, the CEO may require that a bond or deposit in an amount, based on a percentage of the cost of the project in question, shall be tendered prior to issuance of a permit. The CEO may require a larger or smaller bond or deposit when, in his or her opinion, the nature of the permit indicates such a need. Such bond shall be conditioned upon the applicant's compliance with this and other ordinances of the City, and shall secure and may be used for the payment of any and all damages to persons or property (including the City) which damages arise from, or are caused by, any act or conduct of, or authorized by applicant.

(d) *Insurance Required.* Before a construction project is started for which a bond or deposit is required under this ordinance, each person applying shall furnish to the City, evidence that he or she has procured public liability and property damage insurance in the following amounts:

- (i.) For damages arising out of bodily injury or death of one person on any one accident - \$100,000.00.
- (ii.) For damages arising out of bodily injury or death of two or more persons in any accident - \$300,000.00.
- (iii.) For injury or destruction of property in any one accident - \$100,000.00.

Such insurance shall be kept in full force and effective during the period of time for which a bond or deposit shall be issued or the premises occupied. The City may waive this insurance requirement for minor construction projects.

(e) *Exemption.* State, County and Federal agencies are exempt from the bond and deposit requirements.

Sec. 3.105 Permit Applications

(a) To obtain a permit under this ordinance, the applicant shall first file an application therefore in writing. Each such application shall be accompanied by the required fee and shall:

- (i.) Identify and describe the work to be covered by the permit for which application is made;
- (ii.) Describe the land on which the proposed work is to be done, by lot, block, tract and house or structure and street address, or similar description that will readily identify and

definitely locate the proposed work;

- (iii.) Indicate the use and occupancy for which the proposed work is intended;
- (iv.) Be accompanied by plans and specifications as required in Subsections (b) and (c) of this Section;
- (v.) State the valuation of the proposed work;
- (vi.) Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate authority;
- (vii.) Give such other information as reasonably may be required by the CEO.

(b) *Site Plan.* All applications for building permits shall be accompanied by a Site Plan drawn to scale, together with such additional copies as the CEO may determine to be necessary for review by other City officials. The Site Plan shall contain the following:

- (i.) A legal description of the land included on the site plan and of the lot; the addresses and telephone numbers of the owner, the builder and the designer or architect;
- (ii.) Lot and block number; and street number as approved by the U. S. Postal Service;
- (iii.) The actual shape, location, and dimensions of the lot, an arrow pointing north and the lot area of the land included in the site plan;
- (iv.) Erosion and sedimentation controls in use during construction;
- (v.) Location and dimensions of easements and setback requirements;
- (vi.) Flood plain elevations, showing the floodway and that portion of the lot which is subject to inundation by the 100 year flood;
- (vii.) Location of existing and proposed walks, driveways, off-street parking design and access roads;
- (viii.) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate;
- (ix.) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two (2) feet;
- (x.) The architectural design, shape, size and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot;
- (xi.) Site clearance and excavation plans;
- (xii.) Exterior lighting plans;
- (xiii.) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being complied with.

(c) *Construction Plans.* Construction plans and specifications for all contemplated construction on the site shall be provided to the CEO and such plans shall include at least the following information:

- (i.) Scaled floor plan of each floor and of the basement, if any, for each building;
- (ii.) Plan of all attached terraces, porches, or covered walkways, and/or attached or detached garage or carport and accessory buildings, parking lots and driveways, and all other structures as herein defined. All setback dimensions shall be indicated on the plans.
- (iii.) Location and size of all permanently installed construction and equipment, such as closets, storage, plumbing fixtures, appliances, etc.;
- (iv.) Location and symbols of all electrical equipment, including switches, outlets, fixtures, etc.;
- (v.) Exterior elevations:
 - A. All exterior elevations
 - B. Wall and roof finish materials
 - C. Dimensions of overhang
 - D. Height from finished ground grade
 - E. Undisturbed and finished ground grade line.
- (vi.) Structural Section:
 - A. Cross-section of typical wall construction details
 - B. Scale plan of foundation and pertinent section of typical beams, footings, girders, etc.;
- (vii.) Architect/Engineer Seal, when applicable: (Only if required by State law)
 - A. Architects or Engineers shall affix their seal, actual signature, and date of affixation to all original construction drawings, including index sheets identifying all drawings covered; addenda; and change orders which are developed and issued under the direct supervision or authorship of the architect as contract documents.
 - B. Those sheets or pages prepared by consultants (structural, mechanical, electrical, etc.) retained by the architect or engineer shall also bear the seal and registration number of the consultant responsible therefore. The architect's seal on the work of his/her consultants shall be applied only after the seal of the consultant has been applied and shall attest only to the architect's coordination of the consultant's work with that of the architect's and does not imply the architect's practice of engineering or other consultant's specialty. The engineer's seal on the work of his/her consultants shall be applied only after the seal of the consultant has been

applied and shall attest only to the engineer's coordination of the consultant's work with that of the engineer's and does not imply the engineer's practice of architecture or other consultant's specialty.

C. An architect seal is required on plans relating to new commercial permits. An engineer's seal is required when mandated by State law, City ordinance or the technical codes.

(viii.) Erosion and sedimentation control plan to be used during construction.

(ix) Such other information as deemed reasonably necessary by the CEO. If a geotechnical report or engineered foundation plans are required, the applicant may provide a report covering the soil conditions typical to the area and may provide a typical foundation plan for such conditions. The applicant would not have to submit a separate report or a separate plan for each individual site.

(d) *License Required.* Any work required to be performed by a licensed operator must have such license submitted at the time of application for a permit. The permit may only be issued in the name of the licensed operator. No other person may perform services or work requiring a license unless such person is permitted by the terms of this ordinance, has a valid permit for the work or service and has a current valid license from the State to perform the services or work.

(e) *Architectural Permits.* For all public and private commercial projects in excess of \$50,000.00, the owner shall be required to verify compliance with the Texas Architectural Barriers Act or claim exemption.

Sec. 3.106 Permit Issuance and Revocation

(a) *Review of Application.* The application, plans, specifications and other data filed in support of a permit or license shall be reviewed by the CEO or other Inspector. The City Engineer may be asked by the CEO to review the permit application and plans to insure compliance with this ordinance, and other applicable City ordinances, codes, standards and specifications, and good engineering practices. If the CEO determines that the work described in an application and the required plans, specifications, and other data comply with this ordinance and other applicable ordinances, and that all fees have been paid, [she shall issue the permit or license, as applicable, to the applicant.

(b) *Fees.* Applicable fees pursuant to City ordinances and as set forth in Appendix A shall be paid, including, but not limited to, all professional fees, engineer, and attorney fees incurred by the City for or with respect to the review, processing and approval of the application for the approval of the permit.

(c) *Approval.* When the CEO issues a permit where plans are required, the approved plans and specifications shall be endorsed or stamped "APPROVED". The approved plans and specifications shall not be changed, modified, or altered without authorization from the CEO. All work shall be done in accordance with the approved plans. Approval of an application for permit is not guaranteed and approval does not authorize deviation from any ordinance or statute. The applicant must tender all relevant information requested by the CEO in the format required in a timely fashion to the CEO. All applications denied shall be endorsed or stamped "DENIED". The CEO shall indicate the reason for denial in writing to the applicant. The applicant may appeal the decision of the CEO as provided in Section 15 herein by filing a "Notice of Appeal" with the City Secretary specifying the grounds for appeal therein. The duration of time required for review of permit applications and plans shall depend on the availability of the CEO.

(d) *Issuance of Permit.* The CEO may issue a permit for construction of part of a building, structure,

or building service equipment before the entire plans and specifications for the whole building structure, or building service equipment have been submitted or approved, when information and detailed statements have been filed with the City, which the CEO determines adequately comply with requirements of this ordinance. The holder of a permit issued under this subsection may proceed with construction at his or her own risk, without assurance that the permit for the entire building or structure will be approved. No vested right shall arise under a permit issued under this subsection.

(e) *Validity of Permit.* The issuance of a permit and the approval of plans and specifications is not a permit for, or an approval of, any violation of any provision of this ordinance or any other City ordinance. Issuance of a permit based on plans, specifications, and other data shall not prevent the CEO from thereafter requiring the correction of errors in the plans, specifications, and other data, or from preventing building operations being carried on there under when in violation of this ordinance or other applicable City ordinances. No permit presuming to give authority to violate or cancel any requirement or provision of this ordinance.

(f) *Expiration and Extension of Permit.*

- (i.) A building permit expires if work authorized by the permit is not commenced within 180 days. An extension may be granted by the CEO for good cause. This extension must be requested in writing before the permit expires and must be granted in writing to be effective.
- (ii.) A building permit expires if work authorized by the permit, once begun, is suspended or abandoned for more than 180 days. A single extension of up to 180 days may be granted by the CEO for good cause. The extension must be requested before the permit expires and must be granted in writing to be effective.
- (iii.) After a building permit has expired, no work shall be commenced until a new permit has been applied for, fees paid and the permit has been issued by the CEO.

(g) *Suspension, Withholding or Revocation of a Permit or License.*

- (i) For good cause, the CEO may suspend, withhold or revoke a permit or license issued by the City. Good cause may include, but is not limited to, the following:
 - A. Failure or refusal to permit inspection of a site, location or building where work is being performed under a current permit.
 - B. Failure or refusal to stop work and correct deficiencies when duly notified as described in Section 8.
 - C. Fraud or misrepresentation in obtaining a permit or license.
 - D. Violation on more than one occasion, either willfully or maliciously, or by reason of incompetence of any provisions of the technical codes.
 - E. Refusal to comply with the lawful requirements of the CEO, bad faith or unreasonable delay in the performance of any installation, alteration or changes required by the CEO or the correction of any defect pointed out by the CEO.

- F. Consumption of alcoholic beverages, intoxication or use of narcotics during construction which may create a dangerous work environment or workers being impaired by the use of narcotics on a permitted work site.
 - G. Existing adjudication of insanity of the permittee or licensee.
 - H. Conviction of the permittee or licensee, whom are to be contractors on a site, of defrauding any person whom [s]he has rendered or contracted to render services.
 - I. Securing a permit or license for work that is not actually performed or supervised, when permitted, by permittee or licensee.
 - J. Securing a permit under any pretext for construction or installation concerning which the applicant has no valid contract.
- (ii.) Each permittee shall have a fiduciary duty to supervise any person performing work at a site for which the permittee holds a permit. The permittee shall be responsible for any violations of this ordinance by any person performing work at a site for which the permittee holds a permit.
 - (iii.) The CEO may withhold the issuing or renewal of a license or permit to an applicant for the same reason and by the same process used for revocation or suspension described in this subsection.
- (h) *Transferability.*
- (i.) No license or permit issued in accordance with this ordinance shall be assignable or transferable.
 - (ii.) No work shall be performed by any person not the holder of a license required by this ordinance.
 - (iii.) No person shall employ another person for doing work for which a license is required unless such person proposed to be employed is the holder of the proper license.
 - (iv.) No licensee shall assign or in any other manner convey his or her license, the use thereof or any rights thereunder to anyone by power of attorney or any other process. Should any licensee violate this subsection, the license theretofore issued to him or her under this ordinance shall by that act alone become null and void. However, any such prior assignment or other conveyance made by a licensee shall not be an effective or valid assignment of such license after its expiration date.

Sec. 3.107 Inspections

(a) *Existing building inspections.* Before issuing a permit, the CEO may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy or use. The CEO shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. Prior to issuing a Certificate of Occupancy to any premises, the CEO may conduct a through inspection of the premises for which a

Certificate of Occupation is requested. The CEO shall make a record of every such examination and inspection and of all apparent violations.

(b) *Manufacturers and fabricators.* When deemed necessary by the CEO, the CEO shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the building regulations.

(c) *Inspection service.* The CEO may make, or cause to be made, the inspections required by this ordinance. The CEO may accept reports of inspectors of recognized inspection services, provided that after investigation the CEO is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(d) *Inspections prior to issuance of Certificate of Occupancy or Completion.* The CEO shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Completion.

(e) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his or her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the CEO or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the CEO.

(f) *Required inspection.* The CEO upon notification from the permit holder or his or her agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes.

(g) *Building.*

(i.) Foundation Inspection: To be made after trenches are excavated and forms erected.

(ii.) Frame Inspection: To be made after the roof, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete.

(iii.) Final Inspection: To be made after the building is completed and ready for occupancy.

(h) *Electrical.*

(i.) Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

(ii.) Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.

(iii.) Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected and the structure is ready for occupancy.

(i) *Plumbing.*

- (i.) **Underground Inspection:** To be made after trenches or ditches are excavated, piping installed and before any backfill is put in place.
 - (ii.) **Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
 - (iii.) **Final Inspection:** To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
- (j) *Mechanical.*
- (i.) **Underground Inspection:** To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
 - (ii.) **Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing is in place and all ducting and other concealed components are complete, and prior to this installation of wall or ceiling membranes.
 - (iii.) **Final Inspection:** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
- (k) *Other Inspections.* In addition to the required inspections specified above, the CEO shall make or require to be made, any other inspections of any construction work to ascertain compliance with the provisions of this ordinance and other laws which are enforced by the City.

Sec. 3.108 Stop Orders

(a) Whenever any building work is being done contrary to the provisions of this ordinance, another controlling ordinance or statute governing the building, the CEO may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the City shall post a STOP WORK ORDER on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the CEO to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the CEO. The CEO may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the construction project. The work on other aspects of the construction not in violation of the City's ordinances may proceed, but work shall cease as to that aspect in violation of the City's ordinances.

(b) *Occupancy and Use Violations.* Whenever any structure is being used contrary to the provisions of this ordinance, the City Zoning Ordinance provisions applicable to such structure, lot, parcel or tract of property upon which the structure is located or the City Subdivision Ordinance provisions applicable to such structure, lot, parcel or tract upon which the structure is located, the CEO may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this ordinance. If the CEO determines that any building, structure or premises has not been brought into compliance within the requisite time period, the CEO may by written notice, as provided in Section 13, immediately revoke the Certificate of Occupancy.

