

**WORK SESSION AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
FIRST FLOOR CONFERENCE ROOM
TUESDAY, NOVEMBER 8, 2016 – 5:15 P.M.**

I. Call to Order

II. Informational Items

-) **Update and Discussion of Justice Center facility repairs**
-) **Update and Discussion on hiring of Hurst Conference Center Chef**
-) **Update and Discussion on Morash Development Agreement**
-) **Update and Discussion of 2017 Townhall Forum format**
-) **Update and Discussion of Traffic Uniform Safety Standards**

III. Discussion of Agenda Item(s) 13 and 14

Conduct a Public Hearing to consider Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A and B, Block 11, Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court

Consider Ordinance 2346, first reading, to consider Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A & B, Block 11 Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court

Michelle Lazo

IV. Discussion of Agenda Item(s) 15

Consider Ordinance 2347, first reading, amending Chapter 5 and Chapter 8 of the Hurst Code of Ordinances, pertaining to Building and Fire regulations adopting the 2015 International Codes and the 2014 National Electrical Code

Vince King

V. Discussion of Agenda Item(s) 16

Consider Ordinance 2348, first reading, clarifying when inspection of rental units are required

Vince King

VI. Discussion of Agenda Item(s) 17

Consider authorizing the city manager to enter into a contract with A & M Construction & Utilities, Inc., for the Renovation and Repainting of the Tarrant County College Elevated Storage Tank (TCC EST)

Greg Dickens

VII. Discussion of Agenda Item(s) 18

Consider authorizing the City Manager to proceed with the Chisholm Park Improvements Project Phase II

Allan Heindel

VIII. Discussion of Agenda Item(s) 19

Consider authorizing the city manager to purchase equipment required to re-align soccer fields at the Hurst Athletic Complex

Allan Heindel

IX. Discussion of Agenda Item(s) 20

Consider authorizing the city manager to enter into contracts to migrate the City's email system

Sunny Patel

X. Adjournment

Posted by: _____

This the 4th day of November 2016, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (817) 788-7041 or FAX (817) 788-7054, or call TDD 1-800-RELAY-TX (1-800-735-2989) for information or assistance.

**REGULAR MEETING AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
TUESDAY, NOVEMBER 8, 2016**

AGENDA:

5:15 p.m. - Work Session (City Hall, First Floor Conference Room)

6:30 p.m. - City Council Meeting (City Hall, Council Chamber)

CALL TO ORDER

INVOCATION (Mayor Richard Ward)

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Presentation of Proclamation recognizing National Animal Shelter Appreciation Week

CONSENT AGENDA

2. Consider approval of the minutes for the October 25, 2016 City Council meetings
3. Consider Ordinance 2340, second reading, amending the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; repealing conflicting ordinances and declaring junked vehicles to be a public nuisance
4. Consider Ordinance 2341, second reading, amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21 View and Passage Obstructions, declaring low lying branches and shrubs to be a public nuisance
5. Consider Ordinance 2342, second reading, amending the City of Hurst Code of Ordinances, adding Section 10-80.5 "Dead Trees", declaring dead trees to be a public nuisance
6. Consider Ordinance 2343, first reading, to provide City of Hurst Texas Municipal Retirement System (TMRS) service retirees with a COLA
7. Consider Ordinance 2344, first reading, concerning changes to school speed limit zone times in the City of Hurst
8. Consider Ordinance 2345, first reading, accepting the conveyance of a remnant parcel of land described as Lot 1, Block 7, Oakwood Park East Addition, from the Scott R. Davidson Estate, and authorizing the conveyance of subject tract to Jacqi Powell, the owner of the contiguous property known as Lot 2, Block 7, Oakwood Park East

9. Consider Resolution 1658 supporting a Municipal Setting Designation application to TCEQ for the property at 711 West Hurst Boulevard
10. Consider Resolution 1659 supporting a Municipal Setting Designation application to TCEQ for the properties in Richland Hills, Texas, at 6700 Baker Boulevard, 6750 Baker Boulevard, 3204 Diana Drive, 6700 Rena Drive, 6724 Rena Drive, and adjacent city rights-of-way on Diana Drive, Rena Drive, Matthews Drive, and Rufe Snow Drive
11. Consider authorizing the city manager to enter into an agreement with Visual Computer Solutions (VCS) through SHI Government Solutions for time collection and scheduling for all City employees
12. Consider authorizing the city manager to purchase (3) three vehicles and (2) two tractors from approved vendors

PUBLIC HEARING(S) AND RELATED ITEM(S)

13. Conduct a Public Hearing to consider Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A and B, Block 11, Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court
14. Consider Ordinance 2346, first reading, to consider Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A & B, Block 11 Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court

ORDINANCE(S)

15. Consider Ordinance 2347, first reading, amending Chapter 5 and Chapter 8 of the Hurst Code of Ordinances, pertaining to Building and Fire regulations adopting the 2015 International Codes and the 2014 National Electrical Code
16. Consider Ordinance 2348, first reading, clarifying when inspection of rental units are required

ACTION ITEM(S)

17. Consider authorizing the city manager to enter into a contract with A & M Construction & Utilities, Inc., for the Renovation and Repainting of the Tarrant County College Elevated Storage Tank (TCC EST)
18. Consider authorizing the City Manager to proceed with the Chisholm Park Improvements Project Phase II

19. Consider authorizing the city manager to purchase equipment required to re-align soccer fields at the Hurst Athletic Complex
20. Consider authorizing the city manager to enter into contracts to migrate the City's email system

OTHER BUSINESS

21. Review of the following advisory board meeting minutes:
 -) Library Board Minutes
 -) Hurst Senior Citizens Advisory Board
 -) Parks and Recreation Board
22. Review of upcoming calendar items
23. City Council Reports

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED

EXECUTIVE SESSION in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by Government Code, Section 551.074, Personnel - (Evaluation of City Council Appointees) and to reconvene in Open Session at the conclusion of the Executive Session

24. Consider and take any and all action ensuing from Executive Session

ADJOURNMENT

Posted by: _____

This 4th day of November 2016, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

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Office of the Mayor

Proclamation

City of Hurst

There is no doubt animals add to our level of happiness and are important parts of our daily lives; and

Caring for animals and enforcing animal welfare laws is a critical component in the overall well-being of our City; and

Animal Services' employees must function at a high level of professionalism and compassion in a challenging work environment; and

Hurst Animal Services' employees consistently display a high level of professionalism, dedication, and attention to duty.

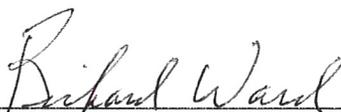
NOW, THEREFORE, I, Richard Ward, Mayor of the City of Hurst, Texas, on behalf of the entire City Council and all our citizens, do hereby proclaim November 6 through 12, 2016 as

National Animal Shelter Appreciation Week

throughout the City of Hurst and urge all citizens to recognize and honor Animal Services employees who take care of the animals that enrich our lives.

Witness my Hand and the Official Seal of the City of Hurst, Texas, on this 8th day of November 2016.





Mayor Richard Ward

**Minutes
Hurst City Council
Work Session
Tuesday, October 25, 2016**

On the 25th day of October 2016, at p.m., the City Council of the City of Hurst, Texas, convened in Work Session at Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Richard Ward	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Henry Wilson)	
Nancy Welton)	
David Booe)	
Trasa Cobern)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Allan Heindel	)	Deputy City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Clayton Fulton	)	Executive Director of Fiscal and Strategic Services
Malaika Farmer Marion	)	Executive Director of Administrative Services
Michelle Lazo	)	Managing Director of Development
Steve Moore	)	Police Chief
Steven Niekamp	)	Assistant Police Chief
Pat McGrail	)	Police Detective

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

I. Call to Order – The meeting was called to order at 5:18 p.m.

II. Informational Items – City Manager Clay Caruthers introduced newly hired Executive Director of Fiscal and Strategic Services

) **Update and Discussion on new Hurst History Video production** – Executive Director of Administration Malaika Farmer Marion briefed Councilmembers on the Hurst history video production and how they are adding to the original video and developing a script to narration. She stated they hoped to also use the information as a marketing tool. Council discussed a few milestones worthy of note in the video.

Council moved to Work Session Item III.

III. Discussion of Agenda Item(s) 7

Consider Ordinance 2339, first and final reading, amending Republic Services contract and

residential, commercial and industrial trash and residential recycling rates. Executive Director of Administration Services Malaika Marion Farmer briefed Councilmembers on the proposed Ordinance amending Republic Services contract and residential, commercial and industrial trash and residential recycling rates. She explained the proposal is for a 3 percent increase effective November 1, 2016, and 3 percent increase effective November 1, 2017. Ms. Farmer stated the City's rate will still be below other area cities and is an impact of .34 to the average homeowner.

Council moved to Informational Items.

-) **Update and Discussion on Police Neighborhood Outreach and Community Statistics** – Police Chief Steve Moore provided information regarding crime statistics and briefed Councilmembers on the significant impact the mall and Walmart have on the statistics. He explained Walmart is implementing a program to address theft, which will reduce the activity numbers. Chief Moore explained how the data is collected and reported, and how the multi-family housing ordinance is decreasing some crime activity. Discussed were outreach methods to keep citizens informed and the best source to obtain accurate information regarding crime statistics.
-) **Discussion of Rental Registration renewal and inspection fees** – Building Official Vince King reviewed the current ordinance for the rental registration program, and stated the ordinance has been effective. Mr. King stated the ordinance currently allows for an annual rental registration fee, that has not been collected but staff wishes to enforce that section of the ordinance. He explained the fee will reduce the cost of doing business and insure units are being inspected. There was discussion regarding notification methods regarding the rental registration fee.

IV. Discussion of Agenda Item(s) 8, 9, and 10

Consider Ordinance 2340, first reading, amending the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; repealing conflicting ordinances and declaring junked vehicles to be a public nuisance

Consider Ordinance 2341, first reading, amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21 View and Passage Obstructions, declaring low lying branches and shrubs to be a public nuisance

Consider Ordinance 2342, first reading, amending the City of Hurst Code of Ordinances, adding Section 10-80.5 “Dead Trees”, declaring dead trees to be a public nuisance

Managing Director of Development Michelle Lazo briefed Councilmembers on the proposed Ordinances amending the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21 View and Passage Obstructions, declaring low lying branches and shrubs to be a public nuisance and amending the City of Hurst Code of Ordinances, adding Section 10-80.5 “Dead Trees”, declaring dead trees to be a public nuisance. Ms. Lazo stated the ordinances will define junked vehicles and outline notice procedures, protect large vehicles from damage from low lying limbs, and reduce visibility issues from shrubs in the right-of-

way, and decrease safety concerns with the removal of dead trees. Discussed were notification processes and means to help individuals abate issues if there are financial hardships.

V. Discussion of Agenda Item(s) 11

Consider Resolution 1656 in support of local control for the upcoming 85th Legislative Session. City Manager Clay Caruthers briefed Councilmembers on Resolution 1656 in support of local control for the upcoming 85th Legislative Session.

The following items were not discussed in work session:

VI. Discussion of Agenda Item(s) 12

Consider Resolution 1657 authorizing the city manager to submit a grant application for the Mobile Forensic Project to the Office of Governor, Criminal Justice Center.

Stephen Moore

VII. Discussion of Agenda Item(s) 13

Consider authorizing the city manager to approve funding for the 42nd Year Community Development Block Grant (CDBG) Sheri Lane Paving and Water Improvements

Greg Dickens

VIII. Adjournment - The work session adjourned at 6:25 p.m.

APPROVED this the 8th day of November 2016.

ATTEST:

Rita Frick, City Secretary

APPROVED:

Richard Ward, Mayor

**City of Hurst
City Council Minutes
Tuesday, October 25, 2016**

On the 25th day of October 2016, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Richard Ward	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Henry Wilson)	
Nancy Welton)	
David Booe)	
Trasa Cobern)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Allan Heindel	)	Deputy City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Malaika Farmer	)	Executive Director of Administration
Clayton Fulton	)	Executive Director of Fiscal and Strategic Service
Steve Moore	)	Police Chief
Steven Niekamp	)	Assistant Police Chief
Detective	)	Pat McGrail

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m.

Councilmember Kitchens gave the Invocation.

The Pledge of Allegiance was given.

CONSENT AGENDA

1. Considered approval of the minutes for the October 11, 2016 City Council meetings.
2. Considered Ordinance 2338, second reading, amending Chapter 21, Article II. – Impact Fees including updated land use assumptions, capital improvement plans, and impact fee levels.
3. Considered authorizing the city manager to enter into a purchase agreement with Integrated Forensic Services and the Tarrant County Medical Examiner’s office for evidence processing services.
4. Considered authorizing the city manager to enter into a purchase agreement with Red The Uniform Tailor for Police Department uniforms and equipment.

5. Considered authorizing the city manager to enter into an Engineering Services Contract, Amendment 1, with Deltatek Engineering for additional engineering services for the Tarrant County College (TCC) Elevated Storage Tank Renovation Project.
6. Considered authorizing the city manager to purchase six (6) Chevrolet Tahoe Police Edition vehicles and two (2) Chevrolet Impala Police CID units from Reliable Chevrolet.

Councilmember Wilson moved to pass the consent agenda. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

ORDINANCE(S)

7. Considered Ordinance 2339, first and final reading, amending Republic Services contract and residential, commercial and industrial trash and residential recycling rates.

Mayor Ward recognized Executive Director of Administration Malaika Farmer Marion who stated the amendment will allow a 3 percent increase to rates effective November 1, 2106 and November 1, 2017. Ms. Marion stated this increase still allows the City to have one of the lowest rates in the area and receive excellent services. City Manager Clay Caruthers noted it has been a couple of years since Republic has requested an increase. He stated this action does amend the contract to exceed the CPI to address inflation issues. In response to Councilmembers' questions, Ms. Marion reviewed area cities' rates and how senior and disabled citizens can request a discount for recycling services.

Councilmember Welton moved to approve Ordinance 2339, first and final reading, amending Republic Services residential, commercial and industrial trash and residential recycling rates, effective November 1, 2016, to be included in all City utility bills processed on, or after, November 1, 2016. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

8. Considered Ordinance 2340, first reading, amending the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; repealing conflicting ordinances and declaring junked vehicles to be a public nuisance.

Mayor Ward recognized Managing Director of Development Michelle Lazo who reviewed the proposed Ordinance amendments to include changing the definition of a "Junked Vehicle" to require a valid license tag, which now covers the registration and state inspection. She also noted the clarification regarding timing and declaration of a nuisance. In response to Councilmembers' questions regarding aircraft in the definition, Ms. Lazo stated she is aware of one aircraft in the City.

Councilmember McLendon moved to approve Ordinance 2340, first reading, amending

the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; repealing conflicting ordinances and declaring junked vehicles to be a public nuisance. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

9. Considered Ordinance 2341, first reading, amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21 View and Passage Obstructions, declaring low lying branches and shrubs to be a public nuisance.

Mayor Ward recognized Managing Director of Development Michelle Lazo who reviewed the proposed Ordinance amendment stating the current ordinance requires trees over residential street right-of-way to be trimmed up to 10 feet in height and trees over arterials to be trimmed up to 14 feet. She stated the new ordinance requires all to be 14 feet to accommodate fire, trash and delivery trucks. She stated the ordinance also requires bushes to be trimmed to avoid a view obstruction. In response to Councilmembers' questions, Ms. Lazo reviewed notification processes for the Code Enforcement Office, including door knocks, conversation, and notice of violations. She explained various ways staff will work with individuals if there are any financial hardships. Councilmembers discussed the need for staff to be informative and not threatening to the citizens.

Councilmember Wilson moved to pass Ordinance 2341 on first reading. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

10. Considered Ordinance 2342, first reading, amending the City of Hurst Code of Ordinances, adding Section 10-80.5 "Dead Trees", declaring dead trees to be a public nuisance.

Mayor Ward recognized Managing Director of Development Michelle Lazo who reviewed the proposed Ordinance adding a new section regarding dead trees and declaring dead trees a public nuisance, and stated staff worked with the Neighborhood and Advisory Committee to address the amendment. She stated the ordinance also includes a section that was inadvertently removed by Municipal Code Corporation during codification. Ms. Lazo stated staff receives many complaints regarding dead trees, for aesthetics and life safety issues. She stated the proposed ordinance will require residents to remove a tree or parts, thereof, if the tree is dead and/or constitutes an immediate safety risk to persons or property. She reiterated that staff will make every effort to work with residents to abate the nuisance while prioritizing safety. In response to Councilmembers' questions, Ms. Lazo stated there are several programs to help someone who does not have funding for removal. She stated staff will focus on trees in the right-of-way or ones that could fall on a house.

Councilmember Welton moved to approve Ordinance 2342, first reading, amending the City of Hurst Code of Ordinances, adding Section 10-80.5 "Dead Trees", declaring dead

ness to be a public nuisance. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

RESOLUTION(S)

11. Considered Resolution 1656 in support of local control for the upcoming 85th Legislative Session.

Mayor Ward recognized City Manager Clay Caruthers who reviewed the proposed Resolution, which reflects the City's belief they have the most direct contact with citizens and that the citizens are best represented by the local elected officials who have frequent contacts with their citizens. Councilmembers discussed the ongoing attempt by the Legislature to erode local authority and the need to recognize that all cities are different and have different needs.

Councilmember Kitchens moved to approve Resolution 1656 in support of local control for the upcoming 85th Legislative Session. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

12. Considered Resolution 1657 authorizing the city manager to submit a grant application for the Mobile Forensic Project to the Office of Governor, Criminal Justice Center.

Mayor Ward recognized Assistant Police Chief Steven Niekamp who reviewed the proposed Resolution and introduced Detective Pat McGrail who reviewed the investigation process of extracting data from mobile devices, such as cellular phones, Global Positioning System devices, tablet computers, etc. Detective McGrail explained the limited resources currently available to the department and that the data is an effective tool for successful investigations. In response to Councilmembers' questions, Detective McGrail stated project cost is the grant amount of \$24,000.

Councilmember Cobern moved to approve Resolution 1657 authorizing the city manager to submit a grant application, for the Mobile Forensic Project, to the Office of Governor, Criminal Justice Center Division. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

ACTION ITEM(S)

13. Considered authorizing the city manager to approve funding for the 42nd Year Community Development Block Grant (CDBG) Sheri Lane Paving and Water Improvements.

Mayor Ward recognized Executive Director of Public Works Greg Dickens who reviewed the bid and award process with Tarrant County, noting three bids were received. Mr. Dickens stated Reliable Paving, Inc. submitted the lowest bid and staff is recommending the City recommend Tarrant County award to the low bidder, Reliable Paving, Inc., and authorize the city manager to provide funding above the approved grant amount of approximately \$50,000.00. In response to Councilmembers' questions, Mr. Dickens stated he anticipates the project will start in January 2017, and typically takes six months for completion, but believes it may be completed sooner. He stated he has worked with Reliable Paving, Inc., and they are a reliable company.

Councilmember Welton moved to approve Tarrant County award the contract for the 42nd Year CDBG Sheri Lane Paving and Water Improvements Project to Reliable Paving, Inc., in the amount of \$315,829.00, with a 10% contingency of \$32,000.00, for a total of \$347,829.00, with the City being responsible for all project costs over the County grant amount of \$266,211.70. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

OTHER BUSINESS

14. Councilmembers reviewed of the following advisory board meeting minutes:

) Historical Landmark Preservation Committee

Councilmember Kitchens and Executive Director of Administration Malaika Farmer Marion provided a brief update on the Parker Cemetery Project and Councilmember Kitchens stated he could share some interesting historical facts discovered by he and his wife, Carolyn, at a future work session.

15. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the following calendar items:

) Saturday, October 29, 2016, 7:00 a.m. – noon, Good Neighbor Day, Bellaire Shopping Center
) Tuesday, November 1, 2016, 6:30 p.m. – Chat with the Police Chief, Hurst Public Library
) Tuesday, November 22, 2016 – Regular City Council meeting Canceled
) Wednesday, November 23, 2016 - City Offices close noon
) Thursday, November 24, 2106 - City Offices closed
) Friday, November 25, 2016 - City Offices closed
) Tuesday, November 29, 2016, 5:00 p.m. – 9:00 p.m. – Christmas Tree Lighting, Hurst Conference Center

In response to Councilmember Wilson's question, Executive Director of Administration Malaika Farmer Marion stated the Senior Center Banquet tickets were currently on sale at the Recreation and Administration Offices.

City Manager Clay Caruthers introduced newly hired Executive Director of Fiscal and

Strategic Services Clayton Fuller.

16. City Council Reports – Mayor Pro Tem Larry Kitchens provided a brief review of the recent Cyber Security Conference noting the attendance was down this year, and consideration might be given to a biennial conference. He stated his appreciation to staff and Council for their support of the conference and stated the information provided was very good. Also, noted was his involvement with the TML Taskforce for Cyber Security.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED

Mayor Ward recognized several students in attendance and Ms. Doris Young who reviewed attendance at the Senior Center Arts and Craft Fair.

EXECUTIVE SESSION in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by Government Code, Section 551.074, Personnel - (Evaluation of City Council Appointees) and to reconvene in Open Session at the conclusion of the Executive Session

Mayor Ward recessed the meeting at 7:44 p.m. to Executive Session in compliance with the provisions of the Texas Open Meetings Law, authorized by Government Code, Section 551.074, Personnel - (Evaluation of City Council Appointees) and reconvened Open Session at 8:16 p.m.

17. Consider and take any and all action ensuing from Executive Session – No action was taken.

ADJOURNMENT

The meeting adjourned at 8:16 p.m.

APPROVED this the 8th day of November 2016.

ATTEST:

Rita L. Frick, City Secretary

APPROVED:

Richard Ward, Mayor

City Council Report

SUBJECT: Consideration of Ordinance 2340 amending Chapter 10 of the City of Hurst Code of Ordinances, by adding Article VI Junked Vehicles; repealing conflicting ordinances; declaring junked vehicles to be a public nuisance; providing definition, providing procedures for the removal of junked vehicles; providing a penalty, providing for severability clause, providing a fine of up to \$200.00 for each offense in violation of the ordinance; and an effective date

Supporting Documents:

Ordinance 2340

Meeting Date: 11/8/2016

Department: Development

Reviewed by: Steve Bowden

City Manager Review:

Background/Analysis:

The City of Hurst adopted the nuisance ordinance in 2006. The ordinance has been a very effective tool to maintain the quality and integrity of our neighborhoods. Since 2006, many cities have adopted similar ordinances, which include some definitions and sections that would be a benefit to the City of Hurst.

The proposed amendments to Chapter 10 include changing the definition of a "Junked Vehicle", which was amended by the state in 2015. The new definition requires a valid license tag, which now covers the registration and state inspection.

In February 2016, Council adopted amendments to Section 10-84 "Inoperative, Abandoned, or Junked Vehicle", however some of the language has now been modified to remove the inoperative term and add offenses.

Funding and Sources:

There is no fiscal impact.

Recommendation:

The Neighborhood Community Advisory Committee met on Thursday, May 28 , 2015, and voted 6-0 to recommend approval of amending Chapter 10 "HEALTH" as presented.

ORDINANCE 2340

AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY OF HURST CODE OF ORDINANCES, BY ADDING ARTICLE VI JUNKED VEHICLES; REPEALING CONFLICTING ORDINANCES; DECLARING JUNKED VEHICLES TO BE A PUBLIC NUISANCE; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE REMOVAL OF JUNKED VEHICLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$200.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Hurst, Texas, has determined that a junked vehicle, including part of a junked vehicle, that is visible at any time of the year from either a public or private place

1. is detrimental to the safety and welfare of the general public;
2. tends to reduce the value of private property;
3. invites vandalism;
4. creates fire hazards;
5. produces urban blight adverse to the maintenance and continuing development of the municipalities; and
6. is a public nuisance; and

WHEREAS, the City Council of the City of Hurst, Texas, has adopted ordinances regulating junked vehicles; and

WHEREAS, the City Council of the City of Hurst, Texas has determined the City's junked vehicle ordinance should be amended to comply with and better utilize the current junked vehicle statutory provisions provided by Chapter 683, Subchapter E of the Texas Transportation Code; and

WHEREAS, Chapter 683, Subchapter E of the Texas Transportation Code allows the City to provide for a more inclusive definition of junked vehicle than the definition in provided by Subchapter E; and

WHEREAS, all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meeting Act; and

WHEREAS, the City Council determines that the passage of this Ordinance is in the best interests of the health, safety, and welfare of the public.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AS FOLLOWS:

SECTION 1.

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2.

That the following section in Chapter 10, Health, is hereby repealed:

Section 10-84 - Inoperative, Abandoned, or Junked Vehicles.

SECTION 3.

That following section in Chapter 10, Health is hereby repealed:

Section 10-85 - Procedure for abating and removing abandoned, inoperative or junked vehicle nuisances as defined herein.

SECTION 4.

That Chapter 10, Health, Article V, Public Swimming Pools is hereby amended by adding Sections 10-102—10-120, which shall read as follows:

Secs. 10-102—10-120. - Reserved

SECTION 5.

That Chapter 10, Health, is hereby amended by adding Article VI, Junked Vehicles, which shall read as follows:

ARTICLE VI. – JUNKED VEHICLES

Section 10-121. - Definitions.

In this Article the terms and phrases below shall have the following meanings:

Antique vehicle means a passenger car or truck that is at least twenty-five (25) years old.

Demolisher means a person whose business is to convert a motor vehicle into processed scrap or metal or to otherwise wreck or dismantle a motor vehicle.

Director means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

Inoperative vehicle means any motor vehicle, motor home, boat, or trailer which cannot be operated or towed lawfully on a Texas public street or highway, due to removal of, damage to, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or any other part necessary for such movement or lawful operation, or in the case of motor vehicles, cannot be moved under its own power.

Junked Vehicle means

- (a) A motor vehicle that displays an expired license plate or does not display a current valid license plate,
- (b) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47,
- (c) a watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Section 31.055 Parks and Wildlife Code; or
- (d) any vehicle that is:
 - 1. wrecked, dismantled, or partially dismantled, or discarded; or
 - 2. inoperable and has remained inoperable for more than:
 - a. 72 consecutive hours, if the vehicle is on public property; or
 - b. 30 consecutive days, if the vehicle is on private property.

Motor vehicle means a motor driven or propelled vehicle subject to registration under Texas Transportation Code 501.000 et seq., the Certificate of Title Act, a trailer or semi-trailer, other than manufactured housing, that has a gross vehicle weight that exceeds four thousand (4,000) pounds.

Outboard motor means an outboard motor subject to registration under Chapter 31, Parks and Wildlife Code.

Police department means the police department of the City of Hurst, Texas.

Watercraft means a vessel subject to registration under Chapter 31, Parks and Wildlife Code.

Section 10-122. - Junked Vehicles declared to be public nuisances.

A junked vehicle as herein defined, or any part thereof, that is visible at any time of the year from a public or private place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, is an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the state by producing urban blight which is adverse to the maintenance and continuing development of the City of Hurst, and such vehicles therefore, shall be and are hereby declared a public nuisance.

Section 10-123. - Offense.

- (a) It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of real property within the city to maintain a public nuisance on such property as described by this Article.
- (b) The following are defenses to prosecution under this Section:
 - (1) The junked vehicle was screened from a right-of-way or adjacent property by a solid opaque fence, within a building enclosure, or by an un-torn cover material that was fitted for the specific vehicle.

- (2) The Junked Vehicle was stored in connection with a vehicle repair business , provided that:
- a. such vehicle repair business had no more than five (5) Junked Vehicles legally parked on the business's property;
 - b. the Junked Vehicle is on such property for the purpose of repair;
 - c. there is a current, valid work order for every junked vehicle on such property;
 - d. the Junked Vehicle is not wrecked, dismantled, partially dismantled, dilapidated, does not have broken glass, or does not have one (1) or more flat tires; and
 - e. the Junked Vehicle was not on such property in excess of 120 consecutive days.
- (c) Auto sales lots are exempt from subsection (b)(1) when operating in compliance with all state laws and any other city ordinance regulating auto sales, and such sales lots are not displaying vehicles that are wrecked, dismantled, partially dismantled, dilapidated, that have broken glass, or that have more than one (1) flat tire.
- (d) A vehicle that is not demonstrated to be operable upon request of the designated city official is presumed to be an inoperable vehicle.
- (e) Whenever such a public nuisance is found to exist within the City, the City may, without notice described in Section 10-125, send a Notice of Violation against the person or persons in violation of this section.
- (f) An offense under this section is a misdemeanor punishable by fine not to exceed two hundred dollars (\$200.00) for each offense.
- (g) Upon conviction, the court shall order the defendant to abate and remove the nuisance vehicle within 10 days. If the defendant fails or refuses to remove the junked vehicle within 10 days, the judge of the municipal court may issue an order to the director to have the nuisance removed in accordance with the provisions of this Article.
- (h) Each day that a violation is permitted to exist shall constitute a separate offense.
- (i) An offense under this section is a strict liability offense and the culpable mental state required by the Texas Penal Code is hereby specifically negated and clearly dispensed with.

Section 10-124. – Exceptions

This article shall not apply to:

- (1) A vehicle or vehicle part that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property;
- (2) A vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard or that is an antique or special interest vehicle stored or parked in a lawful manner by a motor vehicle collector on the collector's property, if the vehicle and the outdoor storage area, if any, are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Section 10-125. - Notice to abate the nuisance.

- (a) After a determination is made by the director that a particular vehicle found on private property, public property, or on a public right-of-way within the City limits is a junked vehicle herein defined, or after an order issued by the municipal court pursuant to Section 10-123(g), the director shall provide not less than ten (10) days' notice of the nature of the public nuisance.
- (b) The required notices must be written and must be personally served, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation to:
 - (1) The last known registered owner of the nuisance;
 - (2) Each lienholder of record of the nuisance; and
 - (3) The owner or occupant of the property on which the nuisance is located or, if the nuisance is located on a public right-of-way, the owner or occupant of the property adjacent to the right-of-way.
- (c) A copy of the notice also may be placed on the junked vehicle or vehicle part if the post office address of the last known registered owner of the nuisance is unknown.
- (d) The notice must:
 - (1) Declare the junked vehicle or vehicle part a public nuisance;
 - (2) Describe the junked vehicle, including its identification number and license plate number if possible;
 - (3) Identify the location of the junked vehicle;
 - (4) Order that the nuisance be abated and removed not later than the tenth day after the date on which the notice was personally delivered; and
 - (5) State that any request for a hearing must be made to the City Secretary within ten (10) days of the date on which the notice was personally delivered or mailed.
- (e) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.

Section 10-126. - Relocation of junked vehicle after abatement proceeding has commenced.

After notice described in this section is sent, the relocation of a junked vehicle that is a public nuisance to another location in the City has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

Section 10-127. - Hearing

- (a) A person for whom notice is required under this Article may request, in writing, a public hearing to determine whether the vehicle identified in the notice, or any part thereof, constitutes a public nuisance. Such written notice must be received by the City Secretary's Office within ten (10) days after the day on which the notice to abate the nuisance was personally delivered.

- (b) If such a public hearing is properly requested, the City Secretary, or designee, shall schedule a hearing to be held not earlier than the 11th day after the date on which the notice was delivered. Notice of the date, time, and location of the hearing will be provided to each person who submitted a timely request for a hearing.
- (c) The **Municipal Judge** is hereby designated as a hearing officer who is authorized to conduct hearings under the provisions of this article.
- (d) The issue at the hearing is whether the vehicle is a nuisance vehicle. Unless proved otherwise, the vehicle is presumed to be inoperable.
- (e) The hearing officer shall consider all evidence and determine whether the vehicle, or any part thereof, constitutes a public nuisance as alleged. If the hearing officer finds that a public nuisance does exist and that there is sufficient cause to remove the nuisance, and that the notice requirements provided in this division have been met, the hearing officer shall order that:
 - (1) the owner or occupant shall remove the vehicle and abate the nuisance no later than the 10th day after the hearing; and
 - (2) if the owner or occupant fails or refuses to abate or remove the vehicle as ordered, the Police chief or his or her designees shall remove it from the property and dispose of it in accordance with the provisions of this article and Chapter 683, Subchapter E of the Texas Transportation Code.
- (f) If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include a description of the vehicle, identification number, and the license plate number.

Section 10-128. - Reconstruction of Junked Vehicle after Removal

After any junked vehicle has been removed under the authority of this division, it shall not be reconstructed or made operable again.

Section 10-129. - Notice to Department of Transportation

Within five (5) days after the date of removal of the junked vehicle from the premises, notice thereof shall be given to the Texas Department of Transportation. Said notice shall include a description of the junked vehicle, and the correct identification number and license number of the junked vehicle, if available.

Section 10-130. - Administration of Article by City Employees

The provisions of this article shall be administered by regularly salaried, full-time employees of the city, except that the removal of vehicles or parts therefrom may be made by any other duly authorized person.

Section 10-131. - Authority to Administer Abatement Procedures

After a vehicle is declared to be a nuisance junked vehicle, a person authorized to administer the procedures described in this article may enter upon any private property for the purposes specified in this article, to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal judge of the municipal court of the City shall have authority to issue all orders necessary to enforce such procedures.

Section 10-131. - Disposal of Junked Vehicles

A junked vehicle, including part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by the City of Hurst.

SECTION 6. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 7. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 8. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9. The fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

SECTION 10.

This ordinance shall be in full force and effect after its passage and publication as required by law.

AND IT IS SO ORDERED.

Passed on the first reading on the 25th day of October 2016 by a vote of 6 to 1.

Approved on the second reading on the 8th day of November 2016 by a vote of ___ to ___.

ATTEST:

APPROVED

Rita Frick, City Secretary

Richard Ward, Mayor

APPROVED AS TO FORM:

City Attorney

City Council Report

<p>SUBJECT: Consideration of Ordinance 2341 amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21, View and Passage Obstructions, declaring these to be a public nuisance; providing definitions; providing procedures for abatement, providing a severability clause; and providing an effective date</p>	
<p>Supporting Documents:</p>	
<p>Ordinance 2341</p>	<p>Meeting Date: 11/8/2016 Department: Development Reviewed by: Steve Bowden City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>The Hurst Code of Ordinances Chapter 24 Traffic Section 24-21, View and Passage Obstructions Traffic was amended in 1990. The ordinance requires trees over residential street right-of-way to be trimmed up to 10 feet in height and trees over arterials be trimmed up to 14 feet.</p> <p>Low lying branches and/or shrubs, in the right-of-way, are a hazard and a nuisance to solid waste trucks, delivery trucks, fire trucks and any over-sized vehicle. These branches may cause damage to the trucks and, when hit, may fall into the street.</p> <p>The proposed changes are consistent with area cities.</p>	
<p>Funding and Sources:</p>	
<p>There is no fiscal impact.</p>	
<p>Recommendation:</p>	
<p>The Neighborhood and Community Advisory Committee met on Monday, September 26, 2016, and voted 7-0 to recommend approval of amending Chapter 24-21 View and Passage Obstructions, with the stipulation that shrubs also be regulated to 14 feet in height.</p>	

ORDINANCE 2341

AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY OF HURST CODE OF ORDINANCES, BY AMENDING SECTION 24-21 VIEW AND PASSAGE OBSTRUCTIONS DECLARING THESE TO BE A PUBLIC NUISANCE; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR ABATEMENT, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$500.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council has determined that maintaining the integrity of our neighborhoods to is vital to all residents of the City; and

WHEREAS, the City Council of the City of Hurst, Texas recognizes the hazard of tree branches over-hanging the right-of-way and the damage and danger they may cause for service vehicles; and

WHEREAS the City Council has adopted ordinances regulating nuisances; and all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meeting Act; and

WHEREAS, the City Council determines that the passage of this ordinance is in the best interests of the health, safety, and welfare of the public.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AS FOLLOWS:

SECTION 1.

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2: That section 24-21 VIEW AND PASSAGE OBSTRUCTIONS be amended by deleting the current subsection (c) and replacing it as follows:

24-21(c) Visibility requirements.

(1) Visibility obstructions prohibited; generally.

No obstruction, protrusion, or object of any kind, natural or man-made, shall be allowed to interfere with or obscure any motor vehicle operator's view of any traffic-control device or street sign or otherwise create a traffic hazard.

(2) Vegetation requirements.

(i) Trees, shrubs or other vegetation planted in parkways that are fifteen feet (15') or more in height must be trimmed up from the ground fourteen feet (14') when extending into the street area. Trees and shrubs below fifteen feet (15') in height shall be trimmed a minimum of one foot (1') back from the curb on the street side of said tree or shrub.

(ii) Trees are prohibited in the parkway area unless the trees are a minimum of twenty-five (25) feet apart.

(3) Signs or other obstructions. Signs that are permitted or allowed shall be restricted to two (2) feet in height above curb level or shall be mounted on twelve-inch maximum diameter poles a minimum of nine (9) feet in height above the curb level.

SECTION 3. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 4. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. The fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

SECTION 7. This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

AND IT IS SO ORDERED.

PASSED on the first reading on the 25th day of October by a vote of 6 to 1.

APPROVED on the second reading on the 8th day of November 2016 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

APPROVED AS TO FORM:

City Attorney

City Council Report

SUBJECT: Approval of Ordinance 2342 amending Chapter 10 of the City of Hurst Code Of Ordinances, by amending Section 10-80 "HIGH WEEDS AND GRASS" and by the addition of 10-80.5 "DEAD TREES"; declaring these to be a public nuisance; providing procedures for abatement, providing a severability clause; providing for a penalty; and providing an effective date

Supporting Documents:

Ordinance 2342

Meeting Date: 11/8/2016
 Department: Development
 Reviewed by: Steve Bowden
 City Manager Review:

Background/Analysis:

The City of Hurst contracts through Municipal Code Corporation to codify and maintain the City ordinances online. When the amendments to high weeds and grass were added in 2015, Section 10-80 was inadvertently removed by Municipal Code Corporation. The language included in this ordinance regarding high weeds and grass does not change any previously approved amendments by City Council.

The City of Hurst Code Enforcement Department receives many complaints annually regarding dead trees around the City. Some neighbors complain about aesthetics, but the majority complains about life safety issues if the tree falls.

Currently, the City handles fallen limbs and branches on the ground as trash and debris. The proposed ordinance will require residents to remove a tree or parts thereof, if the tree is dead and/or constitutes an immediate safety risk to persons or property.

The City of Hurst has many mature and dead trees. Staff will make every effort to work with our residents to abate the nuisance while prioritizing safety in theCity.

Funding and Sources:

There is no fiscal impact.

Recommendation:

The Neighborhood and Community Advisory Committee met on Monday, September 26, 2016, and voted 7-0 to recommend approval of adding Section 10-80.5 "Dead Trees" with additional language to allow a homeowner to only remove the hazardous branches.

ORDINANCE 2342

AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY OF HURST CODE OF ORDINANCES, BY AMENDING SECTION 10-80 “HIGH WEEDS AND GRASS” AND BY THE ADDITION OF 10-80.5 “DEAD TREES”; DECLARING THESE TO BE A PUBLIC NUISANCE; PROVIDING PROCEDURES FOR ABATEMENT, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Hurst, Texas, has determined that Dead Trees may be a public safety and property hazard and, and a nuisance; and

WHEREAS, the City Council has determined that maintaining the integrity of our neighborhoods is vital to all residents of the City; and

WHEREAS, the City Council of the City of Hurst, Texas recognizes the hazard of dead trees falling on a person, structure, or public street; and

WHEREAS the City Council has adopted ordinances regulating nuisances; and all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meeting Act; and

WHEREAS, the City Council determines that the passage of this ordinance is in the best interests of the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AS FOLLOWS:

SECTION 1.

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2. Amend Section 10-80 to read as follows:

Sec. 10-80. - High weeds and grass.

(a) It shall be unlawful for any person owning, claiming, or occupying or having supervision or control of any real property, occupied or unoccupied, to permit, suffer or allow grass or weeds to grow on the premises to a height greater than twelve (12) inches on average on undeveloped property and eight (8) inches in height on residential property or developed non-residential property.

(b) It shall be unlawful for any person owning, claiming, or occupying or having supervision or control of any real property, occupied or unoccupied, to fail to remove or mow wildflowers after such time as seeds have matured following the final blooming of the

majority of plants, or native grasses after such time as the majority of a species have gone dormant.

- (c) The acts described in subsection (a) and (b) above shall constitute a nuisance.
- (d) The city, as authorized by law, may go upon a property and do or cause to be done the work necessary to obtain compliance with this article without notice when:
 - (1) Grass or weeds have grown in excess of forty-eight (48) inches; and
 - (2) Are an immediate danger to health, life, or safety of any person;
- (e) No later than the tenth day after the city causes the work to be done under this section, the city shall give notice to the property owner in the manner required by section 10-83 of this chapter.

SECTION 3. Amend Chapter 10 by Adding Section **10-80.5, “DEAD TREES”** to read as follows:

- (a) It shall be unlawful for any person, owning, leasing, occupying claiming or having supervision or control of any real property within the City of Hurst, whether occupied or unoccupied, to allow, suffer or permit any trees or part of trees to remain on said property if the tree is dead and/or constitutes an immediate risk to persons or property.
- (b) The offense described in subsection (1) above shall be considered a public nuisance. In addition to criminal penalties, the City may have the hazard abated and invoice and/or place a lien on said property to abate the nuisance, pursuant to Section 10-83.
- (c) Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 5. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 7. The fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

SECTION 8 .This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

Passed on the first reading by the City Council on the 25th day of October 2016.

Approved on the second reading by the City Council on the 8th day of November 2016.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

City Attorney

City Council Report

SUBJECT: Consider Ordinance 2343 to provide City of Hurst Texas Municipal Retirement System (TMRS) service retirees with a COLA	
Supporting Documents:	
Ordinance 2343	Meeting Date: 11/8/2016 Department: Human Resources Reviewed by: Matia Messemer City Manager Review:
Background/Analysis:	
<p>TMRS allows cities to calculate Cost of Living Adjustments (COLAs) for current retirees on an annual basis or on an ad hoc basis. In previous years, the City of Hurst has opted for the ad hoc calculation. This can be calculated at 30%, 50% or 70% of the change in the Consumer Price Index (CPI) for All Urban Consumers, from the year prior to retirement to the current year. Calculating on an ad hoc basis reduces the potential liability for future funding of the TMRS benefit and, therefore, reduces the TMRS rate paid by the City to fund the two to one match for City employees and retirees.</p>	
Funding and Sources:	
<p>Funding for the retiree COLA has been factored into the contribution rate paid, based on a percentage of payroll for FY 2017, as provided by TMRS and effective January 1, 2017. The City contribution rate is budgeted in all funds which support employee costs.</p>	
Recommendation:	
<p>Consider Ordinance 2343 to provide City of Hurst TMRS service retirees with a COLA.</p>	

ORDINANCE 2343

AN ORDINANCE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM (HEREINAFTER REFERRED TO AS "THE SYSTEM") FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF HURST, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:

Section 1. THAT regarding an Increase in Retirement Annuities:

- (a) On the terms and conditions set out in Section 854.203 of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS Act"), the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.
- (b) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 30% of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of the increase under this Section.
- (c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion, and in the same manner that the original annuity was reduced.
- (d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.
- (e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the Benefit Accumulation Fund of the System.

Section 2. THAT, subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the 1st day of January 2017.

AND IT IS SO ORDERED.

Passed on the first reading on the 8th day of November 2016 by a vote of ___ to ___.

Approved on the second reading on the 13th day of December 2016 by a vote of ___ to ___.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

City Attorney

City Council Report

SUBJECT: Consider Ordinance 2344 concerning changes to school speed limit zone times in the City of Hurst	
Supporting Documents:	
Ordinance 2344	Meeting Date: 11/8/2016 Department: Public Works Reviewed by: Greg Dickens City Manager Review:
Background/Analysis:	
<p>The Birdville Independent School District and the Hurst-Euless-Bedford Independent School District have changed the start times for the schools this year. These changes will affect some of the existing start and end times for the 20 mile per hour speed limits in the school zones. The Police and Public Works Departments have worked together and incorporated these changes in proposed Ordinance 2344.</p>	
Funding and Sources:	
There is no fiscal impact.	
Recommendation:	
Staff recommends that City Council approve Ordinance 2344 concerning changes to school speed limit zone times in the City of Hurst.	

ORDINANCE 2344

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AMENDING THE CITY OF HURST CODE OF ORDINANCES, CHAPTER 24, ARTICLE IV – SPEED, BY REPEALING AND REPLACING SECTION 24-86 – SCHOOL ZONE, IN ITS ENTIRETY AND ADDING A NEW SECTION 24-86; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the independent school districts with schools in the city limits of the City of Hurst have changed their school start times; and

WHEREAS, it has been determined by the City Council of the City of Hurst, Texas that it is in the best interest of the health, safety and general welfare of the citizens of the City of Hurst to change the time periods for some of the established reduced speed school zones in the City; and

WHEREAS, Chapter 545, Paragraph 545.356, of the Texas Transportation Code, provides that whenever the governing body of a City may, pursuant to the provisions of said code, determine and declare a reasonable and safe prima facie speed limit on said street or streets by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway.

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

Section 1. **THAT,** the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2 **THAT,** the City of Hurst Code of Ordinances is hereby amended, by repealing Section 24-86, School zone, in its entirety and adding a new Section 24-86, to read as follows:

“ Sec. 24-86. – School zone.

The maximum prima facie reasonable and prudent speed limit on the following parts of street within the city is hereby established as follows:

	<u>Location</u>	<u>Speed Limit</u>	<u>Hours</u>
(1)	Harrison Lane between Cheryl Avenue and Sheri Lane	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days

(2)	Bellaire Drive between Greenway Drive and Pecan Street	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(3)	Brown Trail between 215 feet South of Redbud Drive and 210 feet north of Pecan Street	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(4)	Cavender Drive between Airport Freeway and Fieldwood Terrace	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(5)	Airport Freeway eastbound frontage road between a point 150 feet west of Elizabeth Street and a point 200 feet east of Cavender Drive	25 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(6)	Hurstview Drive between Summerdale Drive and a point 200 feet south of Springhill Drive	20 mph	7:30 a.m. to 8:30 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(7)	Precinct Line Road between Redbud Drive and 190 feet north of Briarwood Lane	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(8)	Prestondale Drive between Regency Drive and Springhill Drive	20 mph	7:30 a.m. to 8:30 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(9)	Redbud Drive between Holly Hill Court and Oakwood Avenue	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(10)	Billie Ruth Lane between Oakwood Avenue and 200 feet north of Willow Street	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(11)	Brown Trail between south city limits and Louella Drive	20 mph	8:00 a.m. to 9:00 a.m. 3:00 p.m. to 4:30 p.m. on school days
(12)	Pleasantview Drive between Brown Trail and 300 feet west of Renee Drive	20 mph	8:00 a.m. to 9:00 a.m. 3:00 p.m. to 4:30 p.m. on school days
(13)	Hurstview Drive between a point 250 feet north of the intersection of Hurstview Drive	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m.

	with Fieldwood Terrace and a point 250 feet south of the intersection of Fieldwood Terrace and Hurstview Drive		on school days
(14)	Precinct Line Road between a point 110 feet north of the intersection of Precinct Line Road with Donna Drive and a point 225 feet south of the intersection of Precinct Line Road and Bedford Court West	20 mph	7:00 a.m. to 8:15 a.m. 2:30 p.m. to 4:00 p.m. on school days
(15)	On any street adjacent to elementary school property	20 mph	7:00 a.m. to 8:15 a.m. 11:00 a.m. to 12:30 p.m. 2:30 p.m. to 4:00 p.m. on school days
(16)	On any street adjacent to non-elementary school property	20 mph	7:00 a.m. to 8:15 a.m. 2:30 p.m. to 4:00 p.m. on school days

Section 3. **THAT**, all provisions of the ordinances of the City of Hurst in conflict with the provisions of this ordinance are, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Hurst not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. **THAT**, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the code of Ordinances as a whole.

Section 5. **THAT**, any person, firm, or corporation violating any provision of this ordinance shall be fined an amount in accordance with Chapter 1, Section 1.5 of the Hurst Code of Ordinances.

Section 6. **THAT**, the fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace, and general welfare of the inhabitants of the City of Hurst, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety, and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

AND IT IS SO ORDERED.

Passed on the first reading on the 8th day of November 2016 by a vote of ____ to ____.

Approved on the second reading on the ____ day of December 2016 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

City Attorney

City Council Report

<p>SUBJECT: Consider Ordinance 2345, accepting the conveyance of a remnant parcel of land described as Lot 1, Block 7, Oakwood Park East Addition, from the Scott R. Davidson Estate, and authorizing the conveyance of subject tract to Jacqi Powell, the owner of the contiguous property known as Lot 2, Block 7, Oakwood Park East</p>	
<p>Supporting Documents:</p>	
<p>Ordinance 2345 Survey Exhibit "A" Quit Claim Deed Exhibit "B" Quit Claim Deed Exhibit "C"</p>	<p>Meeting Date: 11/8/2016 Department: Development Reviewed by: Steve Bowden City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>In 2012, Tarrant County purchased a portion of Lot 7, Block 1, Oakwood Park East for the NTE Expressway Project. The home was removed and the remainder portion was left to the estate of original owner Scott R. Davidson. The remnant lot is not large enough to be developed as a single-family lot and has no value to the estate.</p> <p>In June 2016, the Scott R. Davidson Estate deeded the remnant lot to the City of Hurst, by Quit Claim deed, without consent of the City. The City has no use for the property. Jacqi Powell is the owner of the contiguous property Lot 2, Block 7 Oakwood Park East and has agreed to accept the remnant and extend the fence for her private yard.</p>	
<p>Funding and Sources:</p>	
<p>There is no fiscal impact.</p>	
<p>Recommendation:</p>	
<p>Staff recommends that the City Council accept the conveyance of remnant Lot 7, Block 1, Oakwood Park East, and convey the remnant to the contiguous property owner Jacqi Powell.</p>	

ORDINANCE 2345

AN ORDINANCE OF THE CITY OF HURST, TEXAS ACCEPTING THE CONVEYANCE OF A REMNANT PARCEL OF LAND DESCRIBED AS LOT 1, BLOCK 7 OAKWOOD PARK EAST ADDITION IN THE CITY OF HURST, TEXAS (SUBJECT TRACT) FROM THE SCOTT R. DAVIDSON ESTATE, SHOWN IN THE EXHIBIT 'A' ATTACHED HERETO AND AUTHORIZING THE CONVEYANCE OF SUBJECT TRACT TO JACQI POWELL, OWNER OF THE CONTIGUOUS PROPERTY

WHEREAS, the Owner of the subject tract, the Scott R. Davidson Trust, a portion of Lot 1, Block 7, Oakwood Park East Addition, as shown and described in Exhibit "A" does hereby desire to convey its right, title and interest to said tract to the City of Hurst, Texas, and has executed a quitclaim deed conveying said subject tract to the City of Hurst, Texas, Exhibit 'B'; and

WHEREAS, the City of the City of Hurst, Texas desires to convey its interest in subject tract to the contiguous property owner Jacqi Powell pursuant to a quit claim deed Exhibit 'C' attached hereto.

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

Section 1. THAT all matters stated in the caption and preamble are hereby found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. THAT the City of Hurst does hereby accept the conveyance of the subject tract described in exhibit 'A' from the Scott R. Davidson tract and the quit claim deed attached hereto as exhibit 'B'.

Section 3. THAT the Mayor is hereby authorized and directed to execute a quit claim deed conveying all of the City's right title and interest to the contiguous property owner Jacqi Powell attached hereto as exhibit 'C'.

Section 4. THAT the terms and provisions of this ordinance are deemed severable and if the validity of any section, subsection, word, sentence or phrase shall be held invalid it shall not affect the remaining portion of the ordinance.

AND IT IS SO ORDAINED.

PASSED on the first reading on the 8th day of November 2016 by a vote of ___to___.

APPROVED on the second reading on the ___day of _____ 2016 by a vote of ___to___.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

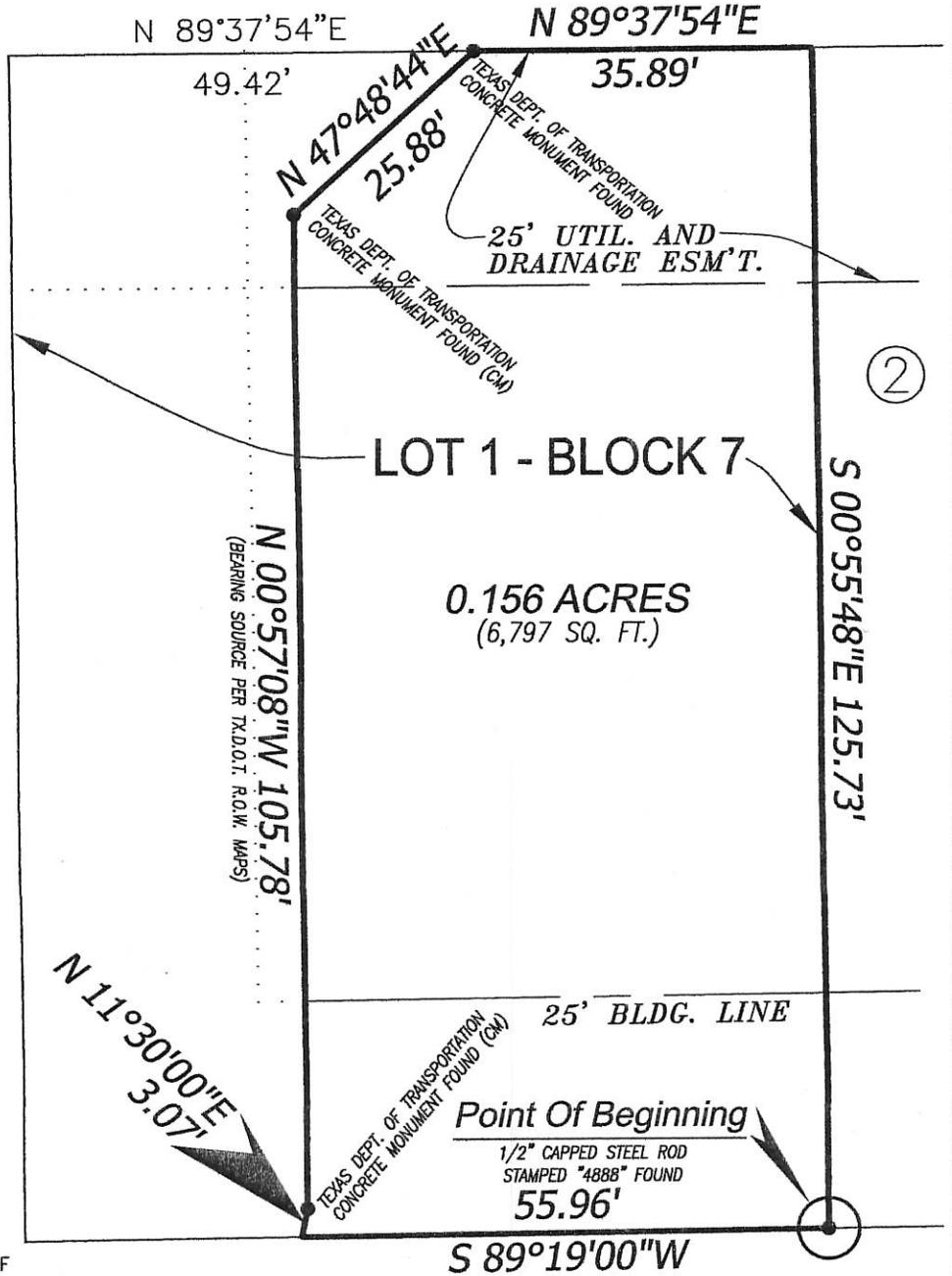
City Attorney

EXHIBIT "A"

"THIS SURVEY PLAT IS ACCOMPANIED BY A FIELD NOTE DESCRIPTION WHICH IS MADE A PART OF THIS DOCUMENT"

STATE HIGHWAY NO. 121

NORWOOD DRIVE



SCALE - 1" = 20'

NOTES

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR ABSTRACT OF THE PROPERTY.
- 2) NO IMPROVEMENTS SHOWN.

(CM) - REPRESENTS CONTROL MONUMENT

SUNNYVALE TERRACE

SKETCH SHOWING A REMAINDER PORTION OF
LOT 1, BLOCK 7, OAKWOOD PARK EAST ADDITION
 TO THE CITY OF HURST, TARRANT COUNTY, TEXAS ACCORDING TO THE PLAT
 RECORDED IN VOLUME 388-24, PAGE 48, PLAT RECORDS, TARRANT COUNTY,
 TEXAS.

I hereby certify that this plat is an accurate representation of an actual survey made on the ground this date under my supervision of the above described tract and the boundary lines, corners and dimensions shown are as indicated and that this survey conforms with the Professional and Technical Standards of the Texas Board of Professional Land Surveying Practices Act revised in May of 2015.

[Signature]
 John W. Morgan, R.P.L.S. No. 5488

PAGE 1 OF 2

Scale 1" = 20'

LEGEND

- FOUND STEEL ROD
- SET CAPPED STEEL ROD
- ⊕ CROSS CUT IN CONCRETE
- ⊙ FOUND STEEL PIPE
- FOUND BOIS D'ARC STAKE



COORDINATE FILE: 16-050

Moak Surveyors, Inc.

LICENSED STATE AND REGISTERED
 PROFESSIONAL LAND SURVEYORS

Texas • New Mexico • Arizona • Nevada
 LICENSE NO. 10008600

1105 Cheek Sparger Road, Colleyville, Texas 76034
 Metro 817-268-2211 • Fax 817-282-0401

www.moaksurveyors.com

Date 09-16-16 Job # 16-050

FIELD NOTE DESCRIPTION

ALL that certain tract or parcel of land situated in the W.W. WALLACE SURVEY, ABSTRACT NO. 1607, in the City of Hurst, Tarrant County, Texas and being a portion of Lot 1, Block 7, OAKWOOD PARK EAST ADDITION to the City of Hurst, Tarrant County, Texas according to the plat recorded in Volume 388-24, Page 48, Plat Records, Tarrant County, Texas, also being that same tract as described in Deed to the City of Hurst as recorded in Instrument No. D216130245, Deed Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch capped steel rod stamped "4888" found for the southeast corner of said Lot 1, also being in the northerly right-of-way line of Sunnyvale Terrace (a 50 foot right-of-way);

THENCE South 89 degrees 19 minutes 00 seconds West with said right-of-way line, 55.96 feet to the easterly right-of-way line of Norwood Drive (a variable width right-of-way);

THENCE North 11 degrees 30 minutes 00 seconds East with said easterly right-of-way line of Norwood Drive, 3.07 feet to a Texas Department of Transportation Concrete Monument found (CM);

THENCE North 00 degrees 57 minutes 08 seconds West continuing with said right-of-way line, 105.78 feet to a Texas Department of Transportation Concrete Monument found (CM);

THENCE North 47 degrees 48 minutes 44 seconds East continuing with said easterly right-of-way line, 25.88 feet to a Texas Department of Transportation Concrete Monument found in the southerly right-of-way line of State Highway No. 121;

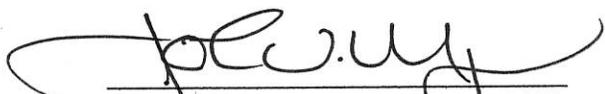
THENCE North 89 degrees 37 minutes 54 seconds East with said southerly right-of-way line, 35.89 feet to the northeast corner of said Lot 1;

THENCE South 00 degrees 55 minutes 48 seconds East departing said right-of-way line and with the easterly boundary line of said Lot 1, 125.73 feet to the PLACE OF BEGINNING and containing 0.156 acres of land, (6,797 square feet) more or less as surveyed by Moak Surveyors, Inc. in the month of September, 2016.



FIELD NOTE DESCRIPTION FOR A REMAINDER PORTION OF
LOT 1, BLOCK 7, OAKWOOD PARK EAST ADDITION
TO THE CITY OF HURST, TARRANT COUNTY, TEXAS ACCORDING TO THE PLAT
RECORDED IN VOLUME 388-24, PAGE 48, PLAT RECORDS, TARRANT COUNTY,
TEXAS.

I hereby certify that this plat is an accurate representation of an actual survey made on the ground this date under my supervision of the above described tract and the boundary lines, corners and dimensions shown are as indicated and that this survey conforms with the Professional and Technical Standards of the Texas Board of Professional Land Surveying Practices Act revised in May of 2015.


John W. Morgan, R.P.L.S. No. 5488

PAGE 2 OF 2



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1105 Cheek Sparger Road, Colleyville, Texas 76034
Metro 817-268-2211 · Fax 817-282-0401
www.moaksurveyors.com

Date	09-16-16	Job #	16-050
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EXHIBIT 'B'

QUITCLAIM DEED

STATE OF TEXAS § **KNOW ALL PERSONS BY THESE**
COUNTY OF TARRANT § **PRESENTS**
CITY OF HURST §

That, the Scott R. Davidson Estate hereinafter referred to as Grantor, for and in consideration of the sum of \$1.00 to Grantor in hand paid by the City of Hurst, Texas, a municipal corporation organized under the laws of the State of Texas, hereinafter Grantee, the receipt of which is hereby acknowledged, has this day quitclaimed unto Grantee all of its right, title and interest in the following described land (the "Property"), to-wit:

All that certain parcel of land, lying and being situation in the County of Tarrant, State of Texas, more particularly described as a portion of Lot 1, Block 7 Oakwood Park East addition to the City of Hurst, Tarrant County, Texas.

TO HAVE AN TO HOLD the Property together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, forever.

SIGNED AND EXECUTED this the _____ day of _____, 2016.

GRANTOR:

GRANTEE:
CITY OF HURST, TEXAS

By: _____
Scott R. Davidson Estate

By: _____
Its: _____

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, _____, on this day personally appeared authorized representation of the Scott R. Davidson Estate, known to me or proved to me on the oath of _____ or through _____ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2016.

Notary Public in and for the
State of Texas

My Commission Expires:

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, _____, on this day personally appeared, known to me or proved to me on the oath of _____ or through _____ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the City of Hurst, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2016.

Notary Public in and for the
State of Texas

My Commission Expires:

Exhibit 'C'

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TARRANT

§

§

QUITCLAIM DEED

WHEREAS, the City of Hurst, Texas, a home rule municipality created and operating pursuant to the laws of the State of Texas (hereinafter the "City"), pursuant to its Ordinance No. _____ vacated and abandoned certain public; and

WHEREAS, the property is further described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, Ordinance _____ authorizes the City Manager to execute a Quitclaim Deed on behalf of the City.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City quitclaims to Jacqi Powell and (hereinafter "Grantee").

Executed this _____ day of _____, 2016.

CITY OF HURST, TEXAS

By: _____
Clay Caruthers, City Manager

ATTEST:

By: _____
Rita Frick, City Secretary

APPROVED AS TO FORM:

By: _____
John F. Boyle, Jr., City Attorney

STATE OF TEXAS

§
§
§

COUNTY OF TARRANT

BEFORE ME, _____, on this day personally appeared
CLAY CARUTHERS, City Manager for the City of Hurst, known to me or proved to
me on the oath of _____ or through _____
(description of identity card or other document) to be the person whose name is
subscribed to the foregoing instrument, and acknowledged to me that he executed
the same for the purposes and consideration therein expressed.

(Seal)

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of
_____, 2016.

Notary Public in and for the
State of Texas

My Commission Expires:

City Council Report

<p>SUBJECT: Resolution 1658 supporting a Municipal Setting Designation application to TCEQ for the property at 711 West Hurst Boulevard Hurst, Texas</p>	
<p>Supporting Documents:</p>	
<p>Resolution 1658 Exhibit "A" metes and bounds</p>	<p>Meeting Date: 11/8/2016 Department: Public Works Reviewed by: Greg Dickens City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>In 2003, the 78th Texas Legislature passed a Municipal Setting Designations (MSDs) law, effective September 1, 2003, that relates to the potability of groundwater and the requirements for removing contaminants from groundwater. The law authorized the Texas Commission on Environmental Quality (TCEQ) to receive, process and certify MSD applications for properties with contaminated groundwater that are located in cities or their extraterritorial jurisdiction. TCEQ can certify an application only if there is local city support. The city has the choice to either support or not support an MSD application. Because of this need for city support, the city officials can expect to be contacted by persons who wish to pursue state certification of an MSD. Cities can also pursue MSDs for their own use.</p> <p>A representative for Hurst Partners One, a Colorado General Partnership, filed an application with the City of Hurst seeking support of a Municipal Setting Designation for the property located at 711 West Hurst Boulevard, Texas, a 6.51-acre site. The City of Hurst has six water wells within 5 miles of the subject contaminated soil site. Public Works staff reviewed the technical aspects and find the application acceptable for Municipal Setting Designation. This resolution approving the municipal setting designation filed by Hurst Partners One Group is consistent with applicable state law, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act (H.B. 3152).</p>	
<p>Funding and Sources:</p>	
<p>There is no fiscal impact.</p>	

Recommendation:

Staff recommends the City Council approve Resolution 1658, supporting the application for a municipal setting designation, for the property at 711 West Hurst Boulevard Hurst, Texas.

RESOLUTION 1658

A RESOLUTION IN SUPPORT OF THE APPLICATION OF HURST PARTNERS ONE, A COLORADO GENERAL PARTNERSHIP TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, FOR A MUNICIPAL SETTING DESIGNATION, FOR THE PROPERTY AT 711 WEST HURST BOULEVARD, HURST, TEXAS

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, as a part of the application to TCEQ for a Municipal Setting Designation, the applicant is required to provide documentation that the application is supported by: (1) the city council of the municipality in which the Site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the Site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the Site, and (4) the governing body of each retail public utility, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the Site; and

WHEREAS, Hurst Partners One, a Colorado General Partnership (Applicant) filed an application with the City of Hurst, Texas, for the issuance of a Municipal Setting Designation ordinance for property at 711 West Hurst Boulevard, Hurst, Texas, a 6.51 acre tract of land situated in the City of Hurst, Tarrant County, Texas, being all of Lot 2-R, of GLENN E. BOEHMER addition, an addition to the City of Hurst, according to the plat thereof filed for record in Instrument Number D211150425, official public records of Tarrant County, Texas, the metes and bounds description being attached hereto as Exhibit "A" (the "MSD Site"); and the City of Hurst approved Applicant's application and adopted a Municipal Setting Designation for the site on November 8, 2016; and the City of Hurst owns and operates one or more public supply wells located within five miles of the MSD Site; and following the issuance of a supporting resolution by each municipality and retail public utility for which approval is required, Applicant will submit to TCEQ an application for certification of a Municipal Setting Designation for the Site

pursuant to Texas Health and Safety Code, Chapter 361,
Subchapter W.

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

Section 1. THAT the City Council of the City of Hurst authorizes the City
Manager to support Applicant's application to the TCEQ for
certification of a Municipal Setting Designation for the Site.

AND IT IS SO RESOLVED.

Approved this the 8th day of November 2016 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

City Attorney

EXHIBIT "A"

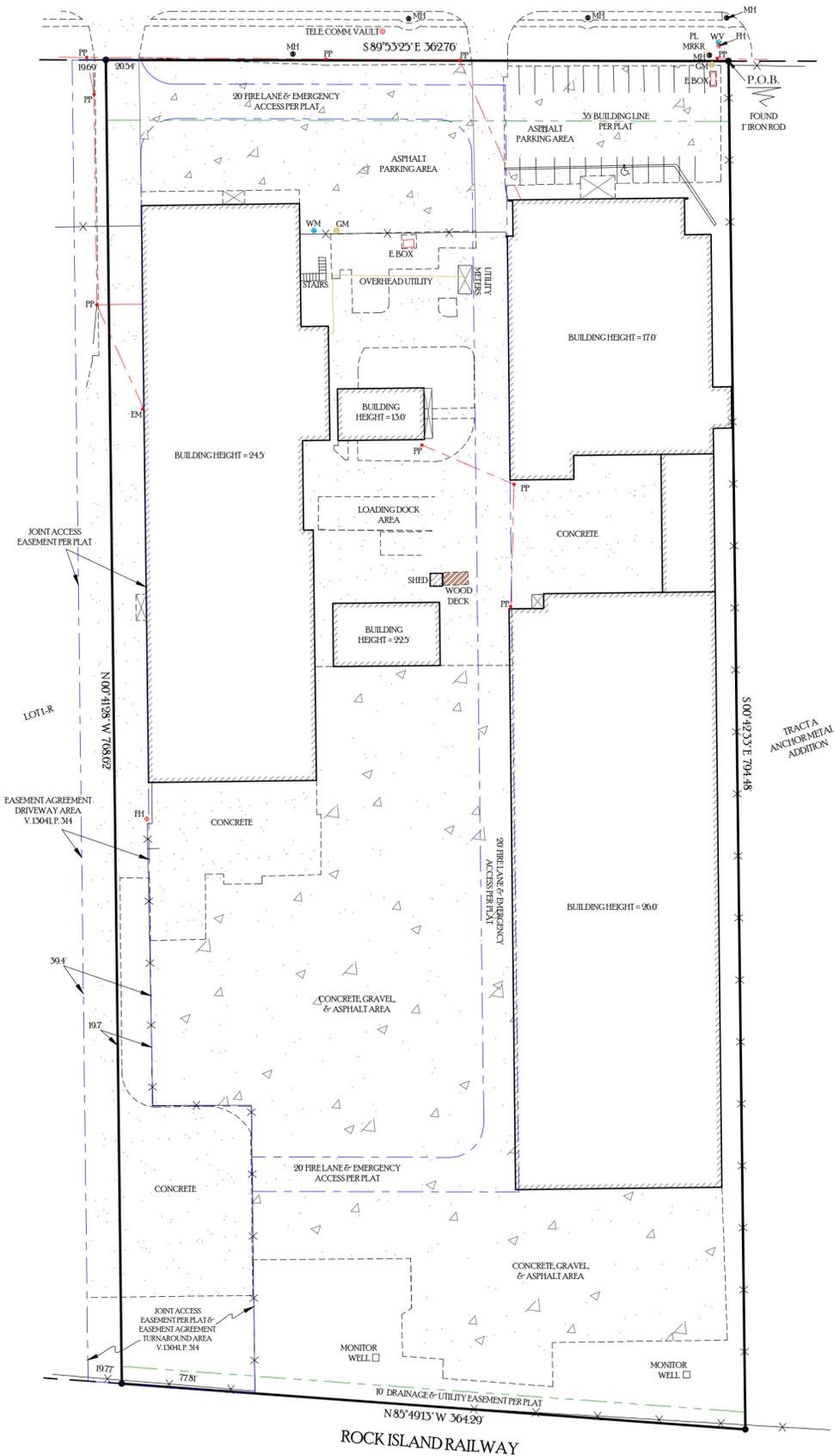
ALTA SURVEY

BEING LOT 2-R, GLENN E. BOEHMER SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS.

ACCORDING TO THE PLAT AS RECORDED IN PLAT CABINET A, SLIDE 3405, PLAT RECORDS OF TARRANT COUNTY, TEXAS.

TOGETHER WITH THAT CERTAIN EASEMENT AS CREATED IN EASEMENT AGREEMENT EXECUTED BY AND BETWEEN ANADITE, INC. AND DAVID B. LILLY COMPANY, INC., DATED DECEMBER 16, 1997, FILED JANUARY 13, 1998, AND RECORDED IN VOLUME 13041, PAGE 314, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS.

711/721 WEST HURST BLVD.
(A.K.A. STATE HIGHWAY No. 10)
(600 RIGHT-OF-WAY PER PLAT)



I, PATRICK CARTER, R.P.L.S. NO. 5691, DO CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED ON THE GROUND, BY ME OR UNDER MY DIRECT SUPERVISION, VISIBLE CONFLICTS, ENCROACHMENTS, AND OVERLAPS ARE AS SHOWN ON THIS PLAT OR ATTACHED HERETO. THE AREA AND BOUNDARY WERE DETERMINED WITH RESPECT TO RECORDED REFERENCES AS SHOWN, AND THE INFORMATION PRESENTED IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE. IN ADDITION, IS NOT INTENDED TO EXPRESS OR IMPLY WARRANTY OR GUARANTEE OF OWNERSHIP AND THIS SURVEY IS SUBJECT TO ALL APPLICABLE COPYRIGHT LAWS FROM THE DATE OF THIS SURVEY. TO PROTECT ALL PARTIES, THIS SURVEY ONLY VALID IF ORIGINAL SEAL AND SIGNATURE APPEARS ON THE FACE OF THIS SURVEY IN BLUE INK.

PATRICK CARTER, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5691
CARTER SURVEYING & MAPPING, 110A PALO PINTO ST., WEATHERFORD, TX 76086
SEPTEMBER 12, 2014. JN140867.



NOTES

1) THIS SURVEY ONLY VALID FOR AND ONLY EASEMENTS AND RESTRICTIONS LISTED ON TITLE COMMITMENT No. 412203436 WERE REVIEWED FOR THIS SURVEY.

SUBJECT TO THE RESTRICTIVE COVENANTS AS RECORDED IN: D21150425, R.P.R.T.C.T.

SUBJECT TO THE EASEMENT AGREEMENT AS RECORDED IN: V. 13041, P. 314, R.P.R.T.C.T.

THE FOLLOWING EASEMENTS DO NOT AFFECT THIS TRACT: V. 3187, P. 305; V. 4503, P. 301 & V. 8523, P. 1775, R.P.R.T.C.T.

ACCORDING TO EASEMENT DESCRIPTIONS, VISIBLY APPARENT LOCATION OF UTILITIES IN THE FIELD, PLAT OF RECORD, PUBLIC ONLINE GIS DATA SYSTEMS, AND SURVEYOR'S PROFESSIONAL OPINION.

2) BEARINGS DERIVED FROM GPS OBSERVATIONS PERFORMED BY CARTER SURVEYING & MAPPING, INC. AND REFLECT NAD 1983 TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE 4302. ALLELEVATIONS ARE RELATIVE TO MEAN SEA LEVEL (NAVD 88).

3) ON THE DATE OF THIS SURVEY, THIS TRACT APPEARS TO BE LOCATED WITHIN OTHER AREAS, ZONE 'X' - AREAS DETERMINED TO BE LOCATED OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, ACCORDING TO THE FIRM COMMUNITY PANEL 48430C0220K, DATED SEPTEMBER 29, 2009. FOR UP TO DATE FLOOD HAZARD INFORMATION VISIT WWW.FEMA.GOV.

4) ALL CORNERS ARE SET 1/2" CAPPED IRON RODS, UNLESS OTHERWISE NOTED.

5) UNDERGROUND UTILITIES WERE NOT LOCATED DURING THIS SURVEY. CALL 1-800-DIG-TISS AND/OR UTILITY PROVIDERS BEFORE EXCAVATION OR CONSTRUCTION.

6) TWENTY-FIVE TOTAL DESIGNATED PARKING SPACES WITH ONE DESIGNATED HANDICAPPED PARKING SPACE.

METES AND BOUNDS DESCRIPTION

BEING A 6.510 ACRES TRACT OF LAND BEING LOT 2-R, GLENN E. BOEHMER SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT AS RECORDED IN PLAT CABINET A, SLIDE 3405, PLAT RECORDS OF TARRANT COUNTY, TEXAS. BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILLIAM W. CURTAS, TRUSTEE OF TEXAS RESTORATION TRUST IN VOLUME 14211, PAGE 356, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS. BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND 1" IRON ROD IN THE SOUTH RIGHT OF WAY LINE OF WEST HURST BOULEVARD, (PAVED - 160' ROW PER PLAT), AT THE NORTHEAST CORNER OF SAID LOT 2-R, FOR THE NORTHEAST AND BEGINNING CORNER OF THIS TRACT.

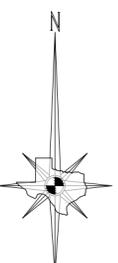
THENCE S 00° 42' 33" E 794.48 FEET TO A SET 1/2" IRON ROD (CAPPED) AT THE SOUTHEAST CORNER OF SAID LOT 2-R, IN THE NORTH RIGHT OF WAY LINE OF THE ROCK ISLAND RAILWAY LINE, FOR THE SOUTHEAST CORNER OF THIS TRACT.

THENCE N 85° 49' 13" W 364.29 FEET ALONG THE NORTH RIGHT OF WAY LINE OF SAID ROCK ISLAND RAILWAY TO A SET 1/2" IRON ROD (CAPPED) AT THE SOUTHWEST CORNER OF SAID LOT 2-R, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE N 00° 41' 28" W 768.62 FEET TO A SET 1/2" IRON ROD (CAPPED) AT THE NORTHWEST CORNER OF SAID LOT 2-R, IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST HURST BOULEVARD, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE S 89° 53' 25" E 362.76 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF SAID WEST HURST BOULEVARD TO THE POINT OF BEGINNING.

LEGEND	
	FIRE HYDRANT
	POWER POLE
	WATER METER/VALVE
	MANHOLE
	ELEC. METER
	BOUNDARY LINE
	TRACT LINE
	POWER LINE
	BUILDING
	ASPHALT/GRAVEL
	CONCRETE



CARTER SURVEYING & MAPPING, INC.

110 A PALO PINTO STREET - WEATHERFORD, TEXAS
(P) 817-594-0400 - (F) 817-594-0403

City Council Report

SUBJECT: Consider Resolution 1659 supporting a Municipal Setting Designation application to TCEQ for the properties in Richland Hills, Texas, at 6700 Baker Boulevard, 6750 Baker Boulevard, 3204 Diana Drive, 6700 Rena Drive, 6724 Rena Drive, and adjacent city rights-of-way on Diana Drive, Rena Drive, Matthews Drive, and Rufe Snow Drive

Supporting Documents:

Resolution 1659
 Richland Hills Ordinance 1322-16 and Exhibit "A"

Meeting Date: 11/8/2016
 Department: Public Works
 Reviewed by: Greg Dickens
 City Manager Review:

Background/Analysis:

In 2003, the 78th Texas Legislature passed a Municipal Setting Designations (MSDs) law, effective September 1, 2003, that relates to the potability of groundwater and the requirements for removing contaminants from groundwater. The law authorized the Texas Commission on Environmental Quality (TCEQ) to receive, process and certify MSD applications for properties with contaminated groundwater that are located in cities or their extraterritorial jurisdiction. TCEQ can certify an application only if there is local city support. The city has the choice to either support or not support an MSD application. Because of this need for city support, city officials can expect to be contacted by persons who wish to pursue state certification of an MSD. Cities can also pursue MSDs for their own use.

The City of Richland Hills contacted the City of Hurst seeking support of a Municipal Setting Designation for the property located at 6700 Baker Boulevard, 6750 Baker Boulevard, 3204 Diana Drive, 6700 Rena Drive, 6724 Rena Drive, and adjacent city rights-of-way on Diana Drive, Rena Drive, Matthews Drive, and Rufe Snow Drive. The City of Hurst has six water wells within 5 miles of the subject contaminated soil site. Public Works staff reviewed the technical aspects and find the application acceptable for Municipal Setting Designation. This resolution approving the municipal setting designation filed by the City of Richland Hills is consistent with applicable state law, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act (H.B. 3152).

Funding and Sources:

There is no fiscal impact.

Recommendation:

Staff recommends the City Council approve Resolution 1659 supporting the application for a Municipal Setting Designation for the properties in Richland Hills, Texas, at 6700 Baker Boulevard; 6750 Baker Boulevard, 3204 Diana Drive, 6700 Rena Drive, 6724 Rena Drive, and adjacent city rights-of-way on Diana Drive, Rena Drive, Matthews Drive, and Rufe Snow Drive.

RESOLUTION 1659

A RESOLUTION IN SUPPORT OF THE CITY OF RICHLAND HILLS APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR THE PROPERTY LOCATED AT 6700 BAKER BOULEVARD, 6750 BAKER BOULEVARD, 3204 DIANA DRIVE, 3201 DIANA DRIVE, 3200 DIANA DRIVE, 6700 RENA DRIVE, 6724 RENA DRIVE, AND ADJACENT CITY RIGHTS-OF-WAY ON DIANA DRIVE, RENA DRIVE, MATTHEWS DRIVE, AND RUFÉ SNOW DRIVE

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, as a part of the application to TCEQ for a Municipal Setting Designation, the applicant is required to provide documentation that the application is supported by: (1) the city council of the municipality in which the Site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the Site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the Site, and (4) the governing body of each retail public utility, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the Site; and

WHEREAS, The City of Richland Hills (Applicant) filed an application with the City of Hurst, Texas, for the issuance of a Municipal Setting Designation ordinance for property at 6700 Baker Boulevard, 6750 Baker Boulevard, 3204 Diana Drive, 3201 Diana Drive, 3200 Diana Drive, 6700 Rena Drive, 6724 Rena Drive, and adjacent city rights-of-way on Diana Drive, Rena Drive, Matthews Drive, and Rufe Snow Drive, a 10.337 acre tract of land situated in the City of Richland Hills, Tarrant County, Texas, being all of Lots 1-5, of MATTHEW'S SUBDIVISION, an addition to the City of Richland Hills, Texas, according to the plat thereof filed for record in Instrument Number's D205362719, D213139099, D213177785 and D213254392 official public records of Tarrant County, Texas, the metes and bounds description being attached hereto as Exhibit "A" (the "MSD Site"); and the City of Hurst approved Applicant's

application and adopted a Municipal Setting Designation for the site on November 8, 2016; and the City of Hurst owns and operates one or more public supply wells located within five miles of the MSD Site; and following the issuance of a supporting resolution by each municipality and retail public utility for which approval is required, Applicant will submit to TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W.

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

Section 1. THAT the City Council of the City of Hurst authorizes the city manager to support Applicant’s application to the TCEQ for certification of a Municipal Setting Designation for the Site.

AND IT IS SO RESOLVED.

Approved this the 8th day of November 2016 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

City Attorney

ORDINANCE NO. 1322-16

AN ORDINANCE PROHIBITING THE USE OF AND CONTACT WITH DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY OWNED BY THE CITY OF RICHLAND HILLS, LOCATED AT 6700 BAKER BLVD., 6750 BAKER BLVD., 3204 DIANA DR., 3201 DIANA DR., 3200 DIANA DR., 6700 RENA DR., 6724 RENA DR., AND ADJACENT CITY RIGHTS-OF-WAY ON DIANA DR., RENA DR., MATTHEWS DR., AND RUFÉ SNOW DR., TO FACILITATE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION OF THE PROPERTY BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PURSUANT TO THE TEXAS HEALTH AND SAFETY CODE; PROVIDING A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Texas Health and Safety Code Chapter 361, Subchapter W (the "MSD Legislation") authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations (MSDs) for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, the City of Richland Hills (the "City") is the current owner of the property at 6700 Baker Blvd., 6750 Baker Blvd., 3204 Diana Dr., 3201 Diana Dr., 3200 Diana Dr., 6700 Rena Dr., 6724 Rena Dr., and adjacent City rights-of-way on Diana Dr., Rena Dr., Matthews Dr., and Rufe Snow Dr., being more fully described in "Exhibit A" attached hereto; and

WHEREAS, the City will submit an application to TCEQ for certification of an MSD for property within the city limits of the City, located at 6700 Baker Blvd., 6750 Baker Blvd., 3204 Diana Dr., 3201 Diana Dr., 3200 Diana Dr., 6700 Rena Dr., 6724 Rena Dr., and adjacent City rights-of-way on Diana Dr., Rena Dr., Matthews Dr., and Rufe Snow Dr., being more fully described in "Exhibit A" attached hereto (together, the "MSD Property"); and

WHEREAS, the City has certified that:

- 1) the purpose of its application is to conduct environmental investigation, cleanup and restoration activities in a more efficient

and cost-effective manner;

- 2) it will seek to obtain a determination from TCEQ that regulatory closure is attained at the MSD Property;
- 3) as part of such application, the City will submit a statement to TCEQ regarding the type of known contamination in the groundwater beneath the MSD Property; and
- 4) notices have been sent via United States Post Office Certified Mail to listed addresses of registered water wells located not more than five miles from the boundary of the MSD Property relative to certification of the MSD Property; and

WHEREAS, as a part of the application process for a MSD, the City is required to provide documentation that the property for which designation is sought is subject to an ordinance that prohibits the use of designated groundwater in the first 70 feet from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater; and

WHEREAS, as a part of the application process for an MSD, the City is required to provide documentation that the property for which designation is sought is supported by an ordinance adopted by this City Council; and

WHEREAS, a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 for the MSD Property and property within one-half mile of the MSD Property; and

WHEREAS, after public hearing, the City Council believes that it is in the best interest of the public and the City to facilitate the efforts to secure MSD certification and closure documentation from the TCEQ by passage of this Ordinance.

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

SECTION 1

That all of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

SECTION 2

That the City Council finds that it is in the best interest and welfare of the public to facilitate TCEQ's certification of an MSD for the MSD Property, as well as TCEQ closure documentation.

SECTION 3

That, upon and after the effective date of this Ordinance, the drilling of wells and the use of designated groundwater for any purpose, including but not limited to any potable purpose, excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination, is hereby prohibited on or from any portion of the MSD Property.

SECTION 4 PENALTY

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5 PROVISIONS CUMULATIVE

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

SECTION 6 PROVISIONS SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7 PUBLICATION

The City Secretary of the City of Richland Hills is hereby directed to publish this ordinance to the extent required by law.

**SECTION 8
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 4th DAY OF OCTOBER, 2016.



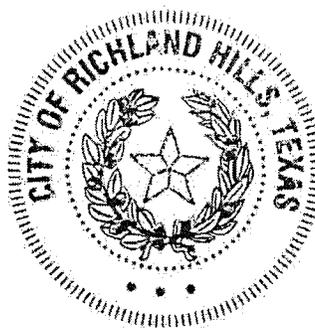
THE HONORABLE MAYOR BILL AGAN

ATTEST:

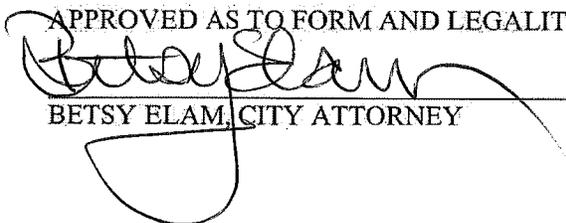


CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: _____



APPROVED AS TO FORM AND LEGALITY:



BETSY ELAM, CITY ATTORNEY

EXHIBIT "A"

DESCRIPTION, of a 10.337 acre (450,267 square foot) tract of land situated in the Allen S. Trimble Survey, Abstract No. 1529, City of Richland Hills, Tarrant County, Texas; said tract being part of Block 1 and Block 2 and Lots 1-5, Block 5, Matthew's Subdivision, First Revised Filing, an addition to the City of Richland Hills, Texas according to the plat recorded in Volume 388-U, Page 3 of the Plat Records of Tarrant County, Texas; all of Block A and B, Matthew's Subdivision, Second Revised Filing, an addition to the City of Richland Hills, Texas according to the plat recorded in Volume 388-Q, Page 331 of said Plat Records; all of those tracts of land described in Deeds to the City of Richland Hills, recorded in Volume 2760, Page 43, Volume 2971, Page 600, Volume 3914, Page 138, Volume 3981, Page 594, Volume 5393, Page 263, Volume 8438, Page 1489, Volume 9606, Page 626 of the Deed Records of Tarrant County, Texas; all of those tracts of land described in Deed to the City of Richland Hills, recorded in Instrument Nos. D205362719, D213139099, D213177785 and D213254392 of the Official Public Records of Tarrant County, Texas; and including all of Diana Drive, all of Rena Drive, part of Matthews Drive and part of Rufe Snow Drive; said 10.337 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found at the intersection of the south right-of-way line of Baker Boulevard (a 160-foot right-of-way) and the east right-of-way line of Matthews Drive (a 50-foot wide right-of-way); said point also being the northwest corner of Matthew's Subdivision, an addition to the City of Richland Hills recorded in Volume 388-U, Page 75 of said Plat Records;

THENCE, along the said east line of Matthews Drive and the west line of said Matthew's Subdivision recorded in Volume 388-U, Page 75, the following five (5) calls:

South 00 degrees, 12 minutes, 40 seconds East, a distance of 755.70 feet to a point at the beginning of a non-tangent curve to the left; from said point a 3/8-inch iron rod found for the northeast corner of said Block 5 bears North 29 degrees, 46 minutes, 09 seconds West, a distance of 101.36 feet;

In a southerly direction, along said curve, having a central angle of 06 degrees, 01 minutes, 54 seconds, a radius of 379.50 feet, a chord bearing and distance of South 03 degrees, 13 minutes, 43 seconds East, 39.93 feet, an arc distance of 39.95 feet to a point at the end of said curve;

South 06 degrees, 14 minutes, 40 seconds East, a distance of 11.70 feet to a point at the beginning of a non-tangent curve to the right;

In a southerly direction, along said curve, having a central angle of 06 degrees, 35 minutes, 46 seconds, a radius of 520.30 feet, a chord bearing and distance of South 02 degrees, 51 minutes, 33 seconds East, 59.87 feet, an arc distance of 59.90 feet to a point at the end of said curve;

South 00 degrees, 26 minutes, 20 seconds West, a distance of 20.52 feet to a point for corner;

THENCE, North 74 degrees, 53 minutes, 40 seconds West, departing the said east line of Matthews Drive and the said west line of Matthew's Subdivision recorded in Volume 388-U, Page and along the common line between Lots 1-5 and Lots 6-11 of said Block 5, passing at a distance of 524.77 feet a 1/2-inch iron rod with "PROLINE" cap found at the southwest corner of said Lot 1 and the northwest corner of said Lot 11, in all a total distance of 576.67 feet to a point for corner in the west right-of-way line of Rufe Snow Drive (a variable width right-of-way) and the east line of Lot 9, Block 9, Richland Hills South, Sec. 2, recorded in Volume 388-6, Page 82 of the said Plat Records;

THENCE, along the said west line of Rufe Snow Drive, the following five (5) calls:

North 00 degrees, 24 minutes, 40 seconds West, a distance of 385.30 feet to a 1/2-inch iron rod with yellow cap found for corner;

North 00 degrees, 16 minutes, 16 seconds West, a distance of 54.63 feet to a point for corner;

North 05 degrees, 16 minutes, 12 seconds West, a distance of 57.32 feet to a point for corner;

North 00 degrees, 33 minutes, 46 seconds West, a distance of 69.82 feet to a point at the beginning of a curve to the left;

In a northerly direction, along said curve, having a central angle of 17 degrees, 25 minutes, 54 seconds, a radius of 562.55 feet, a chord bearing and distance of North 09 degrees, 16 minutes, 42 seconds West, 170.49 feet, an arc distance of 171.15 feet to a point at the end of said curve in the said south line of Baker Boulevard; from said point a 1/2-inch iron rod with "BEASLEY" cap found for the northwest corner of Lot 1, Vititow Addition, an addition to the City of Fort Worth recorded in Volume 388-163, Page 87 of the said Plat Records bears South

89 degrees, 47 minutes, 20 seconds West, a distance of 226.06 feet;

THENCE, North 89 degrees, 47 minutes, 20 seconds East, along the said south line of Baker Boulevard and the north line of said Matthew's Addition, First Revised Filing, a distance of 584.07 feet to the POINT OF BEGINNING;

CONTAINING: 45,267 square feet or 10.337 acres of land, more or less.

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into an Agreement with Visual Computer Solutions (VCS) through SHI Government Solutions for time collection and scheduling for all City employees	
Supporting Documents:	
SHI/VCS Price Quote VCS Terms and Conditions	Meeting Date: 11/8/2016 Department: Human Resources Reviewed by: Matia Messemer City Manager Review:
Background/Analysis:	
<p>Staff is recommending implementation of an electronic time collection and scheduling tool to provide improved efficiency and accuracy in collecting time in order to produce accurate pay. VCS provides three modules for these services, Police, Fire, and Times for all non-Public Safety positions. Implementation of this service will bring consistency from three separate forms of time collection methods to one source organization with VCS. VCS will also provide scheduling management for each divisional area accommodating shift work, regular operating hours, overtime scheduling needs, and the complex scheduling needs of Public Safety departments. The Police Department initially selected VCS as the best software tool for this purpose, and they are currently in implementation. It is recommended that the additional modules be implemented to include all other City employees.</p>	
Funding and Sources:	
<p>Funding in the amount of \$35,600 has been approved in the General Fund Human Resources Department for FY 2017 for VCS timekeeping modules Fire and Times for all non-Public Safety employees. The total amount for the state contract through SHI and VCS software will be \$37,133. The additional amount of \$1,533 will be funded out of General Fund Contingency and added to the FY 2018 operating budget.</p>	
Recommendation:	
<p>It is recommended that the City Council authorize the city manager to enter into an Agreement with Visual Computer Solutions (VCS) through SHI Government Solutions for time collection and scheduling for all City employees.</p>	



Pricing Proposal
 Quotation #: 12412845
 Created On: 10/21/2016
 Valid Until: 10/31/2016

CITY OF HURST

Inside Account Manager

Matia Messemer
 1505 PRECINCT LINE ROAD
 ATTN: ACCOUNTS PAYABLE
 HURST, TX 76054
 United States
 Phone:
 Fax:
 Email: MMessemer@hursttx.gov

Jeremy Freedman
 1301 South Mo-Pac Expressway
 Suite 375
 Austin, TX 78746
 Phone: 1-800-870-6079 x 6526675
 Fax: 512-732-0232
 Email: Jeremy_Freedman@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 SAAS-GSA - ENTERPRISE SCHEDULING SOFTWARE CORE Visual Computer Solutions - Part#: SCH-VI-CLOUD	57	\$85.00	\$4,845.00
2 SAAS-Seasonal - FIRES ENTERPRISE SCHEDULING SOFTWARE CORE Visual Computer Solutions - Part#: FS1200	1	\$32.00	\$32.00
3 SAAS-GSA - ENTERPRISE SCHEDULING SOFTWARE CORE Visual Computer Solutions - Part#: SCH-VI-CLOUD	182	\$85.00	\$15,470.00
4 SAAS-Seasonal - TIMES ENTERPRISE SCHEDULING SOFTWARE CORE Visual Computer Solutions - Part#: TS1200	217	\$32.00	\$6,944.00
5 Basic Onboarding Visual Computer Solutions - Part#: TP6100	1	\$2,632.00	\$2,632.00
6 Basic Onboarding Visual Computer Solutions - Part#: TP6100	1	\$2,632.00	\$2,632.00
7 "Kiosk: Data Capture Device -TD Saturn All in One 8"" Projective Capacitive Touch Screen, Atom Dual Core, J1900-2.0GHz, 4G, 64G SSD, Win 7, Integrated URU,Wallmount Bracket" Visual Computer Solutions, Inc - Part#: DC3210	3	\$1,331.00	\$3,993.00
8 Kiosk: Fingerprint Enrollment Station Visual Computer Solutions, Inc - Part#: FE3200	3	\$195.00	\$585.00
		Total	\$37,133.00

Additional Comments

Please provide end-user contact information (first name, last name, and email address) for all orders. Not including this information may result in a delay in order processing.

Also, please include SHI quote number on your PO. Please contact me if you have any questions.

Thanks!

Thank You for choosing SHI-GS! To ensure the best level of service, please provide End User Name, Phone Number, and E-Mail Address when submitting a Purchase Order. For any additional information including Hardware and Software Contract Numbers, please contact an SHI-GS Sales Representative at 800-870-6079.

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.



CLLOUD SCHEDULING SOFTWARE TERMS & CONDITIONS

1. DEFINITIONS: (1) “Software” or “Program” refers to the proprietary computer software system owned by VCS known as Active Schedules, POSS, COSS, FIRES, TIMES, and PARS. (2) “VCS” refers to Visual Computer Solutions, Inc. (3) “Client” refers to the agency licensing or subscribing to VCS’ software system. (4) “Services” refers to the cloud scheduling software and training provided by VCS.

2. PROGRAM AND INTELLECTUAL PROPERTY. VCS shall have the exclusive title to the software and any portion of the software materials including any and all documentation, enhancements, modifications and any new versions of the Software and all copies of the Software or any portions of the Software whether made by VCS or Client. VCS’ title shall include, but not be limited to, any and all copyright, trademark and other intellectual property rights, or other rights in the Software.

3. SUBSCRIPTION

a. VCS hereby grants to the Client for the term set forth herein, a limited non-exclusive, non-transferable right and license to access the Program for its own internal scheduling/time & attendance purposes in accordance to the terms and conditions of this Agreement.

2. b. The Program and client data are housed on dedicated, secure servers with Dupont Fabros Technology’s Data Center NJ1. The physical and electronic security requirements are: (i) single point of entry; (ii) main access monitored with additional access for emergency purposes only; (iii) surveillance cameras in facility; (iv) access validation with identity check; (v) access only to persons on VCS approved access list; (vi) log-in validation; (vii) creation of accounts only as verified by VCS or sub-contracted hosting provider; (viii) access to servers via encrypted means; and, (ix) servers running behind secure firewall (x) Intrusion Detection System (monitoring incoming/outgoing with real time notification alerts).

c. The Software Implementation consists of a kickoff meeting, installation, data collection/configuration, onsite or online “train-the-trainer” instruction, and a streamlined transfer to support services. Client and their Project Team must make themselves available for regular appointments and be dedicated to learning the system and rolling it out to end users. VCS claims no responsibility for Client’s timeline for end-user roll out and training.

d. Support Services are included in the subscription fee which includes: phone, e-mail and web support from 8:00 a.m. – 8:00 p.m. EST, M-F. A training video library, knowledgebase articles and an e-ticket Support Portal are available 24/7/365.

e. When Client registers to use the VCS Software System and/or its Support Portal, each Client user is responsible for maintaining the confidentiality of his/her member identification and password information, and for restricting access to their computer. Client agrees to accept responsibility for all activities that occur under each user, member identification, and password.

4. RESTRICTIONS

a. Client may not decompile, disassemble or reverse engineer the Program, or shall not provide access to the Compiled Program Application by any party, other than the VCS. Client shall not transfer, resell or grant any rights of any kind to any individual a copy of the product to any party. Client cannot create any derivative works based upon the Subscription Services or Documentation or access the Subscription Services in order to build a competitive solution or to assist someone else to build a competitive solution.

b. Client agrees and acknowledges that only VCS is authorized to support or maintain the Program.

5. BACKUPS. VCS shall keep offsite backups of Client’s data. Client shall not make copies of the Software or any portion of the Software or documentation, except as

follows: (1) archival purposes; (2) employee instructional purposes.

6. REQUIREMENTS. Client acknowledges that the requirements listed below are met to insure proper resource allocation to run Active Schedules, POSS, COSS, FIRES, and TIMES:

- Workstations: Intel Core i5 processor: Windows 7 and above; 17-inch monitor running at 768 X 1024 screen resolution.
- Internet Connection: Internet Explorer 10 or better or Chrome

7. EFFECTIVE DATE. The effective date is the date the Service is activated for the Client. Invoicing shall commence on the effective date.

8. FEES

a. Client assumes responsibility for, and agrees to pay VCS all amounts due for Services. All invoices are due and payable according to Invoice Due Date.

b. Should Client decide to purchase Services through a reseller or third-party vendor (such as Dell Marketing, Software House International {SHI}, or Insight Public Sector), Client acknowledges that all fees will be paid according to the third-party vendor's payment schedule and directly to the third-party vendor.

c. If the number of users assigned to the Client's account exceeds the number of licenses purchased, then the Client's account may be suspended until Client: (a) reduces the number of users or (b) upgrades its license count to at least equal to the number of users.

d. If additional training is desired – over and above the contracted training package - Client will be billed for such training according to the current fee schedule.

e. If Client's account is 30 days or more overdue, in addition to any of its other rights or remedies, VCS reserves the right to suspend Client's access to the Service, without liability to Client, until such amounts are paid in full.

f. If Client initially purchases Subscription Services for a term, and subsequently orders additional product, the purchase price for the additional product shall be prorated so that the added subscriptions renew on the same day as the initial subscription.

g. The subscription is automatically extended by 12 months for each license if the Client does not give sixty (60) days written notice. The invoice for the continuation of the subscription will be sent automatically.

h. If for any reason Client cancels any or all training appointments for which VCS has already secured travel arrangements, Client agrees to pay VCS' scheduled travel fees, plus any applicable service charges, cancellation penalty fees and increased fares expressly due to the Client's cancellation. If Client cancels training after VCS has arrived on location, Client will be responsible for paying all training fees and expenses.

9. ADDITIONAL CLIENT RESPONSIBILITIES

a. Client must provide and input data for use in the System. VCS is not obligated to input, modify or add to Client's Data. Client is solely responsible for the content and accuracy of the Client's Data.

b. VCS regularly upgrades and updates the Subscription Services. This means that the Subscription Services are continually evolving. Some of these changes will occur automatically, while others may require Client to schedule and implement the changes. The changes may also mean that Client needs to upgrade its equipment in order to make efficient use of the Subscription Services. VCS will provide Client with advance notification in this case.

c. Client acknowledges that VCS utilizes e-mail as its primary form of communication for billing, software enhancement/update information, and webinar/training purposes. It is Client's responsibility to notify VCS of personnel and/or e-mail changes.

d. Client acknowledges that it alone is responsible for the rollout and results obtained from its use of the Service, including without