

**NOTICE OF CITY COUNCIL BRIEFING SESSION
JANUARY 7, 2019
CITY COUNCIL CONFERENCE ROOM
401 S. ROGERS
WAXAHACHIE TEXAS
5:30 P.M.**

Agenda

Council Members: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

1. Call to Order
2. Conduct a briefing to discuss agenda items for the 7:00 p.m. regular meeting
3. Adjourn

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, January 7, 2019 at 7:00 p.m.***

Council Members: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of December 17, 2018
 - b. Minutes of the City Council Briefing of December 17, 2018
 - c. Approve budget amendment for CASA Weather Radar for Waxahachie Police Department
 - d. Approve Mobile Home License
 - e. Approve Taxi Cab License Renewal
 - f. Approve Streets to Sheets Mutt Strut to be held April 6, 2019
5. ***Introduce*** Honorary Councilmember
6. ***Consider*** award of a three year service contract, with two one year renewal options, with AHI Facility Services, Inc. for City janitorial services
7. ***Consider*** authorization of a budget amendment to increase appropriations in the Building and Community Services and Park and Recreation Departments for janitorial services
8. ***Consider*** proposed Ordinance repealing and replacing Chapter 8 (Building) of the Code of Ordinances of the City of Waxahachie; adopting the International Code Council Codes 2018 Edition and the National Electrical Code 2017 Edition with local amendments; and setting an effective date of March 1, 2019
9. ***Consider*** proposed Ordinance repealing and replacing Chapter 11 (Electricity) of the Code of Ordinances of the City of Waxahachie and moving it to Chapter 8 (Building); renaming Chapter 11 to Building and Community Services Fee Schedule; adopting the International Code Council Valuation Table; adopting a revised fee schedule; and setting an effective date of March 1, 2019
10. ***Consider*** proposed Ordinance repealing and replacing Chapter 25 (Plumbing and Gas) of the Code of Ordinances of the City of Waxahachie and moving it to Chapter 8 (Building); and setting an effective date of March 1, 2019
11. ***Consider*** proposed Ordinance amending Chapter 3 (Advertising) of the Code of Ordinances of the City of Waxahachie by revising Section 3-3 Permit Fee for Erection of Commercial or Business Sign; and setting an effective date of March 1, 2019
12. ***Consider*** proposed Ordinance amending Chapter 12 (Fire Protection and Prevention) of the Code of Ordinances of the City of Waxahachie by revising Section 12-43 Permit Fees; adopting the International Fire Code 2018 Edition with local amendments; and setting an effective date of March 1, 2019

13. **Consider** proposed Ordinance amending Chapter 13 (Food and Food Handlers) of the Code of Ordinances of the City of Waxahachie by revising Section 13-11 Food Establishment Permits – General Requirements; and setting an effective date of March 1, 2019
14. **Consider** proposed Ordinance amending Chapter 21 (Offenses and Miscellaneous Provisions) of the Code of Ordinances of the City of Waxahachie by revising Section 21-121 Garage Sales; revising Section 21-123 Estate Sales; revising Section 21-124 Garage or Estate Sale Sign; revising Section 21-125 Penalty; and setting an effective date of March 1, 2019
15. **Consider** proposed Ordinance amending Chapter 33 (Utilities) of the Code of Ordinances of the City of Waxahachie by revising Section 33-22 Standards for Private Sewage Facilities and Septic Tanks, Inspection Fee; revising Section 33-131 Enforcement of V.T.C.A., Health and Safety Code CH. 366, C.T.C.A., Water Code CH. 7 and 37, Associated Rules; revising Section 33-138 Permit Fees; and setting an effective date of March 1, 2019
16. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
17. Comments by Mayor, City Council, City Attorney and City Manager
18. Adjourn

The City Council reserves the right to go into Executive Session on any posted item.

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

City Council
December 17, 2018

(42)

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, December 17, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor Kevin Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Pro Tem David Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consent Agenda

- a. Minutes of the City Council meeting of December 3, 2018
- b. Minutes of the City Council briefing of December 3, 2018
- c. Set City Council meeting of Tuesday, January 22, 2019

Action:

Mayor Pro Tem David Hill moved to approve items a. through c. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.

5. Introduce Honorary Councilmember

Mayor Strength announced the Honorary Councilmember was unable to attend.

6. Recognize Jeanee Smiles for receiving Caring for Others Award from WoodmenLife

Mr. John Smith, Director of Parks and Recreation, stated the local chapter of WoodmenLife is longstanding in the community and recognized Ms. Jeanee Smiles, Senior Center Director, with an award for carrying for others. He stated she reaches out to the community through the STEM garden located at the Senior Center. Mr. Smith stated she raises funds for the garden and works with the Waxahachie Independent School District and senior citizens holding very successful classes. He wanted to publically thank her and thanked City Council for supporting Ms. Smiles.

(42)

Council thanked Jeanee for her leadership at the Senior Center. She thanked City Council and Staff for their support.

7. **Public Hearing on a request by Jason Eisman, Premier Solar Solutions, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-3 zoning district, located at 914 Creekview (Property ID 225451) – Owner: RODNEY MOFFETT (SU-18-0161)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the solar panels will be on the right and rear of the residence and recommended approval. He stated staff received one letter of support.

There being no others to speak for or against SU-18-0161, Mayor Strength closed the Public Hearing.

8. **Consider proposed Ordinance approving Zoning Change No. SU-18-0161**

ORDINANCE NO. 3070

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY -3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 914 CREEKVIEW DRIVE, BEING PROPERTY ID 225451, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LEGALLY DESCRIBED AS 29 E HIGHLAND VILLAGE ESTATES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3070 as presented. Councilmember Melissa Olson seconded, All Ayes.

9. **Continue Public Hearing on a request by Brandon Edgley, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 231 Colt Drive (Property ID 241253) – Owner: GEORGE & DANA HOLLER (SU-18-0168)**

Mayor Strength continued the Public Hearing.

Mr. Brooks reported the solar panels are in compliance with proposed placement and recommended approval. He stated staff received one letter of support.

There being no others to speak for or against SU-18-0168, Mayor Strength closed the Public Hearing.

10. **Consider proposed Ordinance approving Zoning Change No. SU-18-0168**

(42)

ORDINANCE NO. 3071

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 231 COLT DRIVE, BEING PROPERTY ID 241253, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5 BLOCK L, IN THE MUSTANG CREEK PHASE 2 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3071 as presented. Councilmember Chuck Beatty seconded, All Ayes.

11. **Public Hearing on a request by Devon McCarley, Freedom Solar Power, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 122 Gentle Winds (Property ID 267501) – Owner: BENJOHN G & CRISELDA M FRANCISCO (SU-18-0188)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the solar panels are in compliance with proposed placement and recommended approval. He stated staff received one letter of support.

There being no others to speak for or against SU-18-0188, Mayor Strength closed the Public Hearing.

12. **Consider proposed Ordinance approving Zoning Change No. SU-18-0188**

ORDINANCE NO. 3072

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 122 GENTLE WINDS ROAD, BEING PROPERTY ID 267501, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK R IN THE BUFFALO RIDGE ADDITION PHASE IIIA, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3072 as presented. Councilmember Chuck Beatty seconded, All Ayes.

13. **Continue Public Hearing on a request by Troy Elison, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-27-Single Family-2 zoning district, located at 209 Hacienda Drive (Property ID 174301) – Owner: STEPHANIE YBARBO & ROGELIO MEJIA JR (SU-18-0169)**

(4a)

Mayor Strength continued the Public Hearing.

Mr. Brooks reported the applicant proposed panels on front and side of the residence. He explained solar panels are not allowed to the front of a residence and recommended to deny. He stated staff did not receive any letters of support or opposition on this case.

Councilmember Melissa Olson asked if the applicant was present. Mr. Brooks stated they are not present. She referenced a residence on the same street located on the corner noting there are solar panels on the side and rear of the residence and they can be seen from the right-of-way. Mayor Strength stated that residence was given an exception due to it was on a corner lot and explained solar panels were not allowed on the front of their residence.

There being no others to speak for or against SU-18-0169, Mayor Strength closed the Public Hearing.

14. Consider proposed Ordinance approving Zoning Change No. SU-18-0169

Action:

Councilmember Mary Lou Shipley moved to deny a request by Troy Elison, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-27-Single Family-2 zoning district, located at 209 Hacienda Drive (Property ID 174301) – Owner: STEPHANIE YBARBO & ROGELIO MEJIA JR (SU-18-0169). Mayor Kevin Strength seconded. The vote was as follows:

*Ayes: Kevin Strength
David Hill
Chuck Beatty
Mary Lou Shipley*

Abstain: Melissa Olson

The motion carried.

15. Public Hearing on a request by Josh Morgan, Connect4Life Church, for a Zoning Change from a Planned Development-16-Light Industrial-1 zoning district to Multiple-Family Residential-2 located at 2795 John Arden (Property ID 189266) - Owner: INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL (ZC-18-0192)

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the request is for straight zoning to Multi-Family-2 noting Alliance Boulevard will dead end to the subject property. He reported the recommendation from the Planning and Zoning Commission is to approve the project for a Planned-Development Multi-Family-2 with requirement limited to senior living 55 and over, and applicant to submit a detailed Site Plan for consideration by the Planning and Zoning Commission and City Council.

(4a)

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, representing Connect4Life Church, explained the applicant wasn't aware they needed a Planned Development and will come back with a detailed Site Plan. He explained the zoning request is to meet the deadline of applying for tax credit for this project being January 7, 2019.

There being no others to speak for or against ZC-18-0192, Mayor Strength closed the Public Hearing.

Mr. Brooks recommended approval per the following comments recommended by the Planning and Zoning Commission:

- Zoning change is approved for PD-MF-2 opposed to straight MF-2 zoning
- Planned Development Multi-Family-2 limited to senior living age 55 and over
- Applicant to present detailed Site Plan to Planning and Zoning Commission and City Council for approval

16. Consider proposed Ordinance approving Zoning Change No. ZC-18-0192

ORDINANCE NO. 3073

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT 16-LIGHT INDUSTRIAL-1 (PD-16-LI-1) TO MULTIPLE-FAMILY RESIDENTIAL-2 (MF-2) LOCATED AT 2795 JOHN ARDEN DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 14.455 ACRES, BEING LEGALLY DESCRIBED AS 844 J E PRINCE, PARCEL NUMBER 189266, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem David Hill moved to approve Ordinance No. 3073 as presented and per Planning and Zoning Commission recommended comments. Mayor Kevin Strength seconded, All Ayes.

17. Consider request by Kars Tamminga for a Final Plat of Pioneer Point, Phase 3 and 4 for 57 lots, being 70.160 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 269432 and 210780) in the Extra Territorial Jurisdiction – Owner: PIONEER POINT FARMS LLC and TAMMINGA FAMILY PARTNERSHIP LTD (FP-18-0171)

Mr. Brooks reported the request does meet the Sub Division requirements and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Kars Tamminga for a Final Plat of Pioneer Point, Phase 3 and 4 for 57 lots, being 70.160 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 269432 and 210780) in the Extra Territorial Jurisdiction – Owner: PIONEER POINT FARMS LLC and TAMMINGA FAMILY PARTNERSHIP LTD (FP-18-0171). Councilmember Melissa Olson seconded, All Ayes.

(46)

- 18. Consider request by Jeff Crannell, Crannell Engineering, for a Final Plat of Camden Park, Phase 2 Addition for 91 lots, being 23.63 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 270070) – Owner: DFW 70-36 LLC (FP-18-0185)**

Mr. Brooks reported the request does meet the Sub Division requirements and recommended approval.

Councilmember Chuck Beatty asked if there are any opportunities for repairing surrounding roads and establishing sidewalks outside the development.

Mr. Brooks reported the applicant has met their vested rights within the development site and stated city staff will be looking in the future to establish sidewalks on Peters Street.

Action:

Councilmember Chuck Beatty moved to approve a request by Jeff Crannell, Crannell Engineering, for a Final Plat of Camden Park, Phase 2 Addition for 91 lots, being 23.63 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 270070) – Owner: DFW 70-36 LLC (FP-18-0185). Councilmember Melissa Olson seconded, All Ayes.

- 19. Consider request by Jeff Crannell, Crannell Engineering, for a Preliminary Plat of Camden Estates for 432 lots, being 133.28 acres out of the Silas M. Durrett Survey, Abstract 272 (Property ID 182052) – Owner: COOPER ZADEH LLC (PP-18-0182)**

Mr. Brooks reported the Preliminary Plat is for Phase 3 of Camden Estates and meets the Sub Division requirements. He recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Jeff Crannell, Crannell Engineering, for a Preliminary Plat of Camden Estates for 432 lots, being 133.28 acres out of the Silas M. Durrett Survey, Abstract 272 (Property ID 182052) – Owner: COOPER ZADEH LLC (PP-18-0182). Councilmember Mary Lou Shipley seconded, All Ayes.

- 20. Consider request by Kaitlyn Taylor, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Central Tract West 1 & 2 for 87 lots, being 24.25 acres situated in the G. Carpenter Survey, Abstract 90 and M. Rafferty Survey, Abstract 898 (Property ID 262511) – Owner: 287 WAXAHACHIE LP (PP-18-0193)**

Mr. Brooks reported the Preliminary Plat is a representative of the Agreement of Understanding between the City and the property owner noting the agreement ensures a third point of access to US 287. He explained, per the agreement, the issuance of no more than 100 residential building permits may be issued prior to the connection to US 287. He recommended approval.

Action:

Councilmember Melissa Olson moved to approve a request by Kaitlyn Taylor, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Central Tract West 1 & 2 for 87 lots, being 24.25 acres situated in the G. Carpenter Survey, Abstract 90 and M. Rafferty Survey, Abstract 898 (Property ID 262511) – Owner: 287 WAXAHACHIE LP (PP-18-0193). Councilmember Chuck Beatty seconded, All Ayes.

(42)

- 21. Consider request by Reginald Coulsell II for a Preliminary Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (PP-18-0186)**

Mr. Brooks reported a fifteen foot (15') utility easement is required along street frontages per the Subdivision regulations. He stated the applicant expressed concerns with utilities being above ground and requested all utilities be placed underground. Mr. Brooks read a memo on behalf of the applicant noting their concern with above ground utilities becoming an obstacle and/or eyesore in their front yard. The applicant requested the same consideration granted to new subdivisions dictating that all new facilities utilizing the easement have underground installation. The applicant wrote "Our property ends at the lake and no utilities spanning the dam with the exception of the water line which is underground and already in place on the other side of 877. It is unlikely that any further utilities will connect to our property from across the dam. Additionally, we would like the Council to consider whether utility easement along this property on Old Howard Road is truly necessary. There are 2 homes on this road which dead ends to the lake. There are existing power poles which service these properties".

Mr. Brooks stated, at this time, having no proposal for utilities or knowing the future of what utilities will bring to that property, staff recommended to not address the above ground or under-ground issue at this time. He stated, as far as the plats themselves, staff does recommend to approve per staff comments.

Action:

After further discussion, Councilmember Chuck Beatty moved to approve a request by Reginald Coulsell II for a Preliminary Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (PP-18-0186) per staff comments. Councilmember Melissa Olson seconded, All Ayes.

- 22. Consider request by Reginald Coulsell II for a Final Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (FP-18-0187)**

Mr. Brooks reported FP-18-0187 accompanies PP-18-0186 and recommended approval subject to the Public Works Department sign off on all utilities prior to filing the Final Plat.

Action:

Mayor Pro Tem David Hill moved to approve a request by Reginald Coulsell II for a Final Plat of Crystal Cove Ranch for 1 lot, being 17.336 acres in the A.B. Fluery Survey, Abstract 374 (Property ID 183557) – Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (FP-18-0187) per staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

- 23. Continue Public Hearing on a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES**

(42)

(Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119)

Mayor Strength continued the Public Hearing and announced the applicant requested to continue PD-18-0119 to the City Council meeting of January 22, 2019.

24. Consider proposed Ordinance approving Zoning Change No. PD-18-0119

Action:

Councilmember Chuck Beatty moved to continue a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119) to the City Council meeting of January 22, 2019. Councilmember Melissa Olson seconded, All Ayes.

25. Consider request by Garry R Turner for a Preliminary Plat of ICC Properties Addition for 1 lot, being 21.831 acres situated in the J. Harris Survey, Abstract 430 and James C. Armstrong Survey, Abstract 6 (Property ID 256792) – Owner: ICC PROPERTIES INC (PP-18-0142)

Mr. Brooks reported the applicant seeks to replat three (3) properties into one (1). He noted there is a water line that goes thru the easement from 77 to 35 and the city has a thoroughfare planned to go through this easement. Mr. Brooks stated the applicant has asked the city to waive the thoroughfare noting their concern is building on an existing slab and they will lose their connection from their office to their warehouse. He stated staff recommends the dedicated right-of-way be reduced from 100 feet to 80 feet.

Mr. Garry Turner, 604 Pheasant Run, Burleson Texas, thanked staff for working with them in reducing the right-of-way. He stated the proposed thoroughfare will split their business on each side of the thoroughfare noting they have an existing slab on one side of the proposed thoroughfare and an existing manufacturing on the other side of the proposed thoroughfare. Their goal is to develop the entire area and build on the existing slab. He stated going back and forth from building to building will be difficult with the proposed thoroughfare. Mr. Turner recommended the thoroughfare be transferred to the south of the property.

Action:

Councilmember Chuck Beatty moved to approve a request by Garry R Turner for a Preliminary Plat of ICC Properties Addition for 1 lot, being 21.831 acres situated in the J. Harris Survey, Abstract 430 and James C. Armstrong Survey, Abstract 6 (Property ID 256792) – Owner: ICC PROPERTIES INC (PP-18-0142) per staff comments. Mayor Pro Tem David Hill seconded, All Ayes.

26. Public Hearing on a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194)

(144)

Mayor Strength opened the Public Hearing and announced the applicant requested to continue SU-18-0194 to the City Council meeting of February 4, 2019.

27. Consider proposed Ordinance approving Zoning Change No. SU-18-0194

Action:

Councilmember Mary Lou Shipley moved to continue a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194) to the City Council meeting of February 4, 2019. Mayor Pro Tem David Hill seconded, All Ayes.

28. Public Comments

Mrs. Betty Square Coleman, 116 Bradshaw, Waxahachie, referenced Camden Estates and requested to use impact fees to enhance Peters Street. She asked Council to consider sidewalks on Peters Street to make it a safer street. She stated the company with outside storage on Brown Street and Peters Street is unsightly and asked City Council to look into it.

29. Comments by Mayor, City Council, City Attorney and City Manager

Assistant City Manager Albert Lawrence announced employee Willie Johnson has completed 35 years of service with the City. He thanked the Parks Department for keeping up with the Christmas lighting around town making sure the lights are working.

City Manager Michael Scott stated this past week Mr. Dennis Crecelius retired after almost 35 years of service to the Waxahachie Fire Department. He stated it opens a number of positions at the fire house for promotions.

Mayor Kevin Strength read a letter that he received from a couple that was in a recent accident. They commended the Waxahachie Police and Fire for their professionalism seeing to their needs.

Mayor Pro Tem David Hill congratulated Mr. Crecelius on his retirement and service to the City. He stated Council previously spoke about a sidewalk program and it will hopefully include sidewalks on Peters Street.

City Council and Staff wished everyone a Merry Christmas and Happy New Year.

30. Adjourn

There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:00 p.m. Mayor Pro Tem David Hill seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, December 17, 2018 at 6:30 p.m.

Council Members Present: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor Kevin Strength called the meeting to order.

2. Conduct a briefing to discuss agenda items for the 7:00 p.m. regular meeting

Mr. Michael Scott, City Manager, welcomed everyone and spoke on the agenda items noting under the Consent Agenda is the setting of the Council meeting of Tuesday, January 22, 2019 due to the Martin Luther King holiday on Monday, January 21, 2019. He stated Ms. Jeanee Smiles will be recognized for receiving the Caring for Others Award from WoodmenLife. He stated Mr. John Smith, Director of Parks and Recreation, will present the award.

Mr. Shon Brooks, Director of Planning, reviewed the following cases:

- SU-18-0161, SU-18-0168, and SU-18-0188 all pertain to Rooftop Solar Panel Systems. They meet the Zoning Ordinance regulations and staff will recommend approval.
- SU-18-0169 – applicant seeks to put solar panels on the front of their residence and it was denied at the Planning and Zoning Commission meeting due to the Ordinance depicting restrictions on solar panels on front of residences.
- ZC-18-0192 – applicant seeks straight zoning of Multi-Family -2 and the Planning and Zoning Commission recommended a Planned-Development Multi-Family-2 with requirement limited to senior living 55 and over. The applicant is to submit a detailed Site Plan for consideration by the Planning and Zoning Commission and City Council. This will enable staff to review the Planned-Development and determine how it will be developed.
- PP-18-0182 - Camden Estates Phase 3 has a requirement to install a left turn lane on Main Street. The City Engineer is working with TxDOT on this. There is a Developer's Agreement to install the left turn lane.

(46)

- PP-18-0193 – being a Preliminary Plat in Saddlebrook Estates is standard recommendation approval.
- FP-18-0171 - being a Final Plat in the ETJ is standard recommendation approval.
- FP-18-0185 - Camden Estates Phase 1 & 2 – Final Plat cannot be filed until the City receives the Letter of Acceptance of Public Infrastructure. The owner does not want overhead utilities. From the Sub Division Ordinance the City cannot regulate the utility companies.
- PP-18-0186 and FP-18-0187 pertains to Crystal Cove Ranch. A fifteen foot utility easement is required. Overhead versus underground utilities were discussed and the owner does not want above ground utilities. Per the Subdivision Ordinance, the City cannot regulate the utility companies putting them underground. The owner and utility companies will have to work to negotiate utility placement.
- PD-18-0119 – Applicant seeks to continue the Public Hearing to January 22, 2019.
- PP-18-0142 - staff will require all utility easements to be shown on plat. A thoroughfare will cut the property in half and staff will recommend reducing the right-of-way from 100 feet to 80 feet.
- SU-18-0194 – Applicant seeks to continue the Public Hearing to February 4, 2019.

3. Adjourn

There being no further business, the meeting adjourned at 6:54 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(4c)



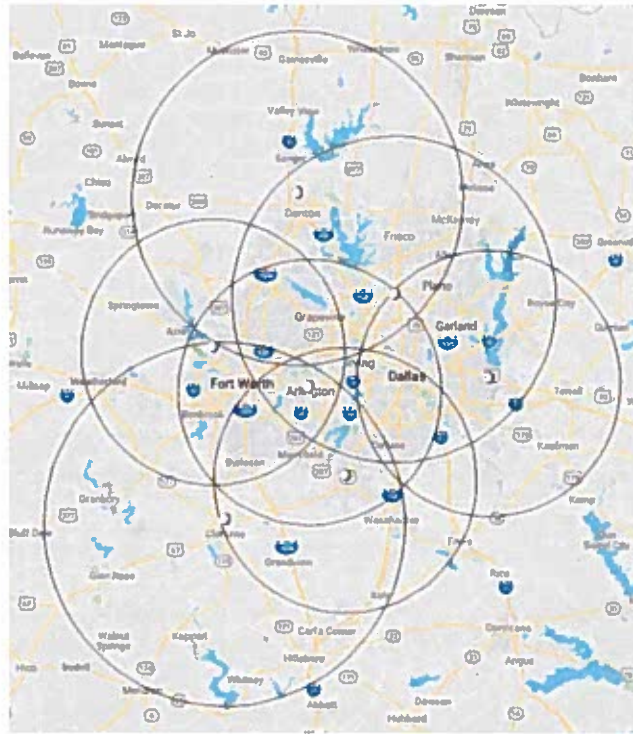
Memorandum

To: Honorable Mayor and City Council
From: Wade Goolsby, Chief of Police
Thru: Michael Scott, City Manager
Date: December 18, 2018
Re: Budget Adjustment – CASA Weather Radar

The Office of Emergency Management is constantly looking for better ways to educate and inform the public about emergency situations. In many cases, emergency situations are weather related and conditions change very quickly. The issue of staying informed to the changing conditions and passing that information to the citizens of Waxahachie is a challenge.

We recently became aware of a regional radar system that provides up-to-the-minute updates on weather situations. The Collaborative Adaptive Sensing of the Atmosphere (CASA WX) weather radar system is a regional membership program that can enhance our information, preparation and communication with the public with regard to severe weather. The CASA WX products are generated by combining observations from CASA radars, NEXRAD radar, local weather stations and outputs from weather models. The CASA radar network currently consists of seven (7) X-band weather radars across the metroplex with overlapping coverage so that multi radar products can be created and there are multiple views of weather from different radars. (See the diagram below showing radar coverage)

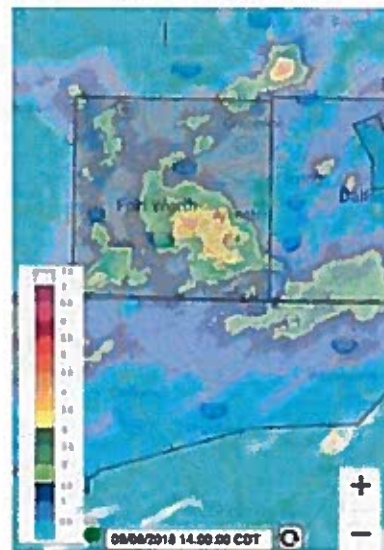
(HL)



Membership into the website provides us with detailed, up-to-date weather conditions and is much more informative and detailed than the current National Weather Service (NWS) information that we receive. The CASA WX system can update every minute as compared to every five minutes with the NWS system.

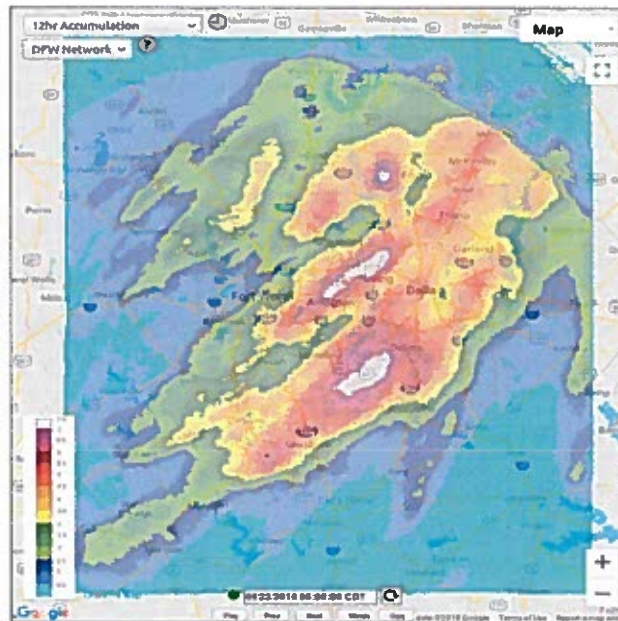
The CASA WX website:

- Displays high resolution, neighborhood level radar imagery over Google Maps, capable of capturing size and intensity of tornadoes, high winds, hail, and other severe weather phenomena.



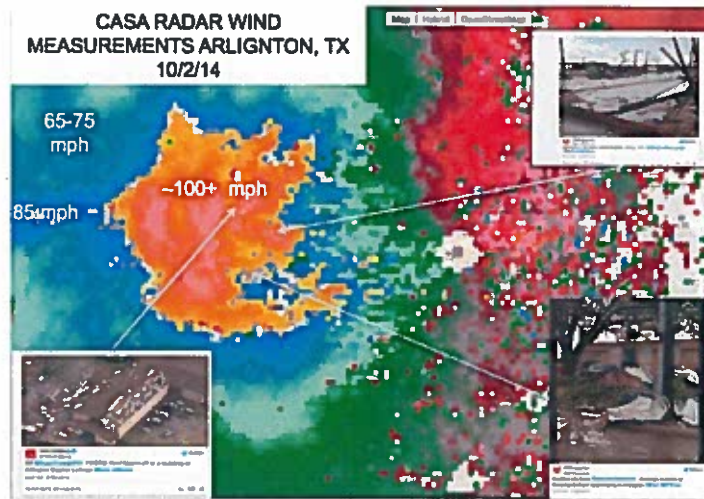
(40)

- Provides information on rainfall rates and accumulation, allowing time for critical flash flood and storm water monitoring and response. The rainfall product in CASA is the equivalent of having a rain gauge every 800 feet in Waxahachie. It can a rain rate report with rain being measured in inches every hour but it can also indicate how many inches of rain have fallen in a particular location for a fixed time period. Currently, rain data can be collected for time periods of 15 minutes, 30 minutes, 1 hour, 3 hours, 6 hours, 12 hours, 24 hours, 48 hours and 72 hours.



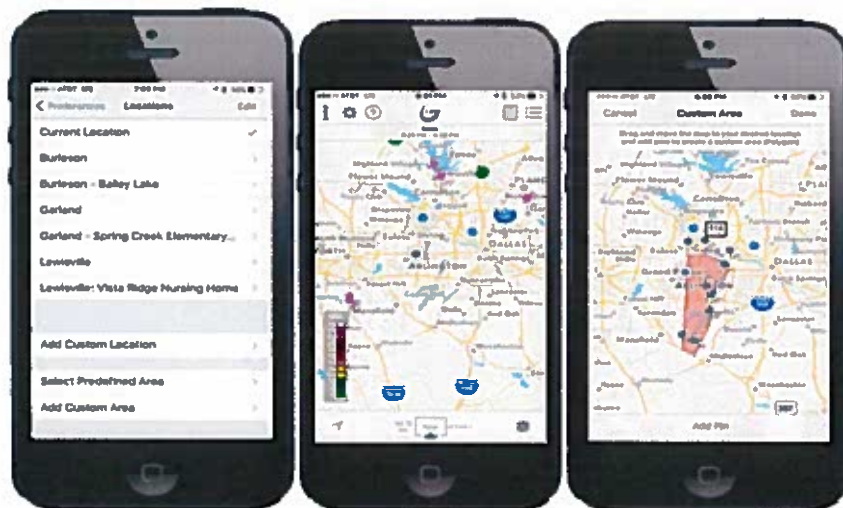
- Displays National Weather Service warning polygons and observations from Understory™ hail and wind sensors
- Updates as quickly as every minute offering life-saving weather information earlier and more accurately than our current systems. Radar Radial velocity measures wind speed and direction relative to where the radar beam is pointing. By knowing whether the wind is moving towards (shown in shades of green) or away (shown in shades of red) from the radar, radial velocity helps diagnose which parts of a storm system are rotating and whether that rotation could be a tornado.

(4c)



In addition to providing us with up-to-date information on severe weather, membership into the CASA radar also provides exclusive access to the CASA Alerts Mobile App for our residents. The CASA Alerts app:

- Provides customizable alerts of storm arrival, heavy rains, and local storm reports of high winds, hail and tornadoes.
- This app is good for providing a "tap on the shoulder" as severe weather approaches, improving situational awareness, especially for those out in the field, and understanding how a weather event might impact an area.
- Users can select various weather hazards for which they would like to receive alerts. For each hazard of interest, users can specify an alerting preference based on distance from hazard or time to impact.



(4c)

The CASA WX system can provide many more capabilities but it is beyond the scope of this memo to detail all of the features. We do not current have access to the resources and data that the CASA WX system provides and membership into this system would greatly enhance our ability to monitor weather situations and alert the public.

The CASA WX system does require a membership fee to access their products. Each member pays an annual fee based on the jurisdiction's population and the mobile apps are then free to the citizens of that community. The fees are shown in the table below.

Jurisdiction Population	Annual Dues (before 25% Credit)	2019 Dues (with 25% Credit)
0-999	\$500	\$375
1,000-4,999	\$1,000	\$750
5,000-14,999	\$2,000	\$1,500
15,000-29,999	\$3,000	\$2,250
30,000-49,999	\$5,000	\$3,750
50,000-79,999	\$7,500	\$5,625
80,000-119,999	\$10,000	\$7,500
120,000-169,999	\$15,000	\$11,250
170,000-249,999	\$20,000	\$15,000
250,000-399,999	\$25,000	\$18,750
400,000-749,999	\$30,000	\$22,500
750,000-1,000,000 +	\$35,000	\$26,250
Counties		
Rural	\$3,000	\$2,250
Urban	\$10,000	\$7,500
Special Districts	\$15,000	\$11,250

The membership fees are currently being offered at a 25% discount and the total annual fee for Waxahachie would be \$3,750.00.

I am requesting a budget amendment of \$3,750.00 for membership into the CASA WX weather radar system.



Memorandum

To: Honorable Mayor and City Council

From: Lori Cartwright, City Secretary

Thru: Michael Scott, City Manager

Date: January 7, 2019

Re: Mobile Home License Renewal

The following Mobile Home Parks have submitted their application and fees to renew their annual license for 2019:

MOBILE HOME PARK

NO. OF LOTS LICENSED

Grand Avenue Mobile Home M.H.C.
c/o Howard Gold Feder
312 N. Grand Avenue, Lot #15
Waxahachie, TX 75165

32

Vista Hills Mobile Home Ranch
c/o Louise Dolly
P.O. Box 22048
Waco, Texas 76702-2048

275

Granite Pine Meadows, LLC
3450 S. IH 35E
Waxahachie, TX 75165

180

(4e)



Memorandum

To: Honorable Mayor and City Council
From: Lori Cartwright, City Secretary
Thru: Michael Scott, City Manager
Date: January 7, 2019
Re: Taxi Cab License Renewal

The following Taxi Cab Company has submitted their application and fees to renew their annual license for 2019:

Boppalong Tours LLC
130 Liberty Way
Waxahachie, TX 75167

(4A)

Application for a Festival or Event Permit

Event Name and Description: Streets To Sheets Mutt Strut
A one-mile dog walk event with activities for
the family, including four-legged ones.

Applicant Information

Name: Streets To Sheets Animal Rescue
Address: 104 Cathy Dr.
City, State, Zip: Waxahachie, Tx 75165 Phone: 469.383.2833
E-mail Address: Streets Tosheets@yahoo.com

Organization Information

Organization Name: Streets to Sheets Animal Rescue
Address: 104 Cathy Dr, Waxahachie, Tx 75165
Authorized Head of Organization: Mysti Boehler
Phone: 469.383.2833 E-mail Address: Streets to sheets@yahoo.com

Event Chairperson/Contact

Name: Reyna Castillo
Address: 26 Country Club Place
City, State, Zip: Waxa, Tx 75165 Phone: 214-497.9585
E-mail Address: Streets to sheets AR@yahoo.com

Event Information

Event Location/Address: Getzen danner Park (plus 1-mile of trail)
Purpose: Bring Community together to promote awareness, raise
Event Start Date and Time: April 6, 9am fun & have fun.

(47)

Event End Date and Time: April 6, 2pm *mb*

Approximate Number of Persons Attending Event Per Day: 100+

Site Preparation and Set-Up Date and Time: 4/6 8am

Clean-Up Completion Date and Time: 4/6 5pm *mb*

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc.

One mile walk for pets and their owners;
Vendor booths- food, rescues, face-painting
Bounce house; water station for pets
Area for STS rescues;
Sponsor signs a long trail;
Would like to use area by pavilion similar
to car show event set up.

Will food and/or beverages be available and/or sold? YES/NO

Will alcohol be available and/or sold? YES/NO

✓ If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? possibly

Please submit a site plan showing the layout of the event including equipment, stages, and street locations

I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

Marta Ba

Signature of Applicant

12-7-2008

Date

(4P)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, December 17, 2018 8:43 AM
To: Villarreal, Amber
Subject: RE: Event Application-Streets to Sheets

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, December 17, 2018 8:34 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Cole, Leila <lcole@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Streets to Sheets

Please review the attached event application and send me your comments or concerns.

Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.

(4f)

Villarreal, Amber

From: Smith, John
Sent: Monday, December 17, 2018 9:22 AM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Cole, Leila; Robert Best; Mosley, Laurie; Borders, Amy
Cc: Scott, Michael; Cartwright, Lori
Subject: RE: Event Application-Streets to Sheets

Approved, thanks!

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, December 17, 2018 8:34 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Cole, Leila <icole@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Streets to Sheets

Please review the attached event application and send me your comments or concerns.

Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.

(47)

Villarreal, Amber

From: Robert Best <rbest@waxahachiepd.org>
Sent: Monday, December 17, 2018 8:58 AM
To: Villarreal, Amber
Subject: RE: Event Application-Streets to Sheets

I'm good with it. Thanks!

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Monday, December 17, 2018 8:34 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Leila Cole <lcole@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>; John Smith <jsmith@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Streets to Sheets

Please review the attached event application and send me your comments or concerns.

Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.

(4A)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, December 17, 2018 9:55 AM
To: Villarreal, Amber
Subject: RE: Event Application-Streets to Sheets

I have no issues.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4411



From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Monday, December 17, 2018 8:34 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Leila Cole <lcoble@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>; John Smith <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Streets to Sheets

Please review the attached event application and send me your comments or concerns.

Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.

(47)

Villarreal, Amber

From: Cole, Leila
Sent: Monday, December 17, 2018 1:04 PM
To: Villarreal, Amber
Subject: RE: Event Application-Streets to Sheets

Approved ☺

Leila Cole

City of Waxahachie
Health Inspector – Building & Community Services
Texas Standardized - Retail Food Inspection Officer
Office: 469-309-4138 / City Cell: 972-351-3219
Fax: 469-309-4139



From: Villarreal, Amber
Sent: Monday, December 17, 2018 8:34 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Cole, Leila <lcole@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Streets to Sheets

Please review the attached event application and send me your comments or concerns.

Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.

(6)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: January 4, 2019
Re: Janitorial Services Contract Award

On January 7, 2019 a three year janitorial services contract, with two one year renewal options, with AHI Facility Services, Inc. will appear before City Council for consideration in the amount of \$302,342.52. Specifically this contract will provide daily cleaning services for 1) City Hall, 2) the Civic Center, 3) the Park and Recreation Administration Building, 4) the Fire Administration Building, and 5) the Utilities Field Operations Building. In October, staff advertised a Request for Proposal for the City's janitorial service needs. Through a thorough evaluation process a panel of seven key staff members, made of up representatives from each facility, determined that AHI Facility Services, Inc. was the most advantageous of three total proposers.

Proposal based procurements differ from bid based procurements in that pricing represents only one element of the evaluation criteria. The intent of a proposal based procurement is to select the most qualified vendor to perform the desired service. For this service contract, staff evaluated proposers on 1) Price (30%), 2) Functional Match to the City's Requirements (20%), 3 Capability, Credibility and Expertise (20%), 4) References (15%), and 5) Creativity (15%). AHI Facility Services, Inc. received a score of 90.67 out of a total of 100 possible points; the second most qualified proposer received a score of 64.69 out of 100 possible points.

AHI Facility Services, Inc. submitted the second lowest pricing offer, with a three year price proposal that was \$47,930.52 greater than the lowest priced proposer and \$487,737.48 below the highest priced proposer. The City budgeted \$85,563.00 across the five departments included in this service contract in FY18-19 for janitorial services.

(6)

AHI Facility Services, Inc. year one cost proposal was \$96,855.02; as a result a supplemental appropriation will accompany this agenda item. While AHI Facility Services, Inc. did not submit the lowest pricing proposal, their proposal provides cleaning services for less than a \$1.00 a square foot annually, and the evaluation panel unanimously felt they offered the best value to the City. AHI Facility Services, Inc. have been in business for over 50 years and have janitorial contracts containing over 35,000,000 square feet of space. In addition they have a strong portfolio of clients, including: the City of Denton, the City of Prosper, the City of Tulsa, Raytheon, Texas Instruments, Ericsson, the University of Texas at Dallas, and the University of Texas at Arlington.

I am available at your convenience should you need additional information.

Tommy Ludwig
Assistant City Manager

(6)



City of Waxahachie
Janitorial Service Contract RFP Selection Scoring

Committee Member #	Nite Line Janitorial Services	AHI Facility Services, Inc.	Jesus Cleaning Services
	1. Price/ Value to the City	1. Price/ Value to the City	1. Price/ Value to the City
1	NA	NA	NA
2	NA	NA	NA
3	NA	NA	NA
4	NA	NA	NA
5	NA	NA	NA
6	NA	NA	NA
7	NA	NA	NA
Score:	30.00	25.24	9.66
Available Points:	30.00	30.00	30.00
	2. Capability, Credibility, and Expertise of the Proposer	2. Capability, Credibility, and Expertise of the Proposer	2. Capability, Credibility, and Expertise of the Proposer
1	10	19	12
2	10	20	10
3	7	20	11
4	6.8	19	9.99
5	5	15	15
6	15	20	5
7	9	17	8
Average Score:	8.97	18.57	10.14
Available Points:	20.00	20.00	20.00
	3. Function Match to City's Requirements	3. Function Match to City's Requirements	3. Function Match to City's Requirements
1	10	19	15
2	8	18	12
3	8	20	12
4	5	18	17
5	5	20	15
6	17	20	10
7	10	15	5
Average Score:	9.00	18.57	12.29
Available Points:	20.00	20.00	20.00
	4. References	4. References	4. References
1	12	14	7
2	10	15	10
3	7	14	6
4	9	15	5
5	5	15	5
6	15	15	5
7	10	10	5
Average Score:	9.71	14.00	6.14
Available Points:	15.00	15.00	15.00
	5. Creativity	5. Creativity	5. Creativity
1	7	14	7
2	10	15	10
3	6	14	8
4	7	15	7.5
5	5	15	5
6	8	15	5
7	6	12	5
Average Score:	7.00	14.29	6.79
Available Points:	15.00	15.00	15.00
Total Average Score:	64.69	90.67	45.02
Total Available Points:	100.00	100.00	100.00



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: January 4, 2019
Re: Supplemental Appropriation - Janitorial Services Contract Award

On January 7, 2019 a supplemental appropriation will appear before City Council for consideration associated with the award of a three year janitorial services contract, with two one year renewal options, with AHI Facility Services, Inc. in the amount of \$18,010. The City budgeted \$85,563 across five departments in FY18-19, and AHI Facility Services, Inc.'s full year one pricing proposal is \$96,855.02. This results in a funding deficit of \$11,292.02. While AHI Facility Services, Inc. year one pricing is collectively \$11,292.02 over budget for all five facilities included in the service contract, their pricing proposal for each facility varies as does the amount each facility would be over or under for the full year. Please reference the table below:

Facility	FY18-19 Budget	AHI Year One Pricing	Difference
Fire Administration	\$4,500	\$1,672.13	\$2,827.87
Civic Center	\$55,313	\$46,231.84	\$9,081.16
Utility Field Operations	\$5,500	\$1,672.13	\$3,827.87
Park Administration	\$3,450	\$3,885.84	-\$435.84
City Hall	\$16,800	\$43,393.08	-\$26,596.08
Total	\$85,563	\$96,154.54	-\$11,292.02

As each department has individual budgets and appropriations across three separate funds, the surplus funds from one department cannot be shared with another department with a funding deficiency. Staff anticipates that AHI Facility Services, Inc. would begin providing service to the City on February 1, 2019, upon City Council's approval of their service contract. As a result, AHI Facility Services, Inc.'s pricing would not go in effect until that time. Based on a February 1st start date, the Building and Community Services Department (Department 145) would need a

(1)

supplemental appropriation for City Hall in the amount of \$17,725 and the Park and Recreation Department (Department 510) would need a supplemental appropriation for the Park Administration Building in the amount of \$285 to fully fund the new contract for the remainder of FY18-19. Surplus funding within the other departments included in this service contract will remain with their respective departments and either return to fund balance at the end of the year or be utilized for another departmental need.

An evaluation panel has thoroughly vetted AHI Facility Services, Inc.'s proposal and have determined they are the most advantageous vendor that responded to the City's Request for Proposal for janitorial services. As a result, staff recommends approval of this supplemental appropriation of funding.

I am available at your convenience should you need additional information.

Tommy Ludwig
Assistant City Manager

(8-15)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: January 4, 2019
Re: Code and Fee Schedule Update

On January 7, 2019 item(s) will appear before City Council to 1) revise portions of the City Code, 2) adopt the International Code Council Code 2018 Edition, the National Electrical Code 2017 Edition, and the National Fire Code 2018 Edition with local amendments, and 3) adopt a revised permit and inspection fee schedule to bring the City's fees more in line with the fees of peer cities. Below are is a summary of the changes to the codes for your review:

An ordinance repealing and replacing Chapter 8 (Building) of the Code of Ordinances of the City of Waxahachie; adopting the International Code Council Codes 2018 Edition and the National Electrical Code 2017 Edition with local amendments; and setting an effective date of March 1, 2019

- Revises Ch. 8
- Updates Codes to 2018 ICC Codes and 2017 NEC
- Adds reference to 2018 NCTCOG Amendments
- Removes fees and references Chapter 11 Fee Schedules
- Adds exception for new "infill construction" to be exempt from permit fees for buildings 8,000 sf or less
- Adds International Existing Building Code
- Removes International Property Maintenance Code
- Swimming Pool and Spa Code 305.4 Structure wall as a barrier (alarm option #1) – removed
- Adds Ch. 11 (Electrical) and Ch. 25 (Plumbing and Gas)

An ordinance repealing and replacing Chapter 11 (Electricity) of the Code of Ordinances of the City of Waxahachie and moving it to Chapter 9 (Building); renaming Chapter 11 to Building and Community Services Fee Schedule; adopting the International Code Council Valuation Table; adopting a revised fee schedule; and setting an effective date of March 1, 2019

- Electrical ordinance moved to Ch. 8
- Building & Community Services Fee Schedule and Valuation Table added

An ordinance repealing and replacing Chapter 25 (Plumbing and Gas) of the Code of Ordinances of the City of Waxahachie and moving it to Chapter 9 (Building); and setting an effective date of March 1, 2019.

- Reserved and added to Ch. 8

An ordinance amending Chapter 12 (Fire Protection and Prevention) of the Code of Ordinances of the City of Waxahachie by revising Section 12-43 Permit Fees; adopting the International Fire Code 2018 Edition with local amendment; and setting an effective date of March 1, 2019

- Removes fees and references Chapter 11 Fee Schedules
- Updates Codes to 2018 IFC
- Adds reference to 2018 NCTCOG Amendments and removes new reference to retroactive sprinkler requirement for existing A-2 occupancies
- Replaces references to Fire Chief with Fire Code Official.
- Removes new reference to retroactive sprinkler requirement for existing A-2 occupancies
- Adds requirement that all new restaurants added to Fire Limits area must install both a vent-a-hood fire suppression system and fire alarm

An ordinance amending Chapter 3 (Advertising) of the Code of ordinances of the City of Waxahachie by revising Section 3-3 Permit Fee for the Erection of Commercial or Business Sign; and setting an effective date of March 1, 2019

- Removes fees for signs and references Chapter 11 Fee Schedules

An ordinance amending Chapter 13 (Food and Food Handlers) of the Code of Ordinances of the City of Waxahachie by revising Section 13-11 Food Establishment Permits – General Requirements; and setting an effective date of March 1, 2019

- Removes fees and references Chapter 11 Fee Schedules
- Changes annual food establishment permit renewal date to date of application rather than 12/31

An ordinance amending Chapter 21 (Offenses and Miscellaneous Provisions) of the Code of Ordinances of the City of Waxahachie by revising Section 21-121 Garage Sales; revising Section 21-123 Estates Sales; revising Section 21-124 Garage or Estate Sale Sign; revising Section 21-125 Penalty; and setting an effective date of March 1, 2019

- Removes fee for Garage Sales and Estate Sales, and references Chapter 11 Fee Schedules

(8-15)

An ordinance amending Chapter 33 (Utilities) of the Code of Ordinances of the City of Waxahachie by revising Section 33-22 Standards for Private Sewage Facilities and Septic Tanks, Inspection Fee; revising Section 33-131 Enforcement of V.T.C.A., Health and Safety Code Ch. 366, C.T.C.A., Water Code Ch. 7 and 37, Associated Rules, revising section 33-138 Permit Fees; and setting an effective date of March 1, 2019

- o Removes fee for On-Site Sewer Facilities and references Chapter 11 Fee Schedules

Staff is available at your convenience should you need additional information.

Tommy Ludwig
Assistant City Manager

(8)

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 8 (BUILDING) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL CODE COUNCIL CODES 2018 EDITION AND THE NATIONAL ELECTRICAL CODE 2017 EDITION WITH LOCAL AMENDMENTS; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REPEALED AND REPLACED TO READ AS FOLLOWS:

Chapter 8 - BUILDING

ARTICLE I. – FIRE LIMITS

Sec. 8-1. – In General.

The fire limits of the city are hereby established as follows:

From Madison Street on the south to the T.&N.O. Railway right-of-way on the north, and from the center line of Jackson Street on the east to the center line of Monroe Street in the west.

Such fire limits may be altered, modified, enlarged or diminished, from time to time, by ordinance duly enacted by the city council.

(Ord. No. 0629, § 6, 3-9-58; Ord. No. 1198, 3-21-77)

ARTICLE II. - BUILDING CODE

Sec. 8-2. - Adoption.

(a) There is hereby adopted, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of non-single-family residential buildings and structures, including permits and penalties, that certain building code known as the 2018 International Building Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the provisions thereof shall be controlling in the construction of all non-single-family residential buildings and structures therein contained within the corporate limits of the city.

(b) The edition of the International Building Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

- 1) Section 202 - Option B Selected
- 2) Section 903.2.11 – Option A Selected
- 3) Section 3006.2 – Option B Selected

Charter reference— Codes and technical regulations, § 2.16.

Sec. 8-3. – Permit Fees.

(a) No permit as required by this code shall be issued until the fee prescribed in this section, if any, shall have been paid; nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost or additional square feet of the building or structure shall have been paid.

(b) For a permit for the construction of new buildings, alterations, additions, or accessory buildings see Chapter 11 Fee Schedules.

(c) For a fees associated with all of the following permits see Chapter 11 Fee Schedules ...

- (1) Demolition
- (2) Sidewalk and/or driveway
- (3) Fence
- (4) Temporary Building
- (5) Miscellaneous (fee for work not listed)
- (6) Temporary Use (events, tent sale, carnival, etc.)
- (7) Roofing
- (8) Supplemental Plan Review
- (9) Re-Inspection

(d) An exception is provided for “infill construction” of new construction within the areas provided in Ordinance 2596. The areas provided for in said Ordinance 2596 are exempt from permit fees, except that multi-family, commercial or industrial uses in buildings of 8,000 square feet or more shall still be subject to all permit fees.

Sec. 8-4. - Certificate of occupancy.

(a) Building occupancy. A new non-single-family residential building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy.

(b) Existing building certificate of occupancy. A certificate of occupancy for any existing non-single-family residential building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended.

(c) Fee. See Fee Schedule Appendix A.

Sec. 8-5. - Penalty for violation.

(8)

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE III- EXISTING BUILDING CODE

Sec. 8-6. - Adoption.

(a) There is hereby adopted, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of non-single-family residential buildings and structures, including permits and penalties, that certain building code known as the 2018 International Existing Building Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the provisions thereof shall be controlling in the construction of all non-single-family residential buildings and structures therein contained within the corporate limits of the city.

(b) The edition of the International Existing Building Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

Sec. 8-7. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-8. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE IV. - RESIDENTIAL CODE

Sec. 8-9. - Adoption.

(a) There is hereby adopted, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of single-family buildings and structures, including permits and penalties, that certain building code known as the 2018 International Residential Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city.

(b) The edition of the International Residential Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

(8)

Sec. 8-10. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-11. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE IV. - MOVING BUILDINGS

Sec. 8-12. - Permit required.

It shall be unlawful for any person to move any house or building of any description, if over ten (10) feet to twenty (20) feet in size, or of such height to interfere with any utility lines or trees, or if moved on anything other than a standard rubber-wheeled truck or standard truck trailer over, across or along any street of this city without first obtaining a permit from the city building inspector, which permit shall specify conditions of the move, including the route to be taken and the time for moving.

(Ord. No. 1001, § 1, 2-25-71)

Sec. 8-13. - Permit fee.

See Chapter 11 Fee Schedules.

Sec. 8-14. - Conditions of move.

The move, after a permit is issued, must be along identified routes in the permit, and must be by daylight only (barring exceptional circumstances which must be specified in the move permit); the city police department, city utilities, and local utility companies shall be notified of the demolition. The building may not be left unattended at any time during the move. Ample safety devices, signals, etc., must be provided. The city police department is not required to furnish escort service, but may do so at its option.

Sec. 8-15. - Visual inspection on new premises.

The city building inspector shall make a visual inspection of the house after placed on the new lot, including, but not limited to, wiring, plumbing and placement on the lot before allowing connection to utilities.

(Ord. No. 1001, § 4, 2-25-71)

Sec. 8-16. - House connected to utilities on new lot.

The building being moved shall be properly prepared for connection to all utilities, if it is designed, built or modified to be used as a residence, and shall be connected to all utilities and otherwise

(8)

prepared for occupancy, not including furniture, within ninety (90) days after the actual moving is completed.

(Ord. No. 1001, § 9, 2-25-71)

Sec. 8-17. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE V. - MECHANICAL CODE

Sec. 8-18. - Adoption.

(a) The 2018 International Mechanical Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of air conditioning and refrigeration contractors are hereby adopted and enacted as the official city mechanical code.

(b) The edition of the International Mechanical Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

Sec. 8-19. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-20. - Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any heating, ventilating or air conditioning product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

Sec. 8-21. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE VI ELECTRICAL CODE

Sec. 8-22. - Scope.

The "City Electrical Ordinance" shall apply to all property situated within the city limits of the City of Waxahachie.

Sec. 8-23. - Adoption.

(a) The 2017 National Electrical Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of electrical contractors are hereby adopted and enacted as the official city electrical code.

(b) The edition of the National Electrical Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

Sec. 8-24. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-25. - Licenses.

All persons engaged in electrical business, shall be properly licensed by the State of Texas.

Sec. 8-26. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

Sec. 8-27. - Electrical advisory board.

There is hereby created an electrical advisory board within the city, which board shall be known as the electrical advisory board.

(a) The board shall be composed of seven (7) members, one (1) of whom shall be the electrical inspector, one (1) the fire marshal or his representative, four (4) electricians with State of Texas issued electrical license, and one (1) representative of the public utility company. Four (4) members of this board shall constitute a quorum. Any member of the board involved in a dispute before the board shall disqualify himself. In the event that volunteer members required to have a State of Texas electrical license are not available, alternate members shall be taxpaying resident elector(s) of the city.

(b) The members of the board shall be appointed by the mayor with the approval of the city council, from recommendations of the board.

(c) The existing board shall serve its regular appointed term after the enactment of this chapter. Thereafter, all members shall be appointed for a term of two (2) years each.

(d) No electrician shall serve or hold office longer than two (2) consecutive full two-year terms. Any member of the board may resign from his appointment by submitting a formal resignation to the city council at a regularly scheduled council meeting. When good cause exists, a member may be removed from office by the city council. Any member who is absent two (2) consecutive regular meetings, without just cause, shall be considered as having resigned and shall be replaced by the city council upon recommendation from the electrical board. After the expiration of the terms, members shall continue until their successor is appointed.

(e) If for any reason a vacancy is created in the board, the mayor shall appoint a new member, with the approval of the city council.

(f) Members of the board shall receive no compensation for their service on the board.

(g) Powers and responsibility of board:

(1) The electrical advisory board shall act as the electrical appeals board both to interpret meaning of this Code and also to settle differences of interpretation of this Code between the electrical inspector and any license holder or home owner and utility company.

(2) This board may be called into session at any time by the chairman of the board or by a majority of the board, provided that each member must be given at least twenty-four (24) hours notice by the secretary.

(3) An appeal may be taken from any ruling, interpretation, requirement, or decision made by the electrical inspector by the filing of an application in writing with the secretary of the board for a hearing before the electrical advisory board at its regular meeting period and decision of the electrical advisory board in said hearing shall be final.

(4) An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this Code.

(h) The electrical inspector or his/her designated staff member shall serve as secretary to the board and shall keep a complete written record of all proceedings of the board and shall give copies of these records to each member of the board immediately after preparation of same if board members so desire.

Sec. 8-28. - Use of BX cable.

Armored cable known as BX cable shall not be acceptable as a wiring method in the city.

Sec. 8-29. - Nob and tube wiring restricted.

In all new work or revisions of old work, nob and tube wiring system shall not be used for wiring in the city.

Sec. 8-30. - Aluminum wire conductors restricted.

Aluminum and copper-clad aluminum conductors required to be sized 250 Kcmil and larger may be used as service entry conductors and feeders only. Aluminum and copper-clad aluminum wiring is prohibited in R-3 occupancy construction (single-family dwellings).

Sec. 8-31. - Wire size.

Number fourteen (#14) awg wire is prohibited in branch circuits.

(8)

Sec. 8-32. - Service size.

No permanent service (on a dwelling unit) shall be less than 100 amp 3 wire.

Sec. 8-33. - Separate circuits.

Bathroom resistance heaters, dishwashers, microwave ovens (built in), washing machines, refrigerators and freezers each will be on a separate circuit.

Sec. 8-34. - Service entrance on buildings.

A service entrance to a building can be done only by a licensed electrician.

Sec. 8-35. - Service lines.

A residential service line that runs in a building or through a floor more than ten (10) feet must have a disconnect at the point it enters the building or floor.

Sec. 8-36. - Ganged meters.

If there are more than two (2) meters, there must be a disconnect for each meter outside.

Sec. 8-37. - More than six meter sockets.

Where there are more than six (6) meter sockets in one building, there must be a main disconnect to each one, plus a master disconnect in front of the six (6).

Sec. 8-38. - Ground-fault circuit interrupter.

The bathroom and kitchen receptacle shall not be on the same GFI circuit.

ARTICLE VII- PLUMBING CODE**Sec. 8-39. - Adoption.**

(a) The 2018 International Plumbing Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of plumbing contractors are hereby adopted and enacted as the official city plumbing code.

(b) The edition of the International Plumbing Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

Sec. 8-40. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-41. - Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any plumbing product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

Sec. 8-42. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE VIII- FUEL GAS CODE

Sec. 8-43. - Adoption.

(a) The 2018 International Fuel Gas Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of plumbing contractors are hereby adopted and enacted as the official city plumbing code.

(b) The edition of the International Fuel Gas Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

Sec. 8-44. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-45. - Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any fuel gas product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

Sec. 8-46. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE IX- ENERGY CODE

Sec. 8-47. - Adoption.

(a) The 2018 International Energy Conservation Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of plumbing contractors are hereby adopted and enacted as the official city plumbing code.

(b) The edition of the International Energy Conservation Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

Sec. 8-48. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-49. - Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any energy product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

Sec. 8-50. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE X. - SWIMMING POOL AND SPA CODE

Sec. 8-51. - Adopted.

(a) The 2018 International Swimming Pool and Spa Code concerning the construction of swimming pools is hereby adopted and enacted as the official city swimming pool code.

(1) 305.4 Structure wall as a barrier (alarm option #1) – removed

(b) The edition of the International Swimming Pool and Spa Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

Sec. 8-52. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-53. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE XI. - LANDSCAPE IRRIGATION

Sec. 8-54. - Valid license required.

Any person who connects an irrigation system to the water supply within the city must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by V.T.C.A., Occupations Code ch. 1903, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by V.T.C.A., Occupations Code ch. 1301.

Exemptions: A property owner is not required to be licensed in accordance with V.T.C.A., Occupations Code Title 12, § 1903.002(c)(1), if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344, regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention

(8)

and isolation valves. The city may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See V.T.C.A., Occupations Code § 1903.002 for other exemptions to the licensing requirement.

(Ord. No. 2552, § 2, 12-21-09)

Sec. 8-55. - Permit fees.

See Chapter 11 Fee Schedules.

Sec. 8-56. - Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

ARTICLE XII SUBSTANDARD AND INADEQUATE STRUCTURES

DIVISION 1. - GENERALLY

Sec. 8-57. - Introduction.

There exists in the City of Waxahachie, Texas, structures used for human habitation and nonresidential purposes that are substandard in structure and maintenance. Furthermore, inadequate provision for light and air, insufficient protection against fire, lack of proper heating, unsanitary conditions, and overcrowding constitute a menace to the health, safety, welfare, and reasonable comfort of the citizens of the City of Waxahachie. The existence of such conditions will create slum and blighted areas requiring large scale clearance, if not remedied. Furthermore, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue, and an impairment of economic values. The establishment and maintenance of minimum structural and environmental standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, and welfare.

(Ord. No. 1805, 3-7-94)

Sec. 8-58. - Purpose of article.

(a) The purpose of this article is to protect the health, safety, and welfare of the citizens of the City of Waxahachie by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation. Remedial measures as appropriate are provided for.

(b) This article is found to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effect its purpose. All structures within the city on the effective date of this article, or constructed or altered, thereafter, must comply with the provisions of this article.

(Ord. No. 1805, 3-7-94)

Sec. 8-59. - Definitions.

In this article:

(1) Basement means the portion of a structure that is partly underground and has more than one-half ($\frac{1}{2}$) its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining a structure.

(2) Bathroom means an enclosed space containing one (1) or more bathtubs, showers, or both, and when may also include toilets, lavatories, or fixtures serving similar purposes.

(3) Board means the building and standards commission.

(4) Cellar means the lowermost portion of a structure partly or totally underground having one-half ($\frac{1}{2}$) or more of its height, measured from clear floor to ceiling, below the average finished grade of adjoining ground.

(5) Departments means the department designated by the city manager to enforce and administer this article.

(6) Director means the director of the departments designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

(7) Dwelling means a structure or building occupied as a residence.

(8) Floor space means the total area of all habitable space.

(9) Grade means the natural surface of the ground, or surface ground after completion of any change in contour.

(10) Habitable space means the space occupied by one (1) or more persons while living, sleeping, eating, and cooking; excluding kitchenettes, bathrooms, toilet rooms, laundries, pantries, dressing rooms, closets, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms.

(11) Kitchen means a space, sixty (60) square feet or more in floor area with a minimum width of five (5) feet, used for cooking or preparation of food.

(12) Kitchenette means a space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

(13) Operating condition means free of leaks, safe, sanitary, and in good working order.

(14) Owner means the record title holder according to the Ellis County records.

(15) Person means any individual, corporation, organization, partnership, association, or any other legal entity.

(8)

(16) Plumbing fixtures means gas pipes, water pipes, toilets, laboratories, sinks, laundry tubs, dishwashers, garbage disposal units, clotheswashing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

(17) Premises or property means a lot, plot, or parcel of land, including any structures on the land.

(18) Property manager means a person who for compensation has managing control of real property.

(19) Public nuisance means a premises or structure that:

- a. Is dangerous to the physical health or safety of an occupant or other person; or
- b. Because of violations of this article its state of disrepair is such that it could cause injury, damage, harm, or inconvenience to the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities, tastes, and habits living in the community.

(20) Public sewer means a sewer operated by a public authority or public utility and available for public use.

(21) Sanitary means any condition of good order and cleanliness that precludes the probability of disease transmission.

(22) Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner.

(Ord. No. 1805, 3-7-94)

DIVISION 2. - ADMINISTRATION

Sec. 8-60. - Building and standards commission.

(a) There is created the buildings and standards commission, which shall be composed of five (5) members to be appointed by the city council for a term of two (2) years.

(b) Any member of the commission who has a pecuniary interest relating to any property before the commission shall refrain from any consideration of any matter concerning that property.

(c) The director of environmental health, the fire marshal, and the chief building official or their designees shall serve in an advisory capacity as ex officio members of the commission with nonvoting privileges.

(d) All hearings by the commission must be heard by at least four (4) commission members.

(e) The city council shall appoint up to four (4) alternate commission members who shall serve in the absence of regular members, when requested to do so by the mayor or city manager. The alternate members shall be appointed for two-year terms.

(f) One (1) of the five (5) members shall be elected chair and another vice chair by the commission.

(g) The appointing authority may remove a commission member for cause on a written charge. Before a decision regarding removal of a commission member with an unexpired term is made, the appointing authority must hold a public hearing on the matter if requested by the commission member subject to the removal action.

(h) A vacancy shall be filled for any unexpired term.

(Ord. No. 1805, 3-7-94)

Sec. 8-61. - Procedure.

(a) Meetings of the building and standards commission will be held at the call of the chairman, or in his absence the vice chairman, or the chairman's designated acting chairman, or as the board may determine. The chairman, acting chairman, or the vice chairman may administer oaths and compel the attendance of witnesses.

(b) The city secretary or his/her designated representative shall act as secretary to the building and standards commission and keep all minutes and records.

(c) City staff shall present the evidence of the violation to the building standards commission.

(d) Provide time for presentation of evidence and testimony by respondents relating to alleged violations.

(e) The concurring vote of four (4) members of the commission is necessary to take any action under this subchapter and any ordinance adopted by the municipality in accordance with this subchapter.

(f) After a public hearing the decision of the building and standards commission is final as to administrative remedies.

(g) Once the decision of a hearing has become final under this section, the person affected by an order may appeal the decision to the state district court. Appeal to the district court must be filed within thirty (30) days after the date, after a copy of the final commission order is mailed first class mail, return receipt requested to all persons to whom notice is required to be mailed by this article. Appeal in the district court shall be limited to a hearing under the substantial evidence rule.

(Ord. No. 1805, 3-7-94)

Sec. 8-62. - Building and standards enforcement official.

The director, and/or a designated representative, shall serve as the building and standards commission enforcement official of the city. All complaints received by city staff with regard to structures/property alleged to violate provisions of this article shall be directed to the director

and/or a designated representative for investigation and recommendation of what action, if any, is necessary to bring the property/structure into compliance with this article. If the city staff is unable to resolve the complaint, they shall bring the complaint to the building and standards commission for action. If a complainant and/or owner of the affected property/structure is dissatisfied with the city staff recommendation, they may appeal directly to the commission by written request.

(Ord. No. 1805, 3-7-94)

Sec. 8-63. - Investigative powers of director.

The director, and/or a designated representative, shall have the power to obtain search warrants allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe building condition, including but not limited to any structural, property, or utility hazard, or a violation of any health or building regulation, statute, or ordinance.

For the purpose of ascertaining whether violations of this article exist, the director is authorized at a reasonable time to inspect:

- (a) The exterior of a structure and premises which contain no structure;
- (b) The interior of a structure, if the permission of the owner, occupant, or person in control is given;
- (c) The interior of a structure, if the permission of the owner, occupant, or person in control is refused, then by a search warrant.

(Ord. No. 1805, 3-7-94)

DIVISION 3. - MINIMUM STANDARDS

Sec. 8-64. - Minimum standards; responsibilities of owner.

(a) Property standards. An owner shall:

- (1) Eliminate a hole, excavation, sharp protrusion, and any other object or condition that exists on the land and is capable of causing injury to a person;
- (2) Securely cover or close a well, cesspool, or cistern;
- (3) Provide solid waste receptacles or containers when required by city ordinance;
- (4) Provide drainage to prevent standing water and flooding on the land;
- (5) Remove dead trees and tree limbs that are capable of immediately causing injury to a person or property;
- (6) Keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry.

(b) Structural standards. An owner shall:

(18)

- (1) Protect and repair exterior surfaces of a structure which are subject to decay, or which exhibit written language or signs which tend to cause an immediate breach of the peace, by application of paint or other coating;
- (2) Fill hollow, masonry supporting piers, if used, with concrete footings with a five-eighth-inch steel dowel;
- (3) Provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the Waxahachie Building Code;
- (4) Repair holes, cracks, and other defects capable of causing injury to a person on stairs, porches, steps, and balconies;
- (5) Maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a weathertight and watertight condition;
- (6) Maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely;
- (7) Provide cross-ventilation of not less than one and one-half (1½) square feet for each twenty-five (25) lineal feet of wall in each basement, cellar, and crawl space;
- (8) Repair or replace chimney flue and vent attachments that do not function properly;
- (9) Repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings; and
- (10) Provide and maintain moisture-resistant finish or material of the flooring or subflooring of each bathroom, shower room, and toilet room.

(c) Utility standards. An owner shall:

- (1) Provide and maintain in operational condition connections to discharge sewage from a structure or land into a public sewer system where available;
- (2) Provide and maintain in operational condition a toilet connected to a water source and to a public sewer, where available, in each structure intended for human habitation;
- (3) Provide and maintain in operational condition connections and pipes to supply potable water at adequate pressure to a structure intended for human occupancy;
- (4) Provide and maintain in operating condition a device to supply hot water of a minimum temperature of one hundred twenty (120) degrees Fahrenheit within each structure intended for human habitation;
- (5) Provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human habitation;
- (6) Connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Waxahachie City Ordinance;

(8)

(7) Provide and maintain heating equipment in operating condition so that it is capable of maintaining a minimum inside temperature of sixty-eight (68) degrees Fahrenheit from November 1 through April 15 in each room of a structure intended for human occupancy;

(8) If screens are not provided as required in subsection (d)(2), provide and maintain in operating condition, from May 1 through October 15, refrigerated air equipment capable of maintaining a maximum inside temperature that is twenty (20) degrees lower than the outside temperature or eighty-five (85) degrees Fahrenheit, whichever is warmer, in each room of a structure intended for human occupancy;

(9) Provide and maintain in operating condition supply lines for electrical service to each structure intended for human occupancy;

(10) Connect each heating and cooking device that burns solid fuel to a chimney or flue; and

(11) Provide and maintain in operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures.

(d) Health standards. An owner shall:

(1) Eliminate rodents and vermin in or on the land;

(2) Provide a structure intended for human habitation with a screen for keeping out insects at each opening of the structure if the structure is not cooled with refrigerated air;

(3) Maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage;

(4) Keep the interior of a structure free from insects, rodents, and vermin, except as specified in section 8-41(b) of this article.

(e) It is a defense to prosecution under subsection (a) of this section that the premises concerned is the site of new construction and reasonable and continuous progress is being made to complete the construction.

(f) It is a defense to prosecution under subsection (d)(4) of this section that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act once within the preceding six (6) months.

(g) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:

(1) After being issued a notice for violation of subsection (c)(7) of this section, the owner fails to repair heating equipment within seventy-two (72) hours after receiving such notice and the overnight low temperature, as measured by the National Weather Service at Waxahachie, Texas, is below forty (40) degrees Fahrenheit for three (3) consecutive days after receiving such notice; or

(4)

(2) After being issued a notice for violation of subsection (c)(8) of this section, the owner fails to repair refrigerated air equipment within seventy-two (72) hours after receiving such notice and the daytime high temperature, as measured by the National Weather Service at Waxahachie, Texas, is ninety-five (95) degrees Fahrenheit or above for three (3) consecutive days after receiving such notice.

(h) It is a defense to prosecution under subsections (c)(7) and (c)(8) of this section and to the alternative housing requirements of subsection (g) of this section that:

(1) Failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or

(2) The owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice for a violation of subsection (c)(7) or (c)(8) of this section.

(i) It is a defense to prosecution under subsection (c)(7) of this section and to the alternative housing requirements of subsection (g)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Waxahachie Mechanical Code, as amended, in each room of the structure intended for human occupancy.

(j) It is a defense to prosecution under subsection (c)(8) of this section and to the alternative housing requirement of subsection (g)(2) of this section that the structure is provided with exterior windows and doors that are easily opened to provide air ventilation and covered with screens in compliance with subsection (d)(2) of this section.

(Ord. No. 1805, 3-7-94)

Sec. 8-65. - Responsibilities of occupant.

(a) An occupant shall:

(1) Maintain those portions of the interior of a structure under his control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, or vermin;

(2) Remove an animal or animals from a structure if the presence of the animal or animals is a health hazard to an occupant or general public;

(3) Connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the Waxahachie Plumbing Code and the Waxahachie Mechanical Code;

(4) Provide solid waste receptacles or containers when required by city ordinance; and

(5) Not alter a structure or its facilities so as to create a violation of this article.

(8)

(b) The tenant/occupant of a single-family residential structure shall keep the interior of the structure free from insects, rodents, and vermin if the owner can show that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act:

- (1) Within two (2) weeks before the date tenant took occupancy; or
- (2) Once within the preceding six (6) months if there has been more than one (1) tenant during the preceding six (6) months.

(Ord. No. 1805, 3-7-94)

Sec. 8-66. - Retaliation against tenants prohibited.

(a) A landlord commits an offense if he raises a tenant's rent, diminishes services to a tenant, or attempts eviction of a tenant within six (6) months after:

- (1) The tenant files a valid complaint with the director complaining of a violation of this article on property occupied by the tenant; a complaint is considered valid if it results in an action described in paragraph (2), (3), or (4) of this subsection;
- (2) The director issues to the landlord or his agent a written notice listing any violation of this article that exists on property occupied by the tenant;
- (3) The director issues to the landlord or his agent written notice of a hearing before the building and standards commission concerning any violation of this article that exists on property occupied by the tenant;
- (4) Repairs are completed on property occupied by the tenant in compliance with either a written notice issued by the director or a written order issued by the building and standards commission.

(b) It is a defense to prosecution under subsection (a) that:

- (1) Rent was increased pursuant to an escalation clause in a written lease which provided for changes in costs of utilities, taxes, and insurance;
- (2) Rent was increased, services were reduced, or notices to vacate were issued as part of a pattern of rent increases, service reductions, or evictions for an entire multidwelling project;
- (3) The tenant was delinquent in rent when the landlord gave notice to vacate or filed an eviction action;
- (4) The tenant was responsible for or caused a violation of this chapter that existed on property occupied by the tenant;
- (5) The tenant's written lease fixing the rent, services, or term of occupancy had expired, unless, at the time an action described in subsection (a)(1), (2), (3), or (4) occurred, a

(8)

violation of this article that was dangerous to the physical health or safety of the tenant or another person existed on property occupied by the tenant;

(6) The tenant holds over after giving notice of termination or intent to vacate;

(7) The tenant holds over after the landlord gives notice of termination at the end of the rental term and, at the time the notice of termination was given, the landlord or his agent had not received actual notice that a valid complaint had been filed with the city complaining of violations of this chapter on property occupied by the tenant;

(8) Before filing a complaint with the city complaining of a violation of this article on property occupied by the tenant, other than a violation that is dangerous to the physical health or safety of the tenant or another person, the tenant fails to comply with a written lease provision requiring the tenant to:

a. Notify the landlord or his agent, in writing, of the violation; and

b. Allow the landlord fifteen (15) days to correct the violation; or

(9) The landlord proves that the rent increase, service reduction, or attempted eviction was for good cause and not for purposes of retaliation against the tenant.

(c) An offense under this section may be prosecuted upon the filing of a written complaint by the tenant with the city attorney.

(Ord. No. 1805, 3-7-94)

DIVISION 4. - COMMISSION HEARINGS AND ORDERS

Sec. 8-67. - Public nuisance; repair, demolition, receivership, and notice.

(a) The director shall give notice of a hearing to consider repair, demolition, or receivership of a structure, or the assessment of a civil penalty against the owner, to the owner or owners, lessor, occupant of the structure, and any mortgagee or lienholder of record of the real property concerned. A structure may be considered for repair, demolition, receivership, or a civil penalty if the structure is not maintained in compliance with one (1) or more of the minimum standards of section 8-40, and the structure is a public nuisance.

(b) Notice of all proceedings before the commission must be given:

(1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the Office of the County Clerk of Ellis County if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the county clerk; and

(2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(8)

(c) The notice shall be mailed and posted on or before the tenth day before the date of the hearing before the commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the municipality on one (1) occasion on or before the tenth day before the date fixed for the hearing.

The commission may file notice of a proceeding in the Official Public Records of Real Property in Ellis County. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the proceeding. The filing of the notice is binding on subsequent grantees, lienholder or other transfers of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(d) The building standards commission (the "commission") shall send a notice to an owner of real property for the purpose of enforcing a municipal ordinance and shall include the following statement in the first notice:

"According to the Real Property Records of Ellis County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the twentieth day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not."

In addition, all notices shall contain:

- (1) An identification, which is not required to be a legal description, of the building and property on which it is located;
- (2) A description of the violation of municipal ordinance that is present at the premise; and
- (3) A statement that the municipality will vacate, seize, remove or demolish the structure or relocate the occupants of the structure if the ordered action is not taken within a reasonable time.

(e) After action is ordered by the commission, a notice of the ordered action must be given:

- (1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a record lien against the affected property, as shown by the records in the office of the county clerk in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk; and
- (2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable. An abbreviated copy of the order shall be published one (1) time in a newspaper of general

(8)

circulation in the municipality within ten (10) calendar days after the date of the mailing of the copy as provided by this subsection, including the street address or legal description of the property; the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained, and a copy shall be filed in the office of the municipal secretary or clerk.

(f) The commission, after hearing evidence has the following powers, including but not limited to:

(1) To order the reduction in occupancy load of an overcrowded structure or vacation of a structure that is reasonably dangerous to the health, safety, or welfare of the occupants;

(2) To order, the repair of the structure by the owner within a fixed period;

(3) To order the demolition of a structure found to be a public nuisance;

(4) To order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard structure found to exist;

(5) To order that a vacant structure or vacant portion of a structure constituting a dangerous condition or nuisance be securely closed and made safe;

(6) To order or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or private contractor. Costs of correction are the responsibility of the owner;

(7) To grant appropriate relief when, in the opinion of the building and standards commission, a literal interpretation of this chapter would result in the imposition of an unnecessary or unreasonable hardship;

(8) To cause an action to be brought in district court in accordance with section 214.003 of the Texas Local Government Code of the appointment of a receiver for property found to be a public nuisance;

(9) To enlist the action of appropriate city officials to enforce and carryout lawful orders or directives of the commission;

(10) To determine the amount and duration of the civil penalty the municipality may recover as provided by Texas law;

(11) Find that the structure is not a public nuisance and refer the matter to the director for further appropriate action.

(g) If the owner, mortgagee, or lienholder of the affected property/structure has not taken the action ordered by the commission within the time frame set forth by the commission, the city may complete or contract out the completion of the actions ordered by the building and standards

commission. All expenses incurred by the city are to be assessed against the owner of the property/structure.

(h) The expense of repair or demolition of a structure, when performed by the city or a contractor employed by the city, and any civil penalty assessed against the owner, constitutes a nontransferable lien against the real property on which the structure stands or stood, unless it is a homestead as protected by the Texas Constitution, and the lien runs with the land. The city's lien attaches when notice of the lien is recorded and indexed in the Office of the County Clerk of Ellis County. The notice must contain the name and address of the owner, if reasonably determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due. The city's lien for demolition expenses is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the property, if each mortgagee and lienholder is given notice and an opportunity to repair or demolish the structure. The city's lien for repair expenses or civil penalties is inferior to any previously recorded bona fide mortgage lien attached to the real property if the mortgage lien was filed for record in the County Clerk's Office of Ellis County in which the real property is located before the date the civil penalty is assessed or the repair is begun by the city, but is superior to all other previously recorded judgment liens. A lien acquired by the city under this subsection for repair expenses may not be foreclosed if the structure upon which the repairs were made is the residential homestead of a person sixty-five (65) years of age or older and is occupied by that person.

(i) The city may use lawful means to collect repair and demolition costs and civil penalties from an owner. Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten (10) percent a year from the date of the assessment until paid in full. In any judicial proceeding regarding enforcement of city rights under this section, the city is entitled to recover reasonable attorney's fees from the nonprevailing party.

(j) When an order issued under this chapter has been filed in the Deed Records of Ellis County, execution of the order is not affected by a sale or other transfer of the premises. A person acquiring interest in property after an order has been so filed is subject to the requirements of the order. If an order to demolish or repair is timely effected, the director shall, upon request and payment of the cost by the owner, file a notice of compliance in the Deed Records of Ellis County.

(Ord. No. 1805, 3-7-94)

Sec. 8-68. - Treatment for insects and rodents.

A structure is ordered demolished by a buildings and standards commission, if the owner fails to obtain certification from a person licensed under the Texas Structural Pest Control Act that:

(a) The structure is free of insects and rodents; or

(b) The structure has been treated within the preceding thirty (30) days to eliminate insect and rodent infestation; the city may obtain the certification and charge the cost as part of the expense of demolition constituting a lien against the real property as provided in section 8-43(h).

(Ord. No. 1805, 3-7-94)

Sec. 8-69. - Reduction of occupancy load; vacation of structure; relocation of occupants; placing of placard on structure.

(a) The director shall, by certified mail, return receipt requested, sent to the last known address of the owner, lessor, and occupant of a structure and any mortgagee or lienholder of the real property concerned, give notice of a hearing to consider:

(1) Reduction of occupancy load of a structure or portion of a structure that is overcrowded;
or

(2) Vacation of a structure or portion of a structure that is unsanitary or unsafe and that presents a danger to the health, safety, or welfare of occupants.

(b) The director may place a placard on a structure or dwelling unit that is unsanitary or unsafe warning of its dangerous condition. A person commits an offense if he:

(1) Without authority from the director removes or destroys a placard placed by the director;

(2) Occupies a vacant structure or dwelling unit on which the director has placed a placard;
or

(3) As owner of a structure or dwelling unit, authorizes a person to occupy a vacant structure or dwelling unit on which the director has placed a placard.

(c) A public hearing to consider reduction of occupancy load or vacation of a structure shall be held before the commission at least ten (10) days after receipt of notice by the owner, lessor, occupant, mortgagee, and lienholder, or at least five (5) days after the mail is returned undelivered. The director shall present evidence of the overcrowded or dangerous condition of the structure and the owner, lessor, occupant, mortgagee, and lienholder may present evidence on relevant issues.

(d) The commission shall order reduction of the occupancy load if it finds the structure or dwelling unit is overcrowded or vacation of a structure or dwelling unit if it finds the structure is dangerous to the health, safety, or welfare of the occupants. The commission may order that the occupants of the structure or dwelling unit be relocated within a reasonable time. Notice of the order to reduce the occupancy load, to vacate, or to relocate shall be given to the occupants and the order shall be filed in the Deed Records of Ellis County.

(e) Vacation of a structure or relocation of the occupants of a structure may be accomplished by an owner, mortgagee, or lienholder as compliance with this section or by the city.

(f) The expenses of vacation or relocation of the occupants of a structure, when performed under contract with the city or by city forces, constitutes a lien against the real property on which the structure is located, unless it is a homestead as protected by the Texas Constitution. The city's lien attaches when notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner, if reasonably determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due. If each mortgagee and lienholder is given notice and an

(8)

opportunity to repair or demolish the structure, the city's lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the property.

(g) Each occupant of a structure or dwelling unit that has been ordered vacated shall vacate the structure or dwelling unit within a specified time determined by the commission. No person shall occupy a structure or dwelling unit that has been ordered vacated. The occupants of a structure or dwelling unit that has been ordered reduced in occupancy load shall reduce the occupancy to the number ordered by the commission within the specified time determined by the commission.

(h) A structure or dwelling unit is overcrowded if the following standards are not met:

(1) Floor space per person. Each structure or dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant and at least one hundred (100) square feet of additional habitable floor space for each additional occupant.

(2) Sleeping space per person. In each structure or dwelling unit of two (2) or more rooms, each room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant.

(3) Special provisions. Children under twelve (12) months of age shall not be considered occupants, and children under twelve (12) years of age shall be considered as one-half ($\frac{1}{2}$) of one (1) occupant for purposes of subparagraphs (h)(1) and (2).

(4) Ceiling height. For purposes of subparagraphs (h)(1) and (2), a room of a structure must have a ceiling height of at least seven (7) feet to be considered habitable space.

(i) The city shall bear no responsibility for any displaced person.

(Ord. No. 1805, 3-7-94)

Sec. 8-70. - Closure of a structure.

(a) The director shall by certified mail, return receipt requested, sent to the last known address of the owner of a structure that is open and vacant or a portion of which is open and vacant and any mortgagee or lienholder of record of the real property concerned, give notice of a hearing to consider closure of the structure. If notice sent to an owner, mortgagee, or lienholder is returned undelivered, the director shall give notice by publication once in the official newspaper of the city. A vacant structure or vacant portion of a structure is open if a door, window, or other opening is not securely closed to prevent unauthorized entry, and the structure is left unattended.

(b) A public hearing to consider closure of a structure or portion of a structure shall be before the commission at least ten (10) days after receipt of notice by the owner, mortgagee, or lienholder or at least five (5) days after the publication date. The director shall present evidence of the need to close a vacant and open structure or portion of a structure and the owner may present evidence on relevant issues.

(8)

(c) The commission shall order closure of a structure if it finds the structure or a portion of the structure to be open and potentially dangerous to the health, safety, or welfare of the public.

(d) If the owner, mortgagee, or lienholder appears at the hearing, the commission shall give each a reasonable and specified period of time to accomplish closure of a structure, but if closure is not accomplished in compliance with the order or if the owner, mortgagee, or lienholder does not appear at the hearing, the commission may cause closure. The expense of closure, when performed under city contract or by city forces, constitutes a lien against the real property on which the structure is located, unless it is a homestead as protected by the Texas Constitution. The city's lien attaches when notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner, if reasonably determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due. If each mortgagee and lienholder is given notice and an opportunity to repair or demolish the structure, the city's lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the property. The city may use lawful means to collect closure costs from an owner.

(e) The director may place a placard on an open and vacant structure or portion of a structure warning of its dangerous condition:

(1) No person without authority from the director shall remove a placard placed by the director.

(2) No person shall occupy an open and vacant structure on which a placard has been placed. A person who begins occupying a structure or portion of a structure after the director places a placard on the structure warning of its dangerous condition is also subject to the restrictions of section 8-45(i).

(Ord. No. 1805, 3-7-94)

DIVISION 5. - PENALTIES FOR NONCOMPLIANCE

Sec. 8-71. - Violations; penalty.

A person who violates a provision of this article, or who fails to perform an act required of him by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued. A violation of this article is punishable by a fine not to exceed two thousand dollars (\$2,000.00) per violation.

(Ord. No. 1805, 3-7-94)

Sec. 8-72. - Donation of noncomplying property to a nonprofit corporation.

(a) A judge of the municipal court may dismiss one (1) or more citations of a property owner who is charged with violating this article, if the property owner:

(1) Brings the property, for which the notices have been issued, into compliance with this article within a specific time period ordered by the municipal judge; or

(8)

(2) Donates the property, for which the notices have been issued, to a nonprofit corporation selected by the city.

(b) The building and standards commission may waive a civil penalty or part of a civil penalty or part of a civil penalty assessed against a property owner pursuant to section 8-47 of this article if the property owner donates the property, for which the civil penalty has been assessed, to a nonprofit corporation selected by the city.

(c) The city is authorized to contract with a nonprofit corporation for the acceptance of property donated pursuant to subsection (a)(2) or (b) of this section. The terms of the contract must provide that the nonprofit corporation will:

(1) Within ninety (90) days from the date of acceptance of the donated property, bring the property into compliance with this article, including, but not limited to, providing all necessary cleanup, maintenance, repairs, and alterations; and

(2) Within one hundred twenty (120) days from the date of acceptance of the donated property, sell the property directly to an occupant owner or rent the property directly to an occupant tenant.

(Ord. No. 1805, 3-7-94)

DIVISION 6. - EMERGENCY PROCEDURES

Sec. 8-73. - Conditions, regulations and procedures for vacation, repair or demolition of substandard building or structure.

Substandard buildings or structures may be ordered to be and shall be vacated, repaired, or demolished, under the following conditions, regulations and procedures:

(a) Emergency procedures. When a building or structure in the City of Waxahachie is a substandard building under the terms of this article, and if such building or structure or the manner of its use constitutes an immediate and/or serious danger to life and property, that condition shall be deemed justification for securing the consent and approval of the city manager or his designee to order any of the following emergency measures:

(1)

a. Immediate vacating of such building, structure and/or adjoining buildings or structures;

b. Vacating of the danger area around such building or structures;

c. Such emergency shoring up and bracing of walls, roofs and support as are required to render such building and structure safe;

d. The destruction of such walls, roofs, and supports of the entire structure or so much thereof as cannot be braced or made secure with safety; or

(8)

e. Post notices on or near such buildings or structures notifying the public of such orders and ordering all persons to keep out of such building, buildings, structure or structures, and the areas surrounding it or them.

(2) When any of the above mentioned measures are ordered to be taken, notice of such orders shall be given as follows:

a. Such orders shall be directed to the owner of such substandard building or structure, or his authorized representative, if the same shall be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service to the owner of the building or structure or his said representative.

b. In the event that such notification would create such a delay as would materially increase the danger of life or property, then such notice shall be waived.

(3) In the event that such notification is waived or such notice is given and the owner shall refuse or fail to satisfactorily carry out such orders in a timely manner, then, in either such event, the building standards commission, upon approval of the city manager or his designee, may proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property so repaired and/or demolished.

[(b) Reserved.]

(Ord. No. 1805, 3-7-94)

Sec. 8-74. - Requiring repair, removal, or demolition of building or other structure.

(a) The city council of the City of Waxahachie may find that a building, bulkhead or other measure of shoreline protection, fence, shed, awning, or other structure, or part of a structure, is likely to endanger persons or property.

Upon such a finding the city council may:

(1) Order the owner of the structure, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or part of the structure, within a specified time; or

(2) Repair, remove, or demolish the structure, or part of the structure, at the expense of the city, on behalf of the owner of the structure or owner of the property on which the structure is located, and assess the repair, removal, or demolition expenses on the property on which the structure was located.

(b) The repair, removal, or demolition expenses incurred under subsection (a)(2) above shall be assessed against the owner of the structure and/or against the owner of the property on which the structure is located. The city shall cause a lien against the structure and/or against the property on which the structure is located to be filed with the county clerk, secretary of state, or other appropriate place where liens are to be recorded. Notice of this assessment shall be given to the owner of the structure and the owner of the property on which the structure is located and to any lienholders for the property by certified mail return receipt requested at the last known address of

the owners and/or lienholders. The city may also undertake any other legally necessary step to recover the expenses assessed.

(c) The city council may punish by a fine not to exceed two thousand dollars (\$2,000.00) a day, confinement in jail, or both a person who does not comply with an order issued under subsection (a)(1) above.

(Ord. No. 2209, 10-24-03)

ARTICLE XIII. - CONTRACTOR REGISTRATION

Sec. 8-75. - Required.

Contractor registration. Prior to the issuance of any permit the building official shall verify that all required contractors, as listed herein, have a current registration with the city. Registration is valid for one full year after registration date. No renewal notice will be sent.

(a) Contractor registration required.

(1) Issuance of permits. Contractors shall not be eligible to receive a permit within the city unless they are registered with the city. Backflow testers shall not be eligible to approve test reports for backflow devices unless they are registered with the city.

(2) Registration requirements. Contractors must submit the following required information to the city prior to receiving a registration permit:

- a. A completed contractor registration application supplied by the city.
- b. A valid license issued by the State of Texas when required.
- e. Verification of insurance.
- f. Registration fee: See Chapter 11 Fee Schedules

(b) Suspension of registration. Any permit issued to a contractor whom has their registration suspended shall be suspended as well. Nor will a contractor be allowed to continue any work related to any permits once their registration is suspended. Any contractor's registration may be suspended by the building official for any of the following reasons:

- 1. The contractor fails to request and obtain a final inspection prior to the expiration of the permit; or
- 2. The contractor allows use or occupancy of the structure for which a permit was obtained without first obtaining the required authorization from the city; or
- 3. The contractor has been found by the building official, in his sole discretion, to have been grossly negligent in the performance of his work; or

(8)

4. The contractor has, as solely determined by the building official, jeopardized the safety of the general public, or those at the construction site by actions or inactions of the company; or
5. The contractor has a history of violating ordinances related to building, mechanical, electrical or plumbing safety; or
6. A license that is a requirement to register as a particular contractor has expired, been suspended or revoked; or
7. The contractor has submitted any false or misleading information to the city in the registration process.

(c) Appeal of suspension by building official. Any contractor whose registration has been suspended may appeal the action to the city manager. In the case of an appeal to the city manager, the action of the building official shall stand until the final determination of the appeal is made by the building and standards commission. The appeal must be in writing and filed with the city manager within ten business days of the suspension of the contractor's registration. After hearing the case, the city manager may take the following action:

1. Affirm the suspension; or
2. Overrule the suspension and reinstate the registration of the contractor; or
3. Affirm the suspension, but waive any or all of the reinstatement requirements set forth in subsection (d) below; or
4. Affirm the suspension and require conditions for reinstatement in addition to those set forth in subsection (d) below, including, but not limited to, prohibiting reinstatement for up to six (6) months.

(d) Reinstatement of registration. A contractor whose registration has been suspended may reapply for registration if:

1. All circumstances leading to the suspension have been corrected;
2. The contractor reapplies for registration in accordance with this section;
3. The registration fee is paid; and
4. Any additional conditions set by the building and standards commission pursuant to subsection (c)(4) above, have been met.

(8)

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____,
2019.

MAYOR

ATTEST:

City Secretary

(9)

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 11 (ELECTRICITY) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE AND MOVING IT TO CHAPTER 8 (BUILDING); RENAMING CHAPTER 11 TO BUILDING AND COMMUNITY SERVICES FEE SCHEDULE; ADOPTING THE INTERNATIONAL CODE COUNCIL VALUATION TABLE; ADOPTING A REVISED FEE SCHEDULE; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REPEALED AND REPLACED TO READ AS FOLLOWS:

Chapter 11 – BUILDING & COMMUNITY SERVICES FEE SCHEDULE

Section 11-1. BUILDING & COMMUNITY SERVICES FEE SCHEDULE

Building Inspection Fees

Amount

Building Permit -

\$0.40 per sf for permit

**Includes New Construction, Additions,
Alterations & Accessory Bldgs.**

\$0.05 per sf for plan review

** Note: Value for building permits is based on the latest building valuation table created by the International Code Council (ICC) which utilizes regional building valuation data (see Valuation Table).*

MEP Fee Associated w/ a Building Permit

Building Mechanical Fee

\$0.05 per sf

Building Electrical Fee

\$0.05 per sf

Building Plumbing Fee

\$0.05 per sf

MEP Fee NOT Associated w/ a Building Permit

Mechanical Permit Fee

\$50 (if number of units exceeds two units, then \$50 will be charged per unit)

Electrical Permit Fee

\$50 (if number of units exceeds two units, then \$50 will be charged per unit)

(9)

Plumbing Permit Fee	<i>\$50 (if number of units exceeds two units, then \$50 will be charged per unit)</i>
Certificate of Occupancy	\$50
In-Ground Swimming Pool	\$200
Above-Ground Swimming Pool	\$50
On-Site Sewer Facility	\$250
Irrigation	\$50
Temporary Building	\$50
Moving Permit	\$100
Fence	\$50
Demolition	\$50
Fire Suppression	\$50
Fire Alarm	\$50
Fire Sprinkler	\$50
Signs	Temporary / Promotional: \$30 Pole / Monument: \$75 Wall / Development / Real Estate: \$50
Convenience Charge	An additional third party fee may be charged for online payments.
Temporary Use (events, tent sale, carnival, etc.)	\$50
Roofing	\$50
Garage Sale	\$5
Estate Sale	\$25
Miscellaneous (fee for work not listed)	\$50
Contractor Registration	\$0 However, must still register

(9)

Supplemental Plan Review

\$50/hr
min. 2 hrs. for single-family
residential / min. 3 hrs. for non-
single-family

Re-Inspection

\$50

Food Establishment Fees

Amount

Permanent Food Establishment

Facilities w/ 1,000 or less sf: \$125
Facilities w/ 1,001 to 5,000 sf: \$175
Facilities w/ 5,001 to 10,000 sf: \$225
Facilities w/ 10,001 or more sf: \$300

Mobile Food Establishments

\$150

Nonpermanent Food Establishments

\$120

Temporary Food Establishments

Temperature Controlled: \$60
Pre-Packaged: \$25

Seasonal Food Establishments

\$60

Farmers Market

\$30

Change of Ownership

\$25

Re-Issuance of Permit after Expiration

\$25

Additional Printed Permits

\$5 per copy

Nonprofit Organizations

\$60

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____,
2019.

MAYOR

ATTEST:

City Secretary

(10)

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 25 (PLUMBING AND GAS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE AND MOVING IT TO CHAPTER 8 (BUILDING); AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REPEALED AND REPLACED TO READ AS FOLLOWS:

Chapter 25 (Plumbing and Gas) is repealed and replaced and moved to Chapter 8 (Building)

Chapter 25 – RESERVED

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____, 2019.

MAYOR

ATTEST:

City Secretary

(11)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 3 (ADVERTISING) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 3-3 PERMIT FEE FOR ERECTION OF COMMERCIAL OR BUSINESS SIGN; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REVISED TO READ AS FOLLOWS:

Chapter 3 - ADVERTISING

ARTICLE I. - IN GENERAL

Sec. 3-3. - Permit fee for erection of commercial or business sign.

There shall be a permit fee for the erection of any commercial or business sign, which advertises or announces the name or type of any product or service, which is either free-standing or attached to the outside of any structure as follows:

See Chapter 11 Fee Schedules

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____, 2019.

MAYOR

ATTEST:

City Secretary

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 (FIRE PROTECTION AND PREVENTION) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY; REVISING SECTION 12-43 PERMIT FEES; ADOPTING THE INTERNATIONAL FIRE CODE 2018 EDITION WITH LOCAL AMENDMENTS; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REVISED TO READ AS FOLLOWS:

Chapter 12 - FIRE PROTECTION AND PREVENTION**ARTICLE III. - FIRE PREVENTION CODE****Sec. 12-42. - Adoption.**

(a) The 2018 International Fire Code, is hereby adopted and incorporated as fully as if set out in full herein, and the provisions thereof shall be controlling within the corporate limits of the city. It is specifically provided that, as amendments are made by the issuers of said codes, they are effective thirty (30) days upon acceptance of said amendments by the city.

(b) There is also adopted, as part of the 2018 International Fire Code, the following provisions:

Key Box/Haz-Mat Box/Quick Opening Device:

(1) When access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes, the fire chief may require a key box or quick opening device to be installed in an accessible location. The key box or quick opening device shall be a type approved by the fire code official or, if a key box is installed, it shall contain keys to gain necessary access as required by the fire chief.

(2) Haz-mat boxes may be required when large quantities of hazardous material are stored or located at a structure.

(3) The fire code official shall determine the location of the fire department connection for all sprinkler and/or standpipe systems.

(c) Amendments to 2018 International Fire Code.

(1) 104.11.3 Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident. No person shall tamper with a manual or automatic fire alarm system or sprinkler system making them inoperable to respond to an emergency.

(2) 505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with the background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). All new and existing buildings with a rear entrance shall have the building address or suite number installed upon the rear door, except residential.

(3) 506.1.1. An approved lock shall be installed on gates or similar barriers when required by the fire code official. All new electronic gates installed at a business or residential location shall have a Knox key box or Knox electronic key switch installed for fire department access approved by the fire code official.

(4) 508.5.5 Clear space around hydrants. A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

(5) 902 Definition of fire area. The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or fire resistance-rated horizontal assemblies of a building.

(6) 903. An automatic sprinkler system shall be provided for group B occupancies where one of the following conditions exists:

- a. The fire area exceeds 10,000 square feet;
- b. The fire area has an occupant load of 300 or more; or
- c. The fire area is located on a floor other than the level of exit discharge.

(7) 903 Automatic sprinkler systems. Where the fire code addresses a fire area of 10,000 square feet or greater.

(8) 903.3.6 Hose threads. Fire hose threads and fittings used in connection with automatic sprinkler systems shall be as prescribed by the fire code official. All caps shall be metal breakaway or screw-in type approved by the fire code official.

(9) 903.3.7 Fire department connections. The location of fire department connections shall be approved by the fire code official. Any fire department connection that serves more than one occupancy shall have a sign placed over the top of the fire department connection stating the occupancies that are served by that connection. Stand alone fire department connections shall have a 6" piece of reflective tape applied to the FDC riser just below the fire department connection.

(10) 905.3.1 Building height. Class I manual dry standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

(11) 1103.5.1 Group A-2 Sprinkler Requirement Removed

(12)

(d) The edition of the International Fire Code presently adopted is the 2018 Edition, with North Central Texas Council of Government amendments to that date.

- (1) 202 High-Piled Combustible Storage – Option B Selected
- (2) 202 High-Rise Building – Option B Selected
- (3) 903.2.11, 903.2.11.3, 903.2.11.7, and 903.2.11.8 – Option A Selected
- (4) 1103.5.1 Group A-2 Sprinkler Requirement Removed

Charter reference— Codes and technical regulations, § 2.16.

Sec. 12-42.1. - Amendments to the 2018 International Fire Code.

The Standard Fire Prevention Code is hereby amended as follows:

- (1) Section 105, Board of adjustments and appeals is deleted.
- (2) Section 602.6 is amended so that fire lanes will be twenty-four (24) feet in width, instead of twenty (20) feet as otherwise provided.
- (3) All buildings in the fire limits (see section 8-1 Fire limits) with a forty (40) percent remodel or greater shall be equipped with an automatic fire detection system or automatic sprinkler system, determined by the chief building official and the fire code official.
 - a. The forty (40) percent rule refers to the square footage of the building remodeled.
 - b. All fire detection systems shall be monitored by an approved central station.
 - c. All new restaurants located in the fire limits regardless of percentage of remodel, size, or occupancy shall require an automatic fire alarm and a vent-a-hood suppression system.

Sec. 12-43. – Permits Fees.

(a) For a fees associated with all of the following permits see Chapter 11 Fee Schedules ...

- (1) Fire Sprinklers Systems
- (2) Fire Alarms Systems
- (3) Fire Suppression Systems

(12)

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____,
2019.

MAYOR

ATTEST:

City Secretary

(13)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 13 (FOOD AND FOOD HANDLERS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 13-11 FOOD ESTABLISHMENT PERMITS - GENERAL REQUIREMENTS; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REVISED TO READ AS FOLLOWS:

Chapter 13 - FOOD AND FOOD HANDLERS

ARTICLE II - FOOD SERVICE ESTABLISHMENTS

Sec. 13-11. - Food establishment permits—General requirements.

- (a) No person shall operate a food establishment without a current, valid food establishment permit issued by the department of building and community services.
- (b) A separate permit shall be required for every food establishment with separate and distinct facilities and operations, whether situated in the same building or at separate locations.
- (c) Permits issued under the provisions of this article are not transferable. Each permit is valid for one year from the date that it is issued.
- (d) Any permit that lapses for nonpayment of the annual permit fee required in this section will be reinstated upon payment of an additional fee of twenty-five dollars (\$25.00) for each thirty-day period in which the permit has been allowed to lapse.
- (e) The application for a new permit shall be made on an application form prescribed by the director for each classification of permit.

Sec. 13.16. – Fees.

The city council shall adopt a schedule of fees for:

- (a) All food establishment permits; change of ownership; re-issuance of a permit after expiration; and additional printed permits. The Department of Building and Community Services will not issue a permit until all fees have been paid.
- (b) The following fee schedule applies to all permits issued under this chapter:
 - (1) See Chapter 11 Fee Schedules.

(13)

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____,
2019.

MAYOR

ATTEST:

City Secretary

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 21 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 21-121 GARAGE SALES; REVISING SECTION 21-123 ESTATES SALES; REVISING SECTION 21-124 GARAGE OR ESTATE SALE SIGN; REVISING SECTION 21-125 PENALTY; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REVISED TO READ AS FOLLOWS:

Chapter 21 - OFFENSES AND MISCELLANEOUS PROVISIONS**ARTICLE X. - GARAGE AND ESTATE SALES****Sec. 21-121. - Garage sales.**

An offering for sale of clothes, household furniture, appliances and household and personal items. A garage sale may be conducted, provided that such sale is conducted primarily by the residents of the premises only and that not more than two (2) such sales not exceeding two (2) days duration each, may be conducted on any residential lot or residential premises during a calendar year. A permit must be obtained from the City of Waxahachie prior to the conducting of any garage sale, and must be displayed at the main entrance to the house.

Sec. 21-122. - Garage sale permit.

Fee: See Chapter 11 Fee Schedules

No fee for permits shall be charged to charitable, educational, or religious organizations which have their principal place of activity in the city.

Sec. 21-123. - Estate sales.

Estate sales are one-time sales for the closing out of a household, being either an estate or any event resulting in the closing out of a household. These sales may be conducted by a professional estate sale person or by auction. They may be conducted only one (1) time, for not over three (3) consecutive days, for any household. A permit must be obtained from the City of Waxahachie, and a permit may be issued by the city which must be displayed at the main entrance door of the house. It is not permitted to bring property for sale from off-premises to be sold at an estate sale.

Fee: See Chapter 11 Fee Schedules

Sec. 21-124. - Garage or estate sale sign.

Garage or estate sale signs are subject to the sign regulations in the zoning ordinance.

Sec. 21-125. - Penalty.

Any person, firm, or corporation violating any of the provisions or terms of this article shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each day such violation shall continue to exist shall constitute a separate offense.

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____,
2019.

MAYOR

ATTEST:

City Secretary

115)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 33 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 33-22 STANDARDS FOR PRIVATE SEWAGE FACILITIES AND SEPTIC TANKS, INSPECTION FEE; REVISING SECTION 33-131 ENFORCEMENT OF V.T.C.A., HEALTH AND SAFETY CODE CH. 366, C.T.C.A., WATER CODE CH. 7 AND 37, ASSOCIATED RULES; REVISING SECTION 33-138 PERMIT FEES; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE TEXAS:

THAT CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REVISED TO READ AS FOLLOWS:

Chapter 33 - UTILITIES

ARTICLE I. - IN GENERAL

Sec. 33-22. - Standards for private sewage facilities and septic tanks; inspection fee.

(a) The city hereby adopts the standards set by the Texas Department of Health for private sewage facilities and septic tank disposal systems, adopted by the Texas Department of Health pursuant to the provisions of V.T.C.A., Water Code art. 4477-1, § 23(b); § 21-083; or any other applicable provisions of state law. It is specifically provided that the City of Waxahachie standards shall conform to the then current state standards set by the Texas Department of Health, and shall have the same effective dates on any amendments to current standards. It is specifically provided, however, that notwithstanding the provisions hereby adopted, that the minimum lot size permitted for a septic tank system shall be twenty-five thousand (25,000) square feet.

ARTICLE VI. - ON-SITE SEWAGE DISPOSAL

Sec. 33-131. - Enforcement of V.T.C.A., Health and Safety Code Ch. 366, V.T.C.A., Water Code Chs. 7 and 37, associated rules.

The City of Waxahachie, Texas, clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the

Texas Health and Safety Code (H&SC) and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in section 33-134 of this article.

Sec. 33-132. - Area of jurisdiction.

(a) The rules shall apply to all the area lying within the incorporated limits of the City of Waxahachie, Texas.

(b) These rules shall apply to those incorporated cities or counties that have executed intergovernmental contracts with the City of Waxahachie, Texas.

Sec. 33-138. - Permit Fees.

See Chapter 11 Fee Schedules

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____,
2019.

MAYOR

ATTEST:

City Secretary