Sec. 3.109 Occupancy and/or Use – Certificate of Occupancy

(a) *Use or Occupancy.* No building or structure shall be occupied, and no change in the existing occupancy or classifications of a building or structure or portion thereof shall be made until the CEO has issued a Certificate of Occupancy therefore, as provided herein, and such permit is current and not revoked. Prior to any connection of utilities or transfer of utilities from one name to another or from one location to another the primary occupant must have been issued a Certificate of Occupancy or a Temporary Certificate of Occupancy.

(b) *Change in Use.* Changes in the character or use of a building or structure shall not be made except as specified by this ordinance and the technical codes adopted in this ordinance.

(c) *Certificate Issued.* After final inspection when it is found that the building or structure complies with the provisions of this ordinance, the City Zoning Ordinance provisions applicable to such structure, lot, parcel or tract of property upon which the structure is located and the City Subdivision Ordinance provisions applicable to such structure, lot, parcel or tract upon which the structure is located, the CEO shall issue a Certificate of Occupancy or Completion which shall contain the following:

- (i.) The use and occupancy for which the certificate is issued;
- (ii.) A certification that the building or structure complies with the provisions of this ordinance;
- (iii.) The permit number of the building or structure;
- (iv.) The address of the building or structure;
- (v.) The name and address of the owner and occupant;
- (vi.) A description of that portion of the building or structure for which the certificate is issued;
- (vii.) A statement that the described portion of the building or structure complies with the requirements of this ordinance for the group and division of occupancy and the use for which the proposed occupancy is classified;
- (viii.) The name of the CEO.

(d) *Temporary Certificate.* A temporary Certificate of Occupancy may be issued by the CEO for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The temporary certificate shall state thereon the duration for which the certificate is issued and where no duration is indicated, the certificate shall be for no more than 180 days from the date of issuance.

(e) *Non-conforming Uses.* A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by any ordinance of the City identifying the lawful non-conforming use. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the CEO by the owner or primary occupant of the building or land occupied by such non-conforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the CEO to issue a Certificate of Occupancy for a lawful non-conforming use, or refusal of the CEO to issue a Certificate of Occupancy for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist.

(f) *Connections of Service Utilities.* No person shall make connections from a utility source which is

regulated by the technical codes for which a permit is required to any building or system until released by the CEO and a certificate of occupancy or completion is issued.

(g) *Temporary Connection.* The CEO may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

(h) *Authority to Disconnect Utilities.* The CEO shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to the life or property. The CEO shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect, if possible, prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(i) *Authority to Disconnect Utilities for failure to obtain a Certificate of Occupancy or Temporary Certificate of Occupancy.* The CEO shall have authority to authorize disconnection of utility services to any building, structure or system regulated by the technical codes for which a Certificate of Occupation has been revoked or is required and has never been issued to the current occupant after written notice and an opportunity to correct as provided in Section 12. Before utilities may be disconnected, the CEO shall send a notice specifying that the owner or occupant must bring the property into compliance or the utilities will be disconnected and indicating that the owner or occupant may appeal to the Board of Adjustments within ten (10) days of the date of the letter.

Sec. 3.110 Applications for variances

(a) Any person may apply for a variance of any provision of this ordinance by submitting a written application to the CEO citing the specific provision of this ordinance for which a variance is sought and setting forth with particularity the reasons for such request. The CEO shall review such an application and forward the application to the Board of Adjustments for consideration and approval or denial. If a person wants to protest the decision of the Board of Adjustments, an appeal must be made to the District Court of competent jurisdiction within ten (10) days of the denial as provided in Section 3.115.

(b) A person may not proceed with any operation for which a permit or variance is required by this ordinance unless and until the appropriate permit or variance has been granted.

Sec. 3.111 Violations and Notices

The CEO, his or her representatives, and any officer charged with enforcement of the ordinances of the City, including any peace officer of the City, may enforce the provisions of this Section.

(a) *Citations.* If an officer charged with the enforcement of this ordinance shall determine that a situation exists which immediately affects or threatens the health, safety and well-being of the general public, and that immediate action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner, occupant and/or responsible party for the property upon which such condition exists, as may be deemed appropriate and necessary.

(b) *Imminent threat.* If an officer charged with enforcement of this ordinance determines a situation constitutes an immediate threat to the public health, safety and welfare, and the owner, occupant or responsible party for the property is absent or fails to immediately remedy the violation, the City Council may, at a regular session or at an emergency session called for the purpose of considering the issue, upon evidence heard,

determine that an emergency exists and order such action as may be required to protect the public health, safety and welfare. In such event, the City may prosecute an action in any court of competent jurisdiction to recover its costs.

(c) *Failure to correct.* If any owner, occupant or responsible party shall fail or refuse to remedy any of the conditions prohibited by this ordinance within ten (10) days after written notice to do so, the City may do such work or cause the same to be done, and pay therefore, and charge the expenses in doing or having such work done or improvements made to the property, and such charge shall be a personal liability of such owner(s), occupant(s) and/or responsible parties to the City.

(d) *Service of notice.* Notices required pursuant to this ordinance shall be in writing. Such notices may be served upon such owner(s), occupant(s) and/or responsible party as follows: in person by an officer or employee of the City; by certified letter addressed to such owner, occupant and/or responsible party at his/her post office address; or, if personal service may not be had, or the owner, occupant, or responsible party's address be not known, then notice may be given by publishing a brief summary of such order at least once in the official newspaper of the City or by posting a notice on or near the front door of each building on the property upon which the violation relates, or, if no building exists, by posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates. The notice shall state "Building and Construction Regulations", "To Whom It May Concern" and a brief statement of the violation(s). Service of the notice by any one of the above methods, or by a combination thereof, shall be deemed sufficient notice.

(e) *Refusal of notice.* If an owner is mailed a notice in accordance with subsection (d) and the United States Postal Service returns the notice as "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered as delivered.

Sec. 3.112 Right to Abate Dangerous Conditions

Whenever an immediate danger to the health, life or safety of any person exists as a result of any building or premise violations or conditions on any lot, parcel or premise within the City, the City may abate the nuisance without notice to the owner. If the utility connections to the property need to be disconnected to the property to prevent further risk or damage, the CEO may direct that the necessary utilities be disconnected. In the event the City abates the nuisance under this section, the City shall forward notice to the owner within ten (10) days in the manner set forth herein.

Sec. 3.113 Abatement

(a) *Notice.* In addition to any other remedy provided in this ordinance and cumulative thereto, the CEO, after giving to the owner, occupant and/or responsible party of the property ten (10) days notice in writing, as provided herein, may cause any of the work or improvements mentioned in this ordinance to be done at the expense of the City, and charge the utility bill of the property on which such work or improvements are done as well as cause all of the actual cost to the City to be assessed on the real estate or lot on which such expenses occurred; provided, that the owner, occupant and/or responsible party of any such real estate may appeal to the Board of Adjustments from the order of the CEO by filing an Appeal, as provided in Section 3.115, within ten (10) days after receipt of the notice provided for above, stating that such real estate complied with the provision of this ordinance before the expiration of a ten (10) day period and requesting a hearing.

(b) *Appeal.* The Board of Adjustments shall set a date, within thirty (30) days from the date of the appeal, for hearing the appeal to determine whether the real estate complied with the provisions of this ordinance before the expiration of such ten (10) day period.

(c) *Suspension.* The authority of the CEO to proceed to cause such work to be done shall not be

suspended while an appeal from the order is pending.

(d) *Compliance prior to abatement.* If it shall be determined by the Board of Adjustments that the premises complied with the provisions of this ordinance before the expiration of the ten (10) day period, then no personal liability of the owner or occupant shall arise nor shall any lien be created against the premises upon which such work was done.

Sec. 3.114 Cost of Abatement Constitutes Lien

Cumulative of the City's remedy by fine, as set forth herein, the City may do such work or cause the same to be done to remedy such condition to remove such matter from such owner's premises at the City's expense and charge the same to the utility bill of such property and assess the same against the real estate or lot or lots upon which such expense is incurred.

(a) *Costs.* Expenditures plus ten (10) percent per annum interest on the expenditures from the date of such payment by the City shall be added to the next billing cycle for utility bills for the real estate or lot or lots, if not already paid. Payment shall be due and payable in full by the owner or occupant at the time of payment of such utility bill. If the property is unoccupied, no utilities shall be furnished to the property where the work occurred until such obligation, as herein set out, payable to the City for abatement of any nuisance described herein is paid in full.

(b) *Lien.* Upon filing with the County Clerk, of a statement by the City Secretary or designee of such expenses, the City shall have a privileged lien upon said real estate or lot or lots, second only to tax liens and liens for street improvements, to secure the expenditure so made and ten (10) percent per annum interest on the amount from the date of such payment so made by the City.

(c) *Suit to Recover Costs.* The City may, additionally, institute suit and recover such expenses and foreclose such lien in any court of competent jurisdiction, and the statement so filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements to remedy such condition or remove any such matter.

Sec. 3.115 Appeals to Board of Adjustments

Unless otherwise provided in this ordinance, any person aggrieved by a decision of an officer or CEO acting under this ordinance or any officer, department, board or bureau of the City affecting a property under this ordinance, may appeal such decision to the Board of Adjustments. Such appeal shall be made by filing with the office of the Board of Adjustments within ten (10) days of the action or incident being appealed. A notice of appeal specifying each and every ground for appeal shall accompany the appeal and state thereon "Notice of Appeal". The officer, department, board or bureau from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from is taken.

(a) *Notice of Hearing on Appeal.* The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice of the hearing and due notice to the parties in interest.

(b) *Findings of Fact.* The Board of Adjustments shall file findings of fact within a reasonable time after the final decision of the Board of Adjustments is announced. The findings shall be in writing filed in the office of the City Secretary. Filing of the minutes of the meeting of the Board of Adjustments meeting at which the appeal hearing was held shall constitute a filing of the findings of fact absent a more specific filing prior to filing the minutes.

(c) *Appeal.* Any party aggrieved by the decision of the Board of Adjustments shall have ten (10) days

from the date of the filing of the findings of fact to file an appeal with the District Court of competent jurisdiction.

Sec. 3.116 Penalty

- (a) Any person who shall violate any of the provisions of this ordinance or the technical codes adopted herein, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of a misdemeanor offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
- (b) Any person who shall remove a notice of violation or a placard posted pursuant to this ordinance from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.
- (c) Any person who shall knowingly or intentionally provide false information on any application required pursuant to this ordinance shall be deemed guilty of a misdemeanor offense.
- (d) Any person who shall occupy a building, or any part thereof, without having received a Certificate of Occupancy in compliance with herewith, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
- (e) On motion of the City or the Judge of Municipal Court, any person convicted under this ordinance or placed on deferred adjudication or other form of deferral who is assessed a penalty and who does not pay the penalty in full as ordered by the Court may be assessed the penalty against the defendant's property in the same manner as a judgment in a civil suit by order of the Municipal Judge pursuant to Texas Code of Criminal Procedure § 45.047, as amended from time to time.

Sec. 3.117 Enforcement of Regulations

- (a) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits, after the effective date of this ordinance, except in compliance with all then applicable requirements of this ordinance, the City Zoning Ordinance provisions applicable to the property and the City Subdivision Ordinance provisions applicable to the property.
- (b) This ordinance and any code or provision adopted by this ordinance may be further enforced by civil injunction and other civil and criminal judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken. Any person who violates any term or provision of this ordinance, with respect to any land, property, building or development within the City, may also be fined as well as charged all other penalties, civil and criminal as provided herein and by State law.
- (c) Upon the request of the City Council, the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this ordinance, or to obtain Declaratory Judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this ordinance.

Sec. 3.118 Utility Service Providers

No utility service provider using the right-of-ways of the City to access any customer within the City limits shall connect or reconnect utility services to such customer after the effective date of this ordinance unless and until the customer has provided proof that the structure to be serviced has a current and valid Certificate of Occupancy or Temporary Certificate of Occupancy. Each utility service provider utilizing City right-of-ways to provide services to any customer within the City limits shall cooperate with the CEO to terminate services as provided herein and shall provide information concerning the services provided to any customer within the City limits to the CEO to carry out the duties of the CEO under the provisions of this ordinance.

Sec. 3.119 Prima Facie Evidence

In any prosecution charging a violation of this ordinance, governing the failure to comply with any notice or order or failure to apply for a building permit or other permit or license required herein, proof that the particular property described in the complaint was in violation of any Section of this ordinance, together with proof that the defendant named in the complaint was, at the time of such notice or order or at the time when work was performed without a permit, the registered owner of such property, shall constitute in evidence a prima facie presumption that the registered owner of such property was the person who failed to comply with the notice or order or failed to apply for a permit for the time during which such violation occurred.

Sec. 3.120 Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this ordinance are declared to be severable.

Sec. 3.121 Establishment of Office

- (a) *Creation.* The office of CEO is hereby created, and the executive official in charge shall be known as the CEO.
- (b) *Appointment; removal.* The CEO shall be the employee designated from time to time to perform the duties of the position.
- (c) *Acting CEO.* During temporary absence or disability of the CEO, the appointing authority shall designate an acting CEO.

Sec. 3.122 Qualifications

The CEO shall be in good health and physically capable of making the necessary examinations and inspections. [S]He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition. CEO shall have no financial interest in any business or person, either directly or indirectly, that is engaged in any construction requiring a permit under this chapter, including but not limited to new construction, remodeling, electrical, gas, mechanical or plumbing.

Sec. 3.123 Duties

- (a) *Permits.* The CEO shall receive applications required by the technical codes, issue permits and furnish the prescribed certificates. [S]He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is conducted safely. [S]He shall enforce all provisions of the building code and, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the codes and render written reports on the same. To enforce compliance with the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- (b) *Inspections.* Inspections required under the provisions of the technical codes shall be made by the CEO or his duly appointed assistant. The CEO may accept reports of inspectors or recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the technical codes shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- (c) *Records of Work.* The CEO shall keep permanent comprehensive records of applications, all permits issued, any and all fees collected, certificates issued, inspections made, reports rendered and of notices or orders issued for each property accurately reflecting the names, physical location of the property and dates on each document.
- (d) *Records Open to Public Inspection.* All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the CEO without his/her written consent.
- (e) *Monthly Reports.* The CEO shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued and orders promulgated.
- (f) *Fees.* The CEO shall keep a permanent, accurate account of all fees and other monies collected and received under this ordinance, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

Sec. 3.124 Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the CEO or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe or constitute a violation of this ordinance, the CEO or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the CEO by this ordinance; provided that if such building or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the CEO or his authorized representative shall have recourse to every remedy provided by law to secure entry.

Sec. 3.125 Deputies

In accordance with the procedure and with the approval of the City Council, the CEO may appoint such

number of officers, inspectors and assistants, and other employees as shall be authorized from time to time. With the approval of the City Council, he may deputize such employees as may be necessary to carry out the functions of the CEO.

Sec. 3.126 Liability

The CEO, members of the Board of Adjustments, or any employee charged with the enforcement of this ordinance, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the CEO or such employee, because of any act or omission by him in the discharge of his duties under any provision of this ordinance, shall be defended by the City Attorney or an attorney appointed by the City's insurance carrier until final termination of the proceedings.

Sec. 3.127 Cooperation of Other Officials

The CEO may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the City.

ARTICLE 3.200. BUILDING CODES

Sec. 3.201 Adoption of Building Code and Amendments, Additions and Deletions

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Building Code," 2000 edition, including Appendix Chapters B, C, D, E, F, G, I, and J, published by the International Code Council, is hereby adopted as the building code of the city establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and each and all of the regulations, provisions, conditions and terms of such "International Building Code," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Building Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Section 1612.3.1 "The Flood Insurance Study for the City of Holland" as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto.

(c) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Residential Code for One- and Two-Family Dwellings," 2000 edition, including Appendix Chapters A, B, C, D, E, F, G, H, J, and K, published by the International Code Council, is hereby adopted as the residential building code of the city regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the City; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions

and terms of such " International Residential Code for One- and Two-Family Dwellings," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(d) *Amendments.* The International Residential Code for One- and Two-Family Dwellings is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Table R301.2(1) Climatic and Geographic Design Criteria

Roof Snow Load	5 PSF
Wind Speed	90 MPH
Seismic Design Criteria	Category "C"
Weathering	Moderate
Frostline Depth	12"
Termite	Moderate to Heavy
Decay	Slight to Moderate
Winter Design Temp	28°F
Flood Hazards	FEMA Ordinance as adopted by the City

(e) *Repairs and Remodeling.* A permit is not required for repairs and remodeling unless structural supports or supporting walls are removed or modified, floor space is added, or a plumbing or electrical permit is required.

(f) *Exceptions.* Any codes noted or mentioned in the International Building Code and International Residential Code for One- and Two-Family Dwellings which are not formally adopted by this ordinance shall be a guide only and are not subject to permit and enforcement.

Sec. 3.202 Interpretation of Article

Wherever, in the building code hereby adopted, it is provided that anything must be done to the approval of or subject to the direction of the enforcing officer, this shall be construed to give such officer only the power to determine whether the rules and regulations established by this article have been complied with, and shall not be construed as giving such officer discretionary powers.

Sec. 3.203 Minimum Building Standards

In addition to the standards provided in the International Building Code and International Residential Code for One- and Two-Family Dwellings, every building, structure, or part thereof, erected or altered, moved or relocated including all development of property in the City shall conform to the following minimum standards which are deemed to be minimum standards necessary for the health and general welfare of the residents of the City:

(a) *Solid Waste Container Storage.* Each dwelling shall have a solid waste structure which must be inaccessible to dogs and other animals. Nonresidential buildings shall have a solid waste structure which is inaccessible to dogs and other animals and which is of a design and location approved by the CEO in compliance with the applicable zoning ordinance.

(b) *Sewage Facility.* Each plumbing fixture shall be connected by adequate water and drainage lines to

an organized disposal system operated by the City.

(c) *Utility Connections.* It shall be unlawful to serve or connect any public utilities to any structure for service until the CEO has authorized such connection.

(d) *Reflective Roofing Materials.* No roofing material or painted exterior roof shall produce reflective glare where reflective glare interferes with traffic upon City streets or where the reflective glare is evident beyond the property line. All new metallic roof surfaces, which produce reflective glare beyond property lines, shall be painted so as not to affect adjoining property and other property. Samples of roofing material shall be provided to the CEO and no building permit shall be issued until the CEO approves the roofing material. Wood shingles and wood shakes are prohibited on all structures. Ordinary roof coverings shall be prohibited additionally on nonresidential buildings. Fire-retarding roof coverings, wood shingles and wood shakes having a Class B rating in accordance with the Building Code Standards are allowed on all structures.

(e) *Water Fixtures.* All new installations or remodeling of water fixtures shall meet the following minimum standards:

- (i.) Water closet tanks shall have a flushing capacity sufficient to properly flush the water closet bowl but shall not exceed one and six-tenths (1.6) gallons per flush.
- (ii.) Showers shall flow at a rate of no greater than two point seventy-five (2.75) gallons per minute.
- (iii.) Faucets shall flow at a rate of not greater than two point two (2.2) gallons per minute.

(f) *Exterior Compressors and other equipment.* All exterior compressors and other mechanical equipment or like devices shall be shielded and insulated so as to insure that sound emanating therefrom does not interfere with the use and enjoyment of surrounding property.

(g) *Grease Traps.* Waste pipes from kitchen sinks and dishwashers in any commercial property serving food, such as a hotel, restaurant, Clubhouse, boardinghouse, public institution, hospital or other similar place, shall be run into an approved type grease trap, adequate in size and constructed in such a manner as to remove all grease before it reaches the sanitary sewer or private sewage facility, and shall be properly vented on the sewer side. Grease traps may be a manufacturer's item especially made for the purpose or may be constructed of concrete. Plans of a typical concrete grease trap may be obtained from the CEO. No food grinder shall discharge into a grease trap. If the grease trap is set more than thirty inches from the sink that it serves, the sink shall be locally vented and run independently through the roof.

- (i.) The sizing of grease traps shall be based on the flow rate which shall be determined in accordance with the State Health Department manual on "Construction Standards for On-Site Sewage Facilities", plus 25% safety factor.
- (ii.) Manufactured grease traps shall be selected to fit the flow rate requirements of the connected fixtures from the published manufacturer's rating chart.
- (iii.) Where one grease trap serves more than one fixture, the simultaneous usage flow rate (not the sum of the connected fixtures) shall be used to determine the size of the grease trap.

Sec. 3.204 Fire Warning System

Each dwelling and nonresidential building shall be provided with a smoke detector conforming to the International Building Code specifications. All detectors shall be located within twelve (12") inches of the ceiling and shall be tested for proper operation by the CEO as a condition for a Certificate of Occupancy. Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector.

(a) *Dwellings.* The detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detectors shall be placed at the center of the ceiling directly above the stairway. Detectors, of a sufficient number and decibel level of sound, shall provide adequate sound to alert all portions of the dwelling and dwelling units.

(b) *Nonresidential Buildings.* The detectors shall be mounted on the ceilings or wall at a point centrally located with respect to electric or gas appliances or cooking equipment. Detectors, of a sufficient number and decibel level of sound, shall be installed to provide adequate sound to alert all portions of the building.

Sec. 3.205 Swimming Pools

No outdoor swimming pool shall be erected, constructed or structurally altered without an enclosure device of at least four (4) feet in height which completely surrounds such swimming pool. Such enclosure device shall not contain any opening which would permit the passage of a sphere six (6) inches or more in diameter. Each gate or door-opening through such enclosure device shall be equipped with a self-closing latch that keeps the gate or door securely closed at all times when not actually used; provided, however, that the door of any building which forms a part of the enclosure device need not be so equipped.

Sec. 3.206 Culverts and Driveways

(a) *Culverts and Ditches.* Whenever a street or roadway is not furnished with a curb and gutter connected to a storm sewer or to a ditch or waterway for drainage, draining ditches shall be installed along the roadway at the expense of the owner of the adjoining property. No person shall construct or maintain any driveway over a ditch without furnishing a culvert to provide drainage, in accordance with specifications approved by the City. The owner and occupant of abutting property shall keep such culverts and ditches free of obstruction.

(b) *Driveway and Culvert Maintenance.* Prior to installing or altering a driveway or culvert, a permit application for such work shall be submitted to the CEO and work shall not commence before a permit is issued for such work or a written statement from the CEO declaring that a permit is not required. A permit shall not be required for minor repairs and alterations that do not affect the size or location of the impervious cover. The CEO shall require plans and specifications on the location, drainage and other relevant information. Once a complete application is submitted, the CEO may forward the plans to the City Engineer for review.

(i.) It shall be the responsibility and duty of the owner and the occupant of property within the City to construct, reconstruct, install, repair and maintain, from time to time as required, any driveway and/or culvert necessary to connect such property with a public street. The driveway and any culvert, whether existing or to be installed, to serve any property shall be constructed, reconstructed, installed, repaired and maintained by the owner and the occupant of such property in a manner to prevent such driveway and/or culvert from

interfering with, diverting or obstructing the flow of stormwater and drainage.

- (ii.) It shall be the responsibility and duty of the owner and the occupant of any property for which a culvert exists or is maintained for the purpose of connecting, or providing access for, such property with a public street to keep such culvert open and free of obstruction or debris, and to repair, reconstruct, raise or lower the grade, and maintain such culvert from time to time to assure the culvert does not interfere with or obstruct the flow or drainage of stormwater, or divert stormwater from the bar ditch or drainage channel.

(c) *Driveway Inspection; Failure to Comply.* Completed projects will be inspected by the CEO to insure compliance. Those whose projects are not in compliance will be allowed thirty (30) days in order to comply. If they have not complied in thirty (30) days, then their permit is void. Any existing driveway which in the opinion of the city council constitutes a threat to the safety and welfare of the citizens of the city shall be corrected at the property owner's expense within sixty (60) days after receiving notice.

Sec. 3.207 Erosion Control

(a) *Site and Construction Plans.* No construction plans or building permits shall be approved unless it shows all improvements reasonably required to prevent erosion during and after completion of development. No Certificate of Occupancy shall be issued unless the improvements shown on the site plan have been installed, constructed or created and erosion is effectively controlled. This section does not apply to projects for which a building permit is not required and does not require a site plan for those projects which are otherwise exempt from the site plan requirement.

(b) *Requirements.* The CEO may require, where appropriate and reasonable under the circumstances, the construction of silt traps, the mulching and temporary or permanent planting of areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures; shall place limits on the area of land which may be exposed at any one time and the length of time that any area may be exposed; and shall require all other acts and impose all other limits and restraints which are necessary and reasonable to prevent erosion. The CEO has the duty to impose any additional limits or restraints to prevent erosion after approval of any permit herein, whenever conditions arise during development or construction which require the taking of any additional measures or precautions. Where during development or construction, it appears that measures or precautions previously required are unnecessary, the CEO shall waive them in writing. The CEO shall require certification of plans and specifications and supervision of work by a licensed professional engineer unless he determines it is not necessary under the circumstances.

Sec. 3.208 Conformity with Zoning District and Subdivision Regulations Required

No building or structure shall be erected or installed and no existing buildings or structure shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than as provided for in the zoning district in which the building, land or premises is located and in compliance with the subdivision regulations; provided, however, that necessary structural repairs may be made where health and safety are endangered. Furthermore, no open space surrounding any building shall be encroached upon by a structure or reduced in any manner, unless the same shall conform to the zoning regulations and subdivision regulations designated for the District or lot within which such building or open space is located. The CEO may, with notice as provided in this ordinance, revoke the Certificate of Occupancy for properties not in compliance herewith.

Sec. 3.209 Adoption Mechanical Code

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Mechanical Code," 2000 edition, published by the International Code Council, is hereby adopted as the mechanical code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the city; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Mechanical Code," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Mechanical Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Section 106.5.2. The fee schedule is located in the City Fee Ordinance.

Section 106.5.3. The CEO shall authorize the refunding of fees as follows:

2. Not more than 70 percent of the permit fee paid when no work has been performed under a permit issued in accordance with this code.

3. Not more than 30 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

Section 108.4. *Violations Penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directives of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$2,000 dollars per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5. Any person who shall continue any work on the system after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be liable for a fine of not less than \$200.00 dollars or more than \$2,000 dollars.

Sec. 3.210 Adoption Fire Code

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Fire Code," 2000 edition, published by the International Code Council, is hereby adopted as the fire code of the city for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses and operations; and each and all of the regulations, provisions, conditions and terms of such "International Fire Code," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

- (b) *Amendments.* The International Fire Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Section 109.3. **Violations Penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directives of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$2,000 dollars per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Any person who shall continue any work on the system after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be liable for a fine of not less than \$200.00 dollars or more than \$2,000 dollars.

Sec. 3.211 Adoption Fuel Gas Code

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Fuel Gas Code," 2000 edition including Appendix Chapters A, B, C, and D, published by the International Code Council, is hereby adopted as the fuel gas code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such "International Fuel Gas Code," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

- (b) *Amendments.* The International Fuel Gas Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Section 103.6. The fee schedule is located in the City Fee Ordinance

Sec. 3.212 Adoption Energy Conservation Code

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Energy Conservation Code," 2000 edition, published by the International Code Council, is hereby adopted as the energy code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical lighting and power systems of the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Energy Conservation Code," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

- (b) *Amendments.* The International Energy Conservation Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Sec. 3.213 Adoption Property Maintenance Code

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Property Maintenance Code," 2000 edition, published by the International Code Council, is hereby adopted as the property maintenance code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such "International Property Maintenance Code," 2000 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Property Maintenance Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Section 103.6. The fee schedule is located in the City Fee Ordinance

ARTICLE 3.300. MANUFACTURED HOUSING.

Sec. 3.301 Definitions

For the purpose of this Article, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto.

"Agent" means any person authorized by the licensee of a trailer and motor home park to operate or maintain such park under the provisions of this Article.

"Common Access Route" or "Internal Street" means a private way which affords the principal means of access to individual lots or auxiliary buildings.

"HUD-Code Manufactured Home" means a structure constructed on or after June 15, 1976, as defined in art. 5221f, Tex. Rev. Civ. Stat., as amended.

"License" means a written license issued by the City Council or its authorized representative, permitting a person to operate and maintain a trailer and motor home park under the provisions of this Article and regulations issued hereunder.

"Licensee" means any person licensed to operate and maintain a trailer and motor home park under the provisions of this Article.

"Manufactured Home" means a manufactured home as defined in art. 5221f, Tex. Rev. Civ. Stat., as amended.

"Mobile Home" means any structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, as more particularly described art. 5221f, Tex. Rev. Civ. Stat. No mobile home may be placed on any lot within the City limits.

The minimum housing standards established for existing buildings and manufactured homes shall apply to all existing mobile homes within the City limits.

"Manufactured Home Subdivision" means a unified development of mobile home or manufactured home lots arranged on a tract of land for permanent or semi-permanent location of manufactured homes which has been subdivided and is under ownership of two or more persons meeting all requirements of City subdivision regulations.

"Replacement" means the act of moving one trailer or motor home from an existing stand and replacing it with another trailer or motor home.

"Service Building" means a structure housing a toilet, lavatory and such other facilities as may be applicable in this Article.

"Sewer Connection" means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of a trailer or motor home to the inlet of the corresponding service riser pipe of the sewage system serving the park.

"Sewer Service Riser Pipe" means that portion of a sewer service, which extends vertically to the ground elevation and terminates at a space.

"Space" means a plot of ground without a park designated for the accommodation of one unit, together with such open space as required by this Article. This term also shall include the terms "lot", "stand" and "site".

"Trailer or Motor Home Park" means a parcel of land authorized by the City Council and not prohibited for such use by deed restrictions, for the purpose of renting trailer or motor home spaces on a temporary basis.

"Trailer" or "Motor Home" or "Unit" or "Recreational Vehicle", includes trailer homes and travel trailers, and means a vehicle which stands on wheels and is built to be towed by a motor driven vehicle. A motor home (recreational vehicle) is a self-propelled vehicle that stands on wheels. Both are built to Federal and State specifications to be licensed for operation on public roads and highways, and are not considered mobile homes.

"Water Connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a trailer or motor home.

"Water Riser Pipe" means that portion of the private water service system serving a park, which extends vertically to the ground elevation and terminates at a designated point at a trailer or motor home space.

Sec. 3.302 General Design and Construction Requirements

Manufactured home design and construction shall conform to generally accepted standards of the manufactured home industry and the Texas Manufactured Housing Standards Code.

(a) *Placement and Underpinning Requirements.*

(i.) Placements of manufactured home on manufactured home stand by jacks or supports shall be such as to insure the retention of the mobile home in a fixed position.

- (ii.) All manufactured homes must be leveled and its foundation must be single blocked up to thirty inches (30") in height from the ground level and double blocked or between thirty inches (30") to forty-eight inches (48"), and forty eight inches (48") is maximum, except for any gap, opening or space between the frame and ground level which exceeds forty-eight inches (48") must have a foundation designed by a certified engineer. The design must be signed and sealed by the engineer and be approved by the CEO.
 - (iii.) A fire resistive skirting, or underpinning, shall be installed around the bottom of the perimeter of any manufactured home to the ground within thirty (30) days from the installation.
 - (iv.) The placement of the manufactured home and which shall be finished with not less than two (2) coats of paint or be constructed of such materials not requiring painting (galvanized metal not included).
- (b) *Space Requirements and Maximum Occupancy.* The minimum square footage of heated area for any manufactured home shall be 600 square feet. The maximum number of occupants of a manufactured home shall be limited to the number determined on the basis of the square feet of floor area of habitable space, exclusive of habitable space used for cooking purposes, in accordance with the following:
- 150 square feet for one (1) or two (2) occupants;
 - 250 square feet for three (3) occupants; and
 - 80 square feet additional for each occupant thereafter.
- (c) *Ceiling Height Requirements.* Habitable space shall have a minimum ceiling height of seven feet (7') over fifty percent (50%) of the floor area; and the floor area where the ceiling heights is less than five feet (5') shall not be considered in computing gross floor area.
- (d) *Bathrooms and Toilets.* Bathrooms and toilets shall have provisions for privacy and shall be provided with floors of moisture resistant material.
- (e) *Bathrooms and Kitchens Prohibited for Sleeping Purposes.* Bathrooms, toilet rooms, kitchens and kitchenettes shall not be used for sleeping purposes.
- (f) *Exits.* A manufactured home shall have a safe and unobstructed primary exit and an emergency exit located remote from the primary exit.
- (g) *Light and Ventilation.*
- (i.) **Habitable Space** A manufactured home shall be provided with natural light and ventilation adequate for the intended use of each habitable space in accordance with the following:
 - A. Window area shall equal at least ten percent (10%) of the floor area of each habitable space; and
 - B. Openable area of windows and other openings used for natural ventilation of each habitable space shall equal at least forty-five percent (45%) of the required window area, or mechanical ventilation shall be provided as set

forth in this section.

- (ii) *Non-habitable Space.* A manufactured home shall be provided with light and ventilation adequate for the intended use of non-habitable space in accordance with the following:
 - A. Kitchenettes, bathrooms, and toilet rooms shall be provided with light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions and the safe use of the space and the appliances, equipment and fixtures; and
 - B. Kitchenettes, bathrooms and toilet rooms shall be provided with natural ventilation consisting of openable areas of not less than one and one-half (1 1/2) square feet for bathrooms and toilet rooms, and not less than three (3) square feet for kitchenettes; or mechanical ventilation shall be provided as set forth in this section.

- (h) *Plumbing Standards.* The following shall apply to plumbing in a manufactured home:
 - (i.) A manufactured home shall contain:
 - Kitchen sink,
 - Flush type water closet,
 - Bathtub or shower, and
 - Lavatory.
 - (ii.) Hot and cold water supply shall be provided at kitchen sink, bathtub or shower, and lavatory. Cold water shall be supplied to water closets and urinals.
 - (iii.) Plumbing system shall be designed and arranged so as to facilitate connecting to approved exterior water supply and sewerage disposal systems, provide adequate water supply to all plumbing fixtures and dispose of all liquid wastes therefrom.

- (i) *Heating Standards.* The following shall apply to heating units in a manufactured home.
 - (i.) A manufactured home shall contain:
 - Space heating equipment, and
 - Water heating equipment.
 - (ii.) Areas allowed for installation of space heating and water heating equipment shall provide adequate clearance so that the surface of adjacent combustible materials will not exceed a safe temperature. Curtains and draperies shall not be used in such areas.
 - (iii.) Space and water heating units shall be of an approved type for installation in a manufactured home. Fuel burning water heaters and furnaces other than those having a sealed combustion space, shall not be located in sleeping rooms, bathrooms and toilet rooms.
 - (iv.) Space heating units shall have sufficient capacity to maintain a minimum inside temperature of 70 F, based on the average of the recorded annual minimum outside temperatures for the locality and shall be provided with a manual or automatic temperature

control devices.

- (v.) Water heater units shall have sufficient capacity to deliver at each hot water outlet an ample supply of water at a minimum temperature range of 130 to 140 F, and such units shall be provided with safety devices arranged to relieve hazardous pressures and excessive temperatures.
 - (vi.) Electrical space and water heating equipment shall be an approved type and shall have adequate circuit protection devices.
 - (vii.) Gas and liquid fuel-burning equipment shall be specifically designed for the type of fuel used. Flues and vents shall be suitable for the type of fuel used and shall be installed so that the surface of adjacent combustible material will not exceed a safe temperature.
 - (viii.) Automatically operated heat-producing equipment using utility gas shall have a valve that will automatically shut off the flow of gas to the main burner when the pilot flame is extinguished.
 - (ix.) Automatically operated heat-producing equipment using liquefied petroleum gas shall have a valve that will automatically shut off the flow of gas to the pilot light and main burner when the flame is extinguished.
- (j) *Heating Ventilation Standards.* The following shall apply to heating ventilation of manufactured homes:
- (i.) Fuel-burning space and water heating units shall be vented. Other fuel-burning equipment shall be vented where the discharge of products of combustion into the space where the equipment is installed would be unsafe.
 - (ii.) Liquid fuel-burning equipment shall be vented and shall be provided with means to prevent spilling of fuel.
 - (iii.) Fuel storage containers and gas cylinders shall be mounted outside the manufactured homes, or in a space that is vented to the outside and is vapor-tight to the inside.
 - (iv.) Warm air supply ducts and fittings shall be of non-combustible material.
 - (v.) Return air ducts shall be of non-combustible material where exposed to temperatures which are unsafe for combustible materials.
 - (vi.) Return air grills indoors and partitions shall be of a permanent nonclosable type. Openings for return air shall not be located in bathrooms, toilet rooms or kitchenettes.
 - (vii.) Mechanical ventilation, when required, shall exhaust air at rates not less than the following:
 - For habitable space - 2 air changes per hour;
 - For bathroom and toilet rooms - 25 cfm; and
 - For kitchenettes - 100 cfm.
- (k) *Air Conditioning.* Air conditioning for habitable space provided in lieu of mechanical ventilation

shall supply an amount of air not less than that set forth in this Article with at least twenty-five percent (25%) of the required quantity taken from the outside.

(l) *Electrical Standards.* The following standards shall apply to the electrical system in manufactured homes:

- (i.) A manufactured home shall contain an electrical wiring system and service equipment.
- (ii.) Electrical wiring shall have adequate capacity for designed lighting and appliance equipment. Individual circuits shall contain overload protection devices.
- (iii.) At least one receptacle outlet shall be provided for each multiple of twelve (12) linear feet of wall space or major fraction thereof in each habitable space and kitchenette. Bathrooms and toilet rooms shall have permanently installed lighting fixtures and switches located so as not to be an electrical hazard.
- (iv.) Exterior equipment shall be weatherproofed to insure protection of equipment from the elements. Service equipment shall have means of quick disconnection from the source of supply.
- (v.) Provision shall be made for grounding noncurrent carrying metallic parts of the electrical system. Such grounding shall be common to one external supply point. Provision shall be made for exterior source grounding of electrical system.

(m) *Cooking and Refrigeration Standards.* The following standards shall apply to cooking and refrigeration units in a manufactured home:

- (i.) A manufactured home shall contain cooking equipment and refrigeration equipment.
- (ii.) Electrical cooking and refrigeration equipment shall be of an approved type for installation in a manufactured home and shall have adequate circuit protection devices.
- (iii.) Gas burning cooking and refrigeration equipment shall be of an approved type for manufactured home installation and connections to rigid pipe shall be made with approved flexible metal gas appliance connectors.
- (iv.) Fuel storage shall conform to the requirements of fuel storage for heating.

(n) *Interior Maintenance Required.* Floors, walls, ceilings, furnishings and fixtures shall be maintained in a clean and sanitary condition. Exits shall be maintained free of obstructions.

(o) *Garbage and Refuse Containers Required.* Suitable containers shall be provided for the temporary storage of garbage and refuse within the manufactured home.

(p) *Screening Requirements.* From May 1st to October 1st, entrances to the manufactured home shall be provided with self-closing type devices or screens, and windows and other openings used for ventilation shall be appropriately screened.

(q) *Manufactured Homes to be Pest Free-Extermination.* Manufactured homes shall be maintained free of insects, vermin and rodents. Extermination shall be effected in conformance with generally accepted practice.

(r) *Storage of Flammable Materials.* Flammable cleaning liquids and other flammable materials shall be stored in a safe, approved manner.

Sec. 3.303 Manufactured Home Park Plan

(a) *License Required.* It shall be unlawful to establish, maintain or operate any manufactured home park in the City of Holland, Texas, without first having obtained a license therefore. Application for such licenses shall be made in writing to the city secretary of the City of Holland in compliance with ordinances relating to license applications, and shall contain the name of the applicant, the location of the proposed park and the number of manufactured homes to be accommodated. (1978 Code of Ordinances, Chapter 3, Section 3B)

(b) *Manufacture Home Park Plan.* Each such application shall be accompanied by a plat or sketch showing the size and location of all buildings and structures. (1978 Code of Ordinances, Chapter 3, Section 3C)

(c) *License Fee.* The annual fee for such licenses shall be as provided for in the fee schedule found in the appendix of this code. (1978 Code of Ordinances, Chapter 3, Section 3D)

(d) *Attendant.* A responsible attendant, along with the licensee, shall be in charge of each manufactured home park while in operation to ensure compliance with the provisions of this article relating to the conduct of such parks. (1978 Code of Ordinances, Chapter 3, Section 3F)

(e) *Spacing Requirements.*

(i) Each manufactured home shall be allotted a site of not less than one thousand (1,000) square feet. No manufactured home shall be parked closer than five (5) feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten (10) feet to a public street, alley or building. Each individual manufactured home site shall abut or face on a driveway or clear unoccupied space of not less than twenty feet in width, which space shall have unobstructed access to a public highway or alley.

(ii) There shall be an open space of at least ten (10) feet between the sides of every manufactured home and at least five (5) feet between the ends of every manufactured home.

(1978 Code of Ordinances, Chapter 3, Section 3G)

(f) *City Water to be Supplied.* An adequate supply of pure water for drinking and domestic purposes from the city water supply system shall be supplied to meet the requirements of said manufactured home park. A water meter shall be installed in each such park and the licensee shall be responsible for paying for all fees and charges made for the use of water in such park. (1978 Code of Ordinances, Chapter 3, Section 3H)

(g) *Sewage Hook-Ups to be Provided.* Each manufactured home park shall provide sewage hook-ups for each individual trailer site and the licensee shall pay all fees and charges for sewage hook-ups and service provided by the city in said manufactured home park. (1978 Code of Ordinances, Chapter 3, Section 3I)

(h) *Owner to Provide for Garbage Collection.* It shall be the duty of the owner, his agent or caretaker

to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition. (1978 Code of Ordinances, Chapter 3, Section 3J)

- (i) *Parks to be Adequately Lighted.* The park shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors. (1978 Code of Ordinances, Chapter 3, Section 3K)

Sec. 3.304 Placement of Manufactured Homes and Modular Buildings

A HUD-Code Manufactured Home or modular building may be maintained on any private plot of land zoned for such dwellings in the City of Holland outside a designated park area if the following criteria are met:

- (a) The lot on which a single manufactured home or modular building is placed is no less than seven thousand five hundred (7,500) square feet and no less than seventy (70) feet frontage.
- (b) The manufactured home or modular building must be underpinned or enclosed to ground level.
- (c) The manufactured home or modular building must be hooked up to utilities in accordance with all city ordinances or codes relating to safety or sanitary provisions.
- (d) No manufactured home shall be placed behind an existing dwelling, whether it be conventional or modular in structure.
- (e) A permit shall be required for HUD-Code Manufactured Homes installed after the effective date of this ordinance. Any person seeking to move or place a HUD-Cod Manufactured Home on any lot, property or tract of land outside of an established park within the City must receive a permit. The following requirements shall apply to such application:
 - (i) Applications for permits shall not be deemed completed until the applicant has tendered an administratively complete application, including but not limited to an application including a listing of all property owners, and addresses, within two-hundred (200') feet of any portion of the property or property boundary upon which the proposed home is to be located (herein "adjoining property owners"), all fees and costs for notices are paid in full, and a form including the signature of each adjoining property owner approving of the permit, or for those refusing to sign approving of the permit or unreachable, a statement that the owner refused to agree to the permit and a correct address for such property owner or a statement that the property owner could not be located and the address and information collected by the applicant attempting to locate the property owner.
 - (ii) Upon receipt of all signatures approving a permit and/or a statement that the adjoining property owner(s) denied consent or is unable to be located and a fully completed application, including fees, the application shall be deemed administratively complete.
 - (iii) Any adjoining property owner refusing to approve the permit or for whom the

applicant is unable to locate shall be deemed a denial, unless otherwise approved by the City Council. The applicant may request a hearing before the City Council to consider the permit application; however, the application shall be deemed denied until overruled by the City Council.

- (iv) Administratively complete applications with approval of all adjoining property owners shall be forwarded to the City Council within 30 days of being deemed administratively complete for approval or denial. All adjoining property owners shall be notified of the date the City Council will hear the application.

(1978 Code of Ordinances, Chapter 3, Section 3L)

Sec. 3.305 Placement of Mobile Homes Prohibited

From and after the effective date of these provisions, it shall be unlawful to place any mobile home, as opposed to a manufactured home, in the City of Holland. Manufactured homes shall be allowed upon compliance with all relevant provisions of this article. Those mobile homes now present in the city shall be unaffected by this section, however, said mobile homes may not be moved to any new location in the city. (Ordinance adopting Code)

Sec. 3.306 Unfit Dwellings

(a) In addition to the standards set forth in Article 3.900 of this ordinance, any mobile home or manufactured home shall be subject to condemnation procedures when found to have any of the following defects:

- (i.) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (ii.) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(b) No manufactured home that was manufactured more than five years prior to proposed date of installation shall be installed, located or occupied within the City after the date of this Article. Save and except for a manufactured home delivered and installed by a licensed retailer or installer, no mobile home or manufactured home may be located, installed or occupied within the City without a permit being issued by the City. The fee for such permit and required inspection shall be \$50.00 and no such mobile home or manufactured home shall be located, installed or occupied within the City that is not inspected and found to be in compliance with all the applicable codes and ordinances of the City.

Sec. 3.307 Service of Notice for Unfit Dwellings

Whenever the CEO has determined that a mobile home displays defects as described in this Article or Article 3.900, he shall give written notice to the responsible parties as provided in Article 3.900 of such and shall placard the mobile home as unfit for human habitation in accordance with the following:

- (a) Such written notice shall include a description of the real estate sufficient for identification of the mobile home location.
- (b) The placard shall be placed on the main entrance of the mobile home and read:

"THIS MOBILE HOME IS UNFIT FOR HUMAN HABITATION; THE USE OF THIS MOBILE HOME FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL".

Sec. 3.308 Compliance with Written Notice

The responsible parties of the mobile home shall have ten (10) days from the date of service of the notice to bring the unfit dwelling into compliance with the provisions of this ordinance.

Sec. 3.309 Procedure on Noncompliance

(a) *Condemnation.* After the expiration of ten (10) days from the date of service of notice of unfit dwelling, the Board of Appeals shall hold a public hearing on all condemnation proceedings resulting from non-compliance following the procedures and the provisions of this Article and Article 3.900. The procedures set forth in Article 3.900 for a Dangerous Building shall be the applicable procedures.

(b) *Appeal.* The decision of the Board of Appeals may be appealed as provided in Section 3.909.

(c) *Notice of Condemnation.* Following the public hearing determining the mobile home to be unfit for human habitation, the Board of Appeals or the City Council, if appealed, shall immediately adopt a resolution condemning the mobile home and requiring the occupants to vacate the premises.

(d) *Vacating Mobile Home.* One of the following procedures are to be used when required to vacate the mobile home:

(i) Any occupant of a mobile home condemned as unfit for human habitation under the provisions of this section shall vacate said mobile home within thirty (30) days after adoption of said resolution by City Council.

(ii) The owner or occupant of a mobile home which has been condemned under the provisions of this Article may move said mobile home outside the city limits. Such action shall be deemed in compliance with this Article.

(e) *Further Occupancy Restricted.* Once the occupant or occupants of a mobile home which has been condemned and placarded as unfit for human habitation vacate said premises, no person shall again use said premises for human habitation until approval is secured from and such placard is removed by the CEO. The CEO shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

Sec. 3.310 Exceptions

Any new manufactured home delivered and installed by a licensed retailer or installer shall be exempt from the requirements of this Article as to quality of construction and construction standards, including but not limited to wiring and plumbing, so long as such home is maintained in substantially the same condition as when purchased and installed; provided that this exemption shall expire upon sale or conveyance of the manufactured home by the purchaser at retail to any third party.

Sec. 3.311 Additional Exceptions and Severability

If any provision of this Article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect

without the invalid provision or application, and to this end the provisions of this Article are declared to be severable. Further, no provision or term of this Article shall be interpreted as adding any additional requirement to any federal or state standard for the quality, construction and/or requirements for any manufactured home, but shall, with respect to manufactured homes, be applied to those homes that do not at anytime meet any such applicable standards, or that because of damage, deterioration or a failure to clean and maintain do not comply with such laws and this Article.

ARTICLE 3.500. PLUMBING CODE

Sec. 3.501 Adoption of the Plumbing License Law

For the protection and preservation of the health safety, property and the general welfare of the people of the city, the city hereby adopts Vernon's Ann. civ. St. art. 6243-101, as amended from time to time, cited as the "Plumbing License Law" in its entirety as its own. All plumbing work and plumbing inspections done in the city and on properties located outside the city being serviced by city water and/or sewer must be done in accordance with the Plumbing License Law.

Sec. 3.502 Adoption of International Plumbing Code

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Plumbing Code," 2000 edition, including Appendix Chapters B, C, D, E, F, and G, published by the International Code Council, is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "International Plumbing Code," 2000 edition, edition published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this article.

(b) *Amendments.* The International Plumbing Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Section 106.6.2. The fee schedule is located in the City Fee Ordinance.

Section 106.6.3. The CEO shall authorize the refunding of fees as follows:

2. Not more than 70 percent of the permit fee paid when no work has been performed under a permit issued in accordance with this code.
3. Not more than 30 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

Section 108.4. **Violations Penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directives of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$2,000 dollars per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- Section 108.5. Any person who shall continue any work on the system after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be liable for a fine of not less than \$200.00 dollars or more than \$2,000 dollars.
- Section 305.6.1. Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grades.
- Section 904.1. Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches above the rood, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

Sec. 3.503 Inspection and Supervision

- (a) *Position of Plumbing Inspector Created.* There is hereby created the position of plumbing inspector who shall be employed by the city.
- (b) *Qualifications of Plumbing Inspector.* The plumbing inspector shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- (c) *Plumbing Inspector to Avoid Conflicts of Interest.* The plumbing inspector shall not be directly connected in any way with any person, directly or indirectly, engaged in the business of plumbing or with plumbing suppliers.
- (d) *Duties of Plumbing Inspector.* The plumbing inspector shall:
- (i.) Enforce all provisions of this article, and such inspector is hereby granted the authority to enter all buildings within or without the corporate limits of the city when such buildings are connected, or are to be connected, to the municipal water and/or sewage system.
 - (ii.) Prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
 - (iii.) Inspect and test all plumbing work for compliance with this article and its adopted plumbing code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

Sec. 3.504 Plumbing Permit Fees

All applications for permits shall be made on suitable forms provided and in accordance with the following fee schedule set forth in Appendix A and the Administrative fee ordinance of the City.

Sec. 3.505 Connection to Water and Wastewater System

Water and wastewater services shall only be connected by City personnel or under the supervision of the City by a company authorized to service the property, and only after the plumbing of the location has been

inspected and approved by the CEO. Upon making an application for water and/or wastewater services, the applicant covenants that the location is in compliance with the policies and requirements of the City, the Plumbing Code, and all applicable government regulations.

(a) The responsible parties for any premises, and the contractor for any work performed thereon, shall be responsible for the compliance of such premises and work with the requirements of this Article. The responsible party and the contractor shall, by making the application for service, agree that if required changes and corrections are not made within thirty (30) days after such inspection and failure to approve, the City may discontinue service to the property until such changes have been made. The responsible party and the contractor shall, by making the application for service, release the City of Holland from any liability of every kind and nature for damage which may occur from plumbing connections of said premises or from failure to inspect said plumbing; and such permit application shall further be an agreement to hold the City of Holland harmless from any and all liability.

(b) No Certificate of Occupancy shall be issued or stay in effect for any premises not in compliance with this Article. The CEO may revoke any Certificate of Occupancy as provided in Article 3.100.

ARTICLE 3.700. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 3.701 Scope of Article

(a) The object of this article is to reduce the personal hazard and the fire hazard from electrical causes. To accomplish this, the requirements set forth in this article are intended to provide a minimum standard for electrical work and maintenance in the City.

(b) The provisions of this Article shall not be construed to apply to the installation, operation, alteration, or repairs of electrical installations or equipment owned and used by an electric light and power company, telephone and/or telegraph company, or railroad company for generation, transmission, distribution, or metering of electricity, or for the operation of signals or the transmission of intelligence.

Sec. 3.702 Definitions

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

"Apprentice Electrician" means, except as otherwise provided, a person undertaking the learning of the electrical trade and doing electrical work under the direct, constant personal supervision and control of either a licensed master electrician or a journeyman electrician and who has been properly registered with the CEO, as provided in this article.

"Circuit" means a final two or more wire branch circuit rated at 15 amperes, 120 volt or as required for load.

"Electrical inspector" means the chief electrical inspector and his duly authorized assistants.

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

"Electrical Wiring and Apparatus" means electrical wiring and apparatus means all materials, devices, machinery, appliances, appurtenances or conductors used in connection with the production of electrical lights, heat or power or the transmission of electrical signals.

"Journeyman electrician" means, except as otherwise provided, a person undertaking electrical work under the supervision, direction and control of a licensed master electrician and who has been properly registered. The term "journeyman electrician," however, shall not include an apprentice electrician, and nothing in this article shall be construed as prohibiting an apprentice electrician from doing electrical work under the direct, constant, personal supervision and control of either a licensed master or journeyman electrician.

"Maintenance" means the keeping in safe repair and operation of any and all existing installations, apparatus and equipment.

"Master electrician" means a person skilled in the planning, supervision, installation, alteration or changing of electric wiring and apparatus and familiar with the rules, laws and regulations governing such and who has been licensed in the manner provided by this article.

"Meter loop" means the service entrance conductors, meter base, service breakers or fuses, service disconnect, and the system and equipment grounding.

"Outlet" means a point on the wiring system at which current is or may be taken, consumed; lights, receptacle, etc.

"Permit electrician" means any person who has met all requirements for approval and has been granted a license or registration, which includes the privilege of taking out permits to install one or more types of electrical work, as covered by this article.

"Spot" means the location at which the power company will install the conductors supplying a customer.

Sec. 3.703 Adoption of National Electrical Code

(a) There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 1999 edition of the National Electrical Code and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the City Secretary. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions of such code shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the City.

(b) *Amendments.* The National Electrical Code is amended as follows:

Each Reference to "Jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Holland, Texas

Section 404.2. See the fee schedule adopted by Ordinance of the City.

Sec. 3.704 Electrical Inspectors

- (a) *Chief electrical inspector to keep records.* The Chief Electrical Inspector, and his assistants, shall keep a complete record of the activities of the electrical inspection division and shall render monthly and yearly reports to the Chief Executive Officer, or to any person duly designated by the Chief Executive Officer.
- (b) *Qualifications of Chief Electrical Inspector.* The Chief Electrical Inspector, and his assistants, shall be well versed in electrical safety requirements generally, and especially those set out in this Article, the National Electrical Code, and the safety regulations of the state applying to electrical work.
- (c) *Inspectors to Enforce Article.* The Chief Electrical Inspector, and his assistants, are hereby authorized, empowered and directed to enforce all of the provisions of this Article, and the Electrical Inspector, and his assistants, are hereby vested with full authority to enter any building or premises and any manhole, subway or plant at any time during business hours and at any and all times in case of emergency in the discharge of their duties. They are authorized to pass upon and decide any questions under the provisions of this Article.
- (d) *Answering Questions.* The Electrical Inspector shall answer any relevant questions concerning, or give any desired information in respect to the meaning, intent or application of the regulations and rules of this Article.
- (e) *Requiring of Plans and Specifications.* The Electrical Inspector shall, when he deems it necessary to accomplish the objectives of this article, require plans and specifications as prepared by the architect. When such plans and specifications are demanded, it shall be a violation of this article for any person to install any part of the electrical work concerned until the electrical inspector approves the installation.
- (f) *Inspection of all Electrical Work.* The City may, but shall not be required to, inspect all electrical work. The City may rely on a representation by an owner or electrician that electrical work has been completed in compliance with this Article; provided that the Electrical Inspector shall make a thorough inspection of all electrical work within the city from time to time, and where the electrical work is in a dangerous or unsafe condition, or is deemed to be an interference with the work of the fire department of the city, the inspector shall notify the person owning, using or operating such electrical work to place same in a safe, secure and noninterfering condition. Any person failing, neglecting or refusing within a reasonable time to make the necessary repair or changes, and have the necessary work completed within a reasonable time after the receipt of such notice, shall be deemed guilty of violation of this Article. Every day which shall elapse after the expiration of such reasonable time until the wires and apparatus are repaired, removed or changed, as required by the electrical inspector, shall be considered a separate offense within the intent and meaning of this Article.

Sec. 3.705 Master and Journeyman Electrician License

- (a) *License required.* No person shall engage in the business of contracting or, installing, altering or repairing any electrical work within the City which is regulated by this Article, unless such person has been issued a master electrician's license, as specified in this section, except as otherwise set out.
- (b) *Journeyman Electrician.* A journeyman electrician is a person holding a journeyman's license. No journeyman electrician shall perform any work except under the direct order and supervision of duly licensed master electrician by whom he is employed.
- (c) *Application for a Master Electrician's License.*

- (i) Application for a license as a master electrician shall be made in writing to the CEO, stating the name and address of the applicant, a statement as to the active and practical experience of the applicant and such other relevant information as may be required by the CEO.
 - (ii) The applicant for a license as master electrician shall, in his application for a license or the renewal of a license, state the firm name under which he will do business, the business address and the names of the partners or officers of the corporation.
- (d) *Qualifications.* To qualify for a master electrician license, the applicant must prove to the satisfaction of the CEO any of the following:
- (i) Current registration as a professional electrical engineer in the state
 - (or)
 - (ii) Four years' experience as a journeyman electrician or the equivalent thereof as specifically approved by the CEO. The completion of each equivalent year of study of an engineering curriculum at an accredited college of engineering shall count as a year of the required experience, but not more than three years shall be credited for this course.
 - (and)
 - (iii) Southern building Code Congress International (SBCCI) Master's Electrician's Certification.
 - (or)
 - (iv) Proof of a master electrician's license honoring SBCCI testing.
- (e) *Identification.* Each master electrician shall be assigned a number which will be his permanent identification; this assigned number will appear on the master electrician's license each year when renewed and shall be displayed in his current place of business. A master electrician who is employed as a master electrician for a person, firm or corporation shall take out electrical permits only for the person, firm or corporation. A master electrician who is engaged in the electrical business for himself shall take out electrical permits for his business only.
- (f) *Journeyman Electrician Registration.*
- (i.) No person shall undertake any work as a journeyman electrician unless such person shall have first registered with the CEO and received his license from the CEO as a journeyman electrician.
 - (ii.) An application for a license as journeyman shall be made in writing to the CEO, stating the name and address of the applicant, a statement as to the active and practical experience of the applicant and such other relevant information as may be required by the CEO.
 - (iii.) The license issued to a journeyman electrician shall specify the name and address of the person to whom the license is issued and the date of the issuance thereof, the expiration date and such other information as may be deemed relevant by the CEO.
- (g) *Journeyman Electrician Qualifications.* To qualify for a journeyman electrician's license, the applicant must prove to the satisfaction of the CEO either of the following:
- (i.) Four years of active and practical experience, during which four year period he shall have devoted not less than two-thirds of his time, exclusive of normal periods of rest and

recreation, to electrical work in general. For the purpose of this subsection, a degree or diploma from an accredited school of electrical engineering shall be considered as the equivalent of two years' active and practical experience.

(and)

(ii.) Southern Building Code Congress International (SBCCI) Journeyman Electrician's Certification.

(or)

(iii.) Proof of a journeyman electrician's license SBCCI testing.

(h) *Presentation of License.* Every holder of a Master or Journeyman Electrician's license shall carry his certificate while performing acts which such certificate entitles him to perform.

(i) *Expiration.* All licenses are to expire on December 31 of each year unless the license has been revoked by the CEO.

Sec. 3.706 Electrical Signs

(a) *Applicability of Section.* The provisions of this section shall apply to all electrical signs, outline wiring and to all classes of lighting used for advertising purposes or to attract attention.

(b) *Conditions for Erection.* No electrical sign shall be erected, installed or connected to a source of energy within the City unless such sign bears an approval label of the Underwriters' Laboratories, Inc., or unless it has met the requirements set forth in this section for signs and has an approval card attached by the electrical inspector. All signs erected before an inspection is called for must be open, and means of access shall be supplied by the person erecting the sign.

(c) *Permit Required.* No signs or neon tubing shall be installed until a permit has been applied for and issued by the electrical inspector. No sign or neon tubing shall be connected to a source of energy until an approval tag is attached to the same by the electrical inspector.

(d) *Compliance with National Electrical Code.* No neon or similar tubing and no electrical work regulated by this article shall be fastened to any sign structure which does not comply with section no. 600-21 of the National Electrical Code.

(e) *Fees.* Fees shall be paid for each sign constructed and for each installation of neon or similar tubing which is installed within the city. Fees are to be paid in full prior to operation.

(f) *Permits; Inspection Fees.* Appendix A shall govern all permits and inspection fees.

(g) *Installation of High Tension Conductors.* All high tension conductors installed within a building shall be enclosed in approved raceways and shall be equipped with insulation approved for the voltage of the circuit, except:

(i.) Short connections between the tube terminals, which are enclosed in glass in an approved manner, may be bared conductors; and

(ii.) As set forth in section no. 600-31(f) of the National Electrical Code. Outside the main building walls, the conductor for high tension current shall be equipped with insulation approved for the voltage of the circuit and shall be enclosed in rigid conduit, except that when conductors are not readily accessible from a standing surface, they may be installed exposed, if supported or approved insulators at intervals not exceeding two feet and so

arranged that all required clearance will be maintained permanently. Straight connections between tube terminals may be enclosed in glass and supported in an approved manner.

Sec. 3.707 Special Licenses

(a) *Required in Certain Cases.* No person shall assemble or manufacture any appliances, equipment or apparatus to be used in the City, and which is partly or wholly operated by electricity at a potential of 50 volts or more, unless the same bears an approval label of the Underwriters' Laboratories, Inc., until such person has been granted a license by the board.

(b) *Conditions.* Such license shall be limited to the electrical work within or attached to appliances, equipment and apparatus specified on the license and permits. Inspection and inspection fees, as called for in this Article, shall be required. A special license shall not include any privilege to do any other electrical work, or to connect to or to disconnect from a source of energy.

Sec. 3.708 Electrical Permits and Inspections

(a) *Required under Certain Conditions.* It shall be unlawful for any person to install, alter, change or repair any electrical work in the City, as covered by this Article, without first having applied for and obtained a permit to make such installation, alteration, change or repair. No alteration or change shall be made in the electric wiring or apparatus located within a building nor shall any such electric wiring or apparatus be installed in any building without first securing a permit therefore, except as provided in this section, nor shall any change be made in any wiring or apparatus after inspection without notifying the electrical inspector and securing a new permit therefore.

- (i) If the duly licensed master electrician on the job is not the owner or a co-owner of the firm, corporation or association engaged in the installation or alteration of electrical wiring or apparatus within the city, the licensed master electrician must be a duly appointed officer of the firm or corporation.
- (ii) No firm, corporation or association shall enter into any contract to do electrical wiring or apparatus installation or permit any employee to make such installations unless the owner, co-owner or duly appointed officer holds a valid master electrician's license issued by the CEO.
- (iii) No person shall be granted a permit until he has fully complied with all requirements of this Article as a permit electrician.
- (iv) Applications for permits shall be on forms furnished by the Electrical Inspector. All applications for permits and requests for inspection shall be made to the office of the electrical inspector.

(b) *Not Required under Certain Conditions.* No wiring, poles, duct lines, guy anchors, apparatus, devices, appliances, fixtures or equipment, without first securing a permit therefore from the CEO, except as follows:

- (i.) No permit shall be required for replacing fuses or lamps or the connection of portable equipment to suitable receptacles which have been permanently installed or for repairs to portable appliances.
- (ii.) No permit shall be required for the installation, maintenance or alteration of electric wiring,

apparatus, devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's premises other than wiring or repairs to apparatus which is part of the company's distribution system, including metering equipment, meter cabinets, and meter related connections wherever located and transformer vaults in which the company's transformers are located, nor shall any of its employees do any work other than that done for the company as provided in this subsection by virtue of this exception.

- (iii.) No permit shall be required for the installation of temporary wiring apparatus, devices, appliances or equipment used by a recognized electrical training school or college.
- (iv.) No permit shall be required for the installation and maintenance of railway crossing signal devices, when such is performed by due authority of the railroad and in accordance with the standards of the American Railroad Association and in collaboration with and approval of the city street department.
- (v.) No permit shall be required for installation of electrical bells or other low energy wiring, provided such installation is made by a licensed electrician. Intercom and public address systems shall also be considered low energy wiring.
- (vi.) No permit shall be required where specially exempt in this Article. No permit shall be required for repairing portable appliances.
- (vii.) No permit or license shall be required for minor repairs performed by a homeowner on his or her "homestead", including such repairs as replacement of sockets, fuses, drop cords, snap switches, and the like.
- (viii.) No permit shall be required for replacing flush or snap switches, receptacles, lamp sockets, the installation of lamps or minor repairs on permanently connected electrical appliances and lighting fixtures.

Where no permit is required for the installation or repair of wiring, apparatus, devices or equipment for the transmission, distribution or utilization of electric energy for any purpose, the wiring, apparatus, devices and equipment shall be installed or repaired in conformity with this article.

(c) *Building Permit Number Required.* In all cases requiring building permits, the Electrical Inspector shall not issue an electrical permit until he has been furnished the building permit number issued by the CEO to the owner or his authorized agent.

Sec. 3.709 Inspections

(a) *Electrical Work not to be Concealed Until Inspected and Approved.* No electrical work for which a permit is required under this Article shall be concealed in any manner from access or sight until such work has been inspected or approved by the electrical inspector. No electrical work shall be connected to a source of energy until the electrical work is completed or has the approval of the Electrical Inspector.

(b) *Twenty-four-hour Notice Required.* Any person having charge of the construction, alterations or repair of any buildings, or any other person who covers or conceals, or causes to be covered or concealed, or any such person who connects, or causes to be connected, any electrical work, for which a permit has been issued or is required, before such electrical work has been inspected and approved, without having

notified the Electrical Inspector at least 24 hours previously, shall be subject to the penalty provided for in this Article.

(c) *Final Inspection.* When any electrical work for which a permit is required has been installed, the permit electrician in charge shall deliver to the office of the Electrical Inspector a request for the final inspection. The electrical inspector may inspect the electrical work.

(d) *Electrical Requirements Met.* If the electrical work meets all requirements of this Article, the Electrical Inspector shall immediately make the necessary service records, and allow the City or other utilities, to connect the work to a source of supply. Should the electrical work fail to meet the requirements of this Article, the Electrical Inspector shall notify the permit electrician in writing of all the defects. The permit electrician shall, within a reasonable time, correct such defects and notify the electrical inspector. If inspection and reinspection is made, the person taking out the permit shall pay a reinspection fee, as provided in Appendix A. When any permit electrician fails or refuses to provide a statement of compliance or request a final inspection, the owner of the premises on which the electrical work has been performed may request an inspection, and, upon payment of a reinspection fee by such owner or person, the electrical inspector shall inspect the electrical work as soon thereafter as practicable.

(e) *Completion of Partial Work.* When a master electrician does not have the contract for the finishing of the electrical work covered by his permit, he shall make his inspection request to the electrical inspector when his part of the work is completed.

(f) *Certificates of Approval.* A written certificate of approval shall be used, upon request, to a permit electrician to cover any electrical work approved by the Electrical Inspector.

(g) *Defects to be Promptly Corrected.* When a permit electrician is given notice that defects exist in his electrical work, he shall make corrections promptly. If these corrections are not made within thirty (30) days, he shall not be issued any other permits until the defects are corrected and approved by the Electrical Inspector; provided, however, that a time extension may be granted in writing by the Electrical Inspector.

(h) *Compliance with Article Provisions.* No permit or certificate on inspection shall be conclusive as against the City that the electrical work therein referred to has been installed in conformity with the requirements of the law, but the owner of the premises, the permit electrician, and all other persons concerned shall be obligated to see that all matters, things and acts to which this article and such permit or certificate relate shall conform to the regulations of the City.

Sec. 3.710 Fees and Reinspection

(a) *Required under Certain Conditions.* The fees listed in Appendix A and the Administrative fee ordinance of the City shall be paid to the City for any electrical work done in the city for which a permit is issued, or is required by this Article.

(b) *Provision of Utility Services; Requirements.* The CEO will not make the final inspection until all required fees have been paid. No utility services, other than temporary services for construction, or Certificate of Occupancy will be provided by the City until the statement of compliance has been given, or the final inspection has been made and the work approved by the Electrical Inspector.

(c) *Other Fees.* When fees are not set up in this section, the Electrical Inspector shall set fees that are consistent with fees established in this ordinance. Inspection fees are subject to change by the City Council at any time.

(d) *Reinspections.* When any electrical work, as covered by this Article, is reported to the Electrical Inspector as ready for inspection and, upon such inspection, the electrical work does not meet the requirements of this Article, the permit electrician shall be notified of the defects. After correcting the defects, he shall call for a reinspection and be charged a reinspection fee of up to the initial inspection fee.

(e) *Payment of Fees.* Unless otherwise stated in this Article, all fees shall be delivered to the City and all fees shall be payable during regular business hours at the office of the CEO at the City municipal building. All accounting and records concerning finances covered by this Article shall be under the supervision and control of the Finance Director.

DIVISION 2. ELECTRICAL STANDARDS

Sec. 3.711 Safety and Inspection Standards

(a) *Electrical Work to Conform with Standards.* No electrical work in the City shall be approved unless the electrical work has been represented as in conformity with this Article and the laws of the state, and unless such electrical work has been represented as in conformity with the approved methods of construction for the safety of life and property. When not specifically covered by this Article, the regulations as prescribed by the National Electrical Code shall be prima facie evidence of such approved methods, provided that the provisions of this Article shall prevail over the National Electrical Code in case of conflicting provisions.

(b) *Electrical Installations.* All electrical work as covered by this Article shall be installed in a safe and secure manner with materials of such kind, quality and capacity as will maintain satisfactory and economical service to both the service and consuming parties. No electrical materials, devices or appliances shall be used or installed in the City unless such materials, devices and appliances are in conformity with the provisions of this Article and the laws of the state, and unless same are in conformity with the approved methods of construction for safety to life and property. Unless otherwise covered by this article, conformity of electrical materials, devices and appliances with the Standards of Underwriters' Laboratories, Inc., as approved by the American Standards Association, and other standards approved by the American Standards Association shall be prima facie evidence that such electrical materials, devices and appliances comply with the requirements of this Article.

Sec. 3.712 Wiring and Other Specifications

(a) *Wiring in Residential Districts.* All structures located within residential districts may be wired in any wiring method approved by the National Electrical Code.

(b) *Wiring in any Other Districts.* All structures located in any other use or districts, including business, commercial and industrial, shall be wired in one or more of the following approved methods:

- (i.) Standard rigid conduit;
- (ii.) Thin wall conduit; and
- (iii.) Surface metal raceways.

(c) *Flexible Metallic Conduits.* Flexible metallic conduits may be used to connect up vibrating equipment, provided it does not exceed six feet in length without prior approval of the electrical inspector, as provided for under subsection (d) of this section. Flexible metallic conduits shall not be enclosed in plaster. Flexible metallic conduits, as the expression is used in this section means Greenfield, not BX

cable. BX cable shall not be used without prior approval in writing from the Electrical Inspector.

(d) *Exceptions.* The following exceptions to the wiring methods outlined in subsection (c) of this section shall be recognized:

- (i.) Equipment wired with other methods and which bears the Underwriters' Laboratories, Inc., label of approval.
- (ii.) Wiring methods especially approved in this Article.
- (iii.) The electrical inspector may approve other methods of wiring, such as special raceway, or busways, or methods to meet conditions where the methods named in subsections (b) and (c) of this section are not suitable for the use intended, or where the National Electrical Code requires a certain method.

(e) *Other Conduits.* Only rigid metal (not thin wall) and nonmetallic conduit shall be used underground within concrete construction, where exposed to excessive moisture, and where required under the National Electrical Code, except that thin wall conduits may be run through a concrete beam or wall without coupling or connection. Thin wall conduit will be considered as not exposed to weather if run on the ceiling 24 inches or more from the outside edge of an awning or on side walls more than 45 degrees inside from a vertical line at the outside edge of a roof.

(f) *Requirements for Metal Enclosed System.* No metal enclosed system shall be installed which does not allow the easy pulling and replacing of the conductors which it encloses.

(g) *Moved-in Buildings.* Moved-in houses and other types of buildings shall be treated as new construction under this Article. Old buildings moved within the City limits shall meet the requirements of this Article for repair work. New buildings moved within the City limits shall be treated as new construction under this Article.

(h) *Rewirings or Additions.* Any rewiring or additions to existing wiring representing over 60 percent of the original outlets' installations value shall require the total installation to meet the requirements of this Article.

(i) *Prohibited Metal.* All internal electrical wiring will be copper. Aluminum wiring is prohibited.

Sec. 3.713 Connection of Electricity

Electric service shall only be connected by City personnel or under the supervision of the City by the electrical company authorized to service the property, and only after the wiring of the location has been inspected and approved by the CEO. Upon making an application for services, the applicant covenants that the location will be wired in accordance with the policies and requirements of the City, the National Electric Code, the National Electrical Safety Code, and all applicable government regulations.

(a) The responsible party for any premises, and the contractor for any work performed, shall be responsible for the compliance of such premises and work with the requirements of this Article. The responsible party and the contractor shall, by making the application for service, agree that if required changes and corrections are not made within thirty (30) days after such inspection and failure to approve, the City may discontinue service to the property until such changes have been made. The responsible party and the contractor shall, by making the application for service, release the City of Holland from any liability of every kind and nature for damage which may occur from defective wiring of said premises or

from failure to inspect said wiring; and such permit application shall further be an agreement to hold the City of Holland harmless from any and all liability.

(b) No Certificate of Occupancy shall be issued or stay in effect for any premises not in compliance with this Article. The CEO may revoke any Certificate of Occupancy as provided in Article 3.100 of this ordinance.

Sec. 3.714 Remediating Dangerous or Unsafe Conditions

Where wires or apparatus are found in dangerous or unsafe condition or are deemed to be an interference with the work of the fire department, the Electrical Inspector or CEO shall notify the person owning, using or operating such to place them in safe, secure and non-interfering condition. Any person failing, neglecting or refusing within a reasonable time after the receipt of the notice, as provided in Section 3.113, shall be deemed guilty of violation of this ordinance, and every day which shall elapse after ten (10) days until the wires and apparatus are repaired, removed or changed as required by the Electrical Inspector, CEO or Fire Marshal shall be considered a separate offense within the intent and meaning of this ordinance.

Sec. 3.715 Turning Off Current by Fire Marshall, Electrical Inspector or CEO

The chief of the fire department, an electrical inspector, the CEO or a competent person delegated by them or either of them shall have the power to at once cause the removal of all wires or the turning off of all electric current where the circuits interfere with the work of the fire department during the progress of a fire. The electrical inspector is hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus, which are deemed by him to be in an unsafe condition or which have not been installed in conformity with this Article.

ARTICLE 3.900. DANGEROUS BUILDING ABATEMENT CODE

Sec. 3.901 Purpose of Article

There is hereby adopted by the city the code referred to in this article for the purpose of providing a just, equitable and practicable method, to be cumulative with and in addition to any other remedy by the building code, housing code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. The purpose of this article is not to create or otherwise establish or designate any particular class or group of persons whom will or should especially be protected or benefited by the terms of this article.

Sec. 3.902 Adoption Standard Unsafe Building Abatement Code, 1985 Edition

The Standard Unsafe Building Abatement Code, 1985 Edition, published by the Southern Building Code Congress International, Incorporated, a copy of which has this day been exhibited to and approved by the City Council of the City of Holland, and certified copies of which are on file in the offices of the City Secretary of the City of Holland, is hereby adopted by reference and declared to be the Unsafe Building Abatement Code of the City of Holland for the regulation, vacation, removal, repair, or demolition of unsafe buildings in a timely and legal manner in the City of Holland; save and except Section 105.1 which deals with the composition of the membership of the Board of Appeals which is hereby amended to provide that the composition of the Board of Appeals of the City of Holland shall be five (5) citizens of the City and, further provided that preference shall be given to qualified architects, engineers, and citizens knowledgeable in the construction

industry, for such board appointments; and save and except sections 302, 304, 401, 501.1, 501.4 504.2, 601, and 602 which are deleted in their entirety and replaced by the provisions of this ordinance.

Sec. 3.903 Definitions

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

"Dangerous Building" or "Unsafe Building" or "Unfit Dwelling" means any structure or building located within the incorporated limits of the City that is:

- (i) in such a state or condition of repair or disrepair that all or any of the following conditions exist:
 - A. Walls or other vertical structural members list, lean, or buckle;
 - B. Damage or deterioration exists to the extent that the building is unsafe;
 - C. Loads on floors or roofs are improperly distributed or the floors or roofs are of insufficient strength to be reasonably safe for the purposes used;
 - D. Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City;
 - E. The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working, or living therein or is a hazard to the public health, safety and welfare;
 - F. Light, air, and sanitation facilities are inadequate to protect the health, morals, safety, or general welfare of persons who assemble, work, or live therein;
 - G. Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
 - H. Parts or appendages of the building or structure are so attached that they are likely to fall and injure persons or property;
- (ii) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare of the City's residents;
- (iii) regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- (iv) boarded up, fenced or otherwise secured in any manner if:

- A. the building constitutes a danger to the public even though secured from entry; or
- B. the means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- C. defined as a dangerous or unsafe building by the Standard Unsafe Building Abatement Code, 1985 Edition, published by the Southern Building Code Congress International, Incorporated.

Sec. 3.904 Unsafe Buildings Declared a Nuisance

Chapter 214, Tex. Loc. Gov't Code, is hereby adopted by the City and made a part of this Article. In the event of any conflict or inconsistency between the terms and provisions of this Article and Chapter 214, the terms and provisions of Chapter 214 shall govern and control.

- (a) It shall be unlawful for any person to maintain or permit the existence of any Unsafe Building, Unfit Dwelling or Dangerous Building in the City; and it shall be unlawful for any person to permit same to remain in such condition.
- (b) All Unsafe Buildings, Unfit Dwelling or Dangerous Building are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this ordinance.
- (c) The CEO shall enforce the provisions of this Article.

Sec. 3.905 Inspections and Duties of the CEO

The CEO shall inspect, or cause to be inspected, every building, or portion thereof, reported to be unsafe. If such building, or any portion thereof, is determined to be unsafe, the CEO shall give the responsible parties notice in accordance with the notice requirements set forth in this ordinance. The CEO shall further:

- (a) Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the City, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a "Dangerous Building" as defined herein.
- (b) Inspect any building, wall or structure about which complaints have been filed by any person to the effect that a building wall or structure is or may be existing in violation of this ordinance.
- (c) Report to the Board of Appeals any non-compliance with the minimum standards set forth in this ordinance. The City CEO shall obtain from the secretary of the Board of Appeals a hearing date for a public hearing by the Board of Appeals on any structure believed to be a Dangerous Building and shall provide the secretary of the Board of Appeals with copies of the written notice to persons with interests in the property as provided for in Section 3.906 hereof.
- (d) Appear at all hearings conducted by the Board of Appeals and testify as to the conditions of Dangerous Buildings within the City.

(e) Place a notice on all Dangerous Buildings reading as follows: "This building has been found to be a dangerous building by the City of Holland CEO. This notice is to remain on this building until it is repaired, removed, vacated, or demolished in accordance with the notice which has been given to the owner(s), occupant(s) and person(s) with interests in the property. It is unlawful to remove this notice until such notice is complied with."

(f) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this ordinance.

Sec. 3.906 Notice to Repair

(a) *Written notice.* Should the CEO determine that any building or structure within the incorporated limits of the City is a Dangerous Building or Unsafe Building he/she shall cause written notification to be sent, by certified mail or personal delivery, to the owner and all other persons having an interest in the building after a diligent effort to discover each owner, mortgagee, and lienholder. Such notice shall be served upon the Responsible Parties as set out in this ordinance and contain:

- (i) a description of the building or structure deemed unsafe and its location;
- (ii) a statement of the particular violation which makes the building or structure a Dangerous Building;
- (iii) notice of the date and time of a public hearing before the Board of Appeals to determine whether the building complies with the standards set out in this ordinance;
- (iv) a statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the amount of time it will take to reasonably perform the work.

(b) *Sufficiency of notice.* Notwithstanding any other term or provision of this ordinance or the Code, notice given pursuant to this ordinance shall be sufficient and deemed properly served upon the Responsible Parties if a copy thereof is:

- (i) served upon him/her personally; or
- (ii) sent by registered or certified mail, return receipt requested, to the last known address of such person as shown on the records of the City and the Tax Appraisal District; and
- (iii) posted in a conspicuous place in or about the building affected by the notice.

(c) *Posted notice.* Where the building is a dwelling, the posted notice shall include the following statement:

"THIS DWELLING IS UNFIT FOR HUMAN HABITATION; THE USE OF THIS DWELLING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

(d) *Compliance with Notice.* The Responsible Parties of the Dangerous Building shall have ten (10) days from the date of service of the notice to bring the unfit dwelling into compliance with the provisions of this ordinance.

(e) *Further Occupancy Restricted.* Once the occupant or occupants of a dwelling which is condemned have been notified and a placard declaring the building unfit for human habitation is in place, no person shall again use said premises for human habitation until approval is secured from and such placard is removed by the CEO. The CEO shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(f) *Refused or Unclaimed Mail.* All mailed notices shall be deemed sufficient and delivered if returned "refused" or "unclaimed".

Sec. 3.907 Search Efforts

Notices sent pursuant to this ordinance shall be sent to the address of the owner, lienholder, mortgagee or persons with legal interests in the building as determined by a reasonable search of records to include:

- (a) county real property records;
- (b) appraisal district records;
- (c) records of the secretary of state, if the property owner or lienholder is a corporation, partnership, or other business association;
- (d) assumed name records;
- (e) tax records; and
- (f) utility records of the City.

Sec. 3.908 Duties of the Board of Appeals

The Board of Appeals shall:

(a) *Hearing.* Schedule and hold a hearing and hear testimony from the CEO, the owner and other persons having an interest in the Dangerous Building, and any person desiring to present factual evidence relevant to the Dangerous Building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a Dangerous Building and the scope of any work that may be required to comply with this ordinance and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the Dangerous Building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this ordinance and the time it will take to reasonably perform the work.

(b) *Vote.* Upon conclusion of the hearing, the Board of Appeals shall determine by majority vote whether the building or structure in question is a Dangerous Building. Upon a determination that the building or structure in question constitutes a Dangerous Building, the Board of Appeals shall issue a written order:

- (i) containing an identification of the building and the property on which it is located which is not required to be a legal description;
- (ii) making written findings of the violations of the minimum standards that are present at the building;

- (iii) a statement of the particular violation which makes the building or structure a Dangerous Building;
- (iv) requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within thirty (30) Days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, in which instance the Board of Appeals shall specify a reasonable time for the completion of the work; and
- (v) containing a statement that the City will vacate, secure, remove or demolish the Dangerous Building and remove the occupants of the building if the ordered action is not taken within the time specified by the Board of Appeals.

(c) *Notice.* If repair or demolition is ordered, the Board of Appeals shall send a copy of the Order by certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders within ten (10) days after the hearing. Within ten (10) days after the date that the Order is issued, the City shall:

- (i) file a copy of the Order in the office of the municipal secretary or clerk; and
- (ii) publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
 - (A) the street address or legal description of the property;
 - (B) the date of the hearing;
 - (C) a brief statement indicating the results of the Order (may be a copy of the Order); and
 - (D) if not provided in the notice, instructions stating where a complete copy of the Order may be obtained.
- (iii) If repair or demolition is ordered and notice of public hearing was not filed in the Official Public Records of Real Property of Bell County, the City may file and record a copy of the Order in such records of Bell County.

(d) *Secure property.* If the Board of Appeals allows the owner or a person with an interest in the Dangerous Building more than thirty (30) days to repair, remove, or demolish the building, the Board of Appeals in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the CEO.

(e) *Plans required.* The Board of Appeals may not allow the owner or person with a legal interest in the Dangerous Building more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:

- (i) submits a detailed plan and time schedule for the work at the hearing; and
- (ii) establishes at the hearing that the work cannot reasonably be completed within ninety (90)

days because of the scope and complexity of the work.

(f) *Order to continue work.* If the Board of Appeals allows the owner or person with an interest in the Dangerous Building more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the Board of Appeals shall require the owner or person to regularly submit progress reports to the Board of Appeals to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the CEO to demonstrate compliance with the time schedules.

Sec. 3.909 Appeal to the City Council and Public Hearing

Any owner or persons having a legal interest in a building or structure that is aggrieved by the decision of the Board of Appeals may appeal such decision to the City Council within ten (10) days from the date of the decision appealed. In such event, the City Council shall set a time and date for hearing such appeal and hold such hearing within thirty (30) days from the date of the appeal or as soon as practicable.

(a) *Notice of Public Hearing.* In the event the Board of Appeals has determined that demolition of a residential structure is the proper action and such decision is appealed, written notice of such public hearing shall be sent to owners of real property lying within two hundred feet (200') of the property on which the appeal is made not less than ten (10) days before the date set for the hearing. Such notice may be served by depositing the same properly addressed and postage paid in the United States Post Office. All other public hearings on appeals, shall be noticed as provided in Chapter 551 of the *Tex. Gov't Code*. Notice shall also be given by publishing the same prior to the date set for the hearing which notice shall state the time and place of such hearings.

(b) *Purpose of Public Hearing.* The purpose of the public hearing of the appeal shall be to determine whether or not the building is an Unsafe Building or a Dangerous Building in accordance with the standards set forth in this ordinance, and to uphold, reverse or modify the decision of the Board of Appeals.

(c) *Public Hearing.* The matter shall be set for hearing before the City Council at the earliest practicable date and notice of said hearing shall be served on the Responsible Parties, each known mortgagee and lienholder, and the CEO not less than ten (10) days prior to date of said hearing. All interested persons shall have the opportunity to be heard and may introduce evidence to the City Council for its consideration.

(d) *Findings.* After the public hearing, the City Council shall make such findings and orders as it shall deem appropriate. Following the public hearing determining that a building or structure is unfit for human habitation, the City Council shall immediately adopt a resolution condemning the building or structure and requiring the occupants to vacate the building or structure.

(e) *Orders.* After the public hearing, if a building is found in violation of standards set out in this ordinance, the City Council may order that the decision of the Board of Appeals be affirmed, reversed or modified and, in the latter instance, that the building be vacated, secured, repaired, removed or demolished by the owner within a reasonable time. The City Council also may order that the occupants be removed within a reasonable time. The City Secretary shall send to each identified mortgagee and lienholder a notice containing:

- (i) a legal identification and/or address of the building and the property on which it is located;
- (ii) a description of the violation of the Code of Ordinances (if any) that is found by the City Council to be present at the building; and

- (iii) a statement that the municipality will vacate, secure, remove, repair, or demolish the building or remove the occupants of the building if the ordered action is not taken within a reasonable time; or that the City will take no action.

(f) *Alternative Procedure.* As an alternative to the procedure prescribed by Subsection (e), described above, the City Council shall make a diligent effort to contact each mortgagee and lienholder before conducting the public hearing and shall give them a notice of, and an opportunity to comment at, the hearing. If the City proceeds under this subsection, the order issued by the City Council shall specify a reasonable time for the building to be vacated, secured, repaired, removed or demolished and an additional reasonable time for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner or other responsible person fails to comply with the order within the time provided for action. Under this subsection, the City is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner or other responsible party fails to timely take the ordered action.

Sec. 3.910 Assessment of Expenses and Penalties

(a) *Order.* If an appeal has been made to the City Council by any interested party, and if the City Council has held a hearing pursuant to Section 3.909 (c) and the time allotted for the repair, removal or demolition of a building under Section 3.909 (e) or Section 3.909 (f) has expired, then the City Council may, in addition to the authority granted under Chapter 214, Local Government Code and the foregoing sections of this Article:

- (i) order the repair of the building at the City's expense and assess the expenses on the land on which the building stands or to which it is attached;
- (ii) assess a civil penalty of up to \$1,000.00 per day against the responsible party for failure to repair, remove or demolish the building; and
- (iv) the CEO shall invite at least two (2) or more building contractors to make estimates pertaining to the needed repair, removal or demolition of a building. The CEO shall cause to be made an assessment of expenses or civil penalty based on such estimates. The CEO shall endeavor to minimize the expenses of any building repairs, removal or demolitions order pursuant to this Article.
- (v) authorize and take such other action as contemplated by this Article, or *Chapter 214*, as is necessary or advisable in the judgment of the City Council to protect the public health, safety or welfare.

(b) *Abatement.* In the event the owner or a person with an interest in a Dangerous Building fails to comply with the Order within the time specified therein, the City may cause any occupants of the Dangerous Building to be removed, and may cause the Dangerous Building to be secured, removed, or demolished at the City's expense. The City may assess the expenses on, and the City has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the Dangerous Building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Bell County Clerk. The notice of lien must contain the name and address of the owner of the Dangerous Building, if that information can be determined by a diligent effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the City, and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property.

(c) *Repairs.* In addition to the authority set forth in Subsection (b) above, after the expiration of the time

allotted in the order for repair, removal or demolition of a Dangerous Building, the City may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this Section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by this ordinance, and to the extent such repairs do not exceed minimum housing standards. This Subsection (c) shall be applicable only to residential buildings with ten (10) or fewer dwelling units. The City shall follow the procedures set forth in Subsection (b) above for filing a lien on the property on which the building is located.

(d) *Lien.* The City shall impose a lien against the land, on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair, removal or demolition expenses or the civil penalty. Promptly after the imposition of the lien, the City shall file for record, in recordable form in the office of the County Clerk, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.

(e) *Lien Secured.* The City's lien to secure the payment of a civil penalty or the costs of repairs, removal or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the City's lien attaches if the mortgage lien was filed for record in the office of the County Clerk before the date the civil penalty is assessed or the repair, removal or demolition is begun by the City. The City's lien is superior to all other previously recorded judgment liens. If the notice is given and the opportunity to repair, remove or demolish the building is afforded to each mortgagee and the lienholder as provided herein, the lien is a privileged lien subordinate only to tax liens attached to the real property to which the City's lien attaches.

(f) *Interest.* Any civil penalty or other assessment imposed under this section accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full. The City may further file with the district clerk a copy of an ordinance assessing a civil penalty pursuant to the Article.

(g) *Attorney Fees.* In any judicial proceeding regarding enforcement of the City's rights under this section, the prevailing party is entitled to recover reasonable attorney's fees as otherwise provided by statute.

(h) *Homestead Exception.* A lien acquired under this section by the City for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

Sec. 3.911 Violations

(a) The responsible parties for any Unsafe Building, Unfit Dwelling or Dangerous Building who shall fail to comply with any notice or order to repair, vacate or demolish said building or structure, such notice or order given by the authority of the Board of Appeals, or the City Council, shall be guilty of a misdemeanor.

(b) Any responsible party in possession of any Unsafe Building, Unfit Dwelling or Dangerous Building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the Board of Appeals, or the City Council, shall be guilty of a misdemeanor.

(c) Any person removing a posted notice of any Unsafe Building, Unfit Dwelling or Dangerous Building from any building that is posted pursuant to posting notice requirements of this Article, shall be guilty of a misdemeanor.

Sec. 3.912 Prima Facie Evidence

In any prosecution charging a violation of this Article governing the failure to comply with any notice or order to repair, vacate, remove, or demolish any building or structure, proof that the particular property described in

the complaint was substandard in violation of this Article, together with proof that the defendant named in the complaint was, at the time of such notice or order, the registered owner of such property, shall constitute in evidence a prima facie presumption that the registered owner of such property was the person who failed to comply with the notice or order to repair, vacate, remove, or demolish, and for the time during which, such violation occurred.

ARTICLE 3.1000. MOVING PERMITS

Sec. 3.1000 Procedure, Route Permit, Time, Etc.

The CEO shall immediately notify the Chief of Police stating the proposed route, when moving will begin and end, and the number of days the move is expected to take.

(a) The Chief of Police shall have authority to establish and direct, as a condition to the issuance of the permit, the time when the house moving shall start and the time when it shall be completed, the routes over which buildings of specified dimensions may be moved, and such other regulations and conditions which he may deem necessary. Deviation therefrom shall constitute an offense.

(b) The maximum time during which a house may remain in a street, under a permit, shall be forty-eight (48) hours.

(c) During the entire time that the building is occupying the street, or any portion thereof, the mover shall keep it continuously in motion toward its destination and shall not allow the work or moving to stop during such time.

Sec. 3.1001 Moving Permit Applications

To obtain a moving permit to move a building into, out of or through the city, the applicant must first file an application therefore in writing. Each such application shall be accompanied by the required fee and shall contain:

- (a) The name of the person, firm, partnership or corporation who will move the building;
- (b) The name of the owner of the building;
- (c) The present location of the building;
- (d) The proposed new location of the building;
- (e) The route of moving, as approved by the Chief of Police;
- (f) The exact date and time during which the building will occupy the street;
- (g) The time that the building is allowed to remain in the street;
- (h) The size and type of construction of the building;
- (i) Evidence that arrangements have been made with utility companies and/or the City, where necessary to prevent damage thereto;
- (j) The receipt of the permit fee;

- (k) The business address and home address of the applicant;
- (l) Proof of corporate surety bond and of liability insurance with an insurance company authorized to do an insurance business in the State of Texas, as provided herein to protect the public and the City from any damage caused by the applicant in moving the building for which the permit is requested;
- (m) Such other information as may be required by the CEO.

Sec. 3.1002 Prohibitions

- (a) It shall be unlawful for the holder of the permit to disconnect any electrical light and power connection, gas connection, water connection or telephone connection from any building within the City which he or she proposed to move without the consent of the public utility owning such connection.
- (b) It shall be unlawful for the holder of the permit to remove, tear down or destroy any pole or wire or other property belonging to the city or to any utility company furnishing gas, electrical light and power or belonging to any telephone or telegraph company without the consent of such utility or other person owning the same.
- (c) It shall be unlawful for the holder of the permit to remove any vegetation on private or public property without the consent of the person owning same.

Sec. 3.1003 Inspections Upon Completion

- (a) *Notification of CEO.* Whenever the holder of a permit has completed the work of moving a building under a permit, [s]he shall promptly notify the CEO of such fact. The CEO shall cause an inspection to be made of the route of moving and the installation of the building.
- (b) *Damage.* If the holder of the permit has caused damage to the streets, curbs, gutters, sidewalks or other public or private property, the holder of the permit shall be notified of such fact, specifying the damage by mailing to him a written notification by certified mail at either the business or home address listed in the application for the permit. The holder of the permit shall proceed within two (2) days from the date of such notification to begin the work of repairing the damage and completing the same to the satisfaction of the City.
- (c) *Written assurance.* When the building moving operation is completed and the CEO has written assurance that no damage to life or property has occurred or that the damage has been repaired and that all claims arising out of any damage are settled, any required deposit or bond shall be reimbursed, released or returned to the applicant.

Sec. 3.1004 Bond and Indemnification

Before a permit is issued, the applicant shall agree to indemnify the City for any damage that may thereafter occur to public or private property within the City of reason of the applicant's intended move, and shall file with the City a bond and Certificate of Insurance as may be required by the CEO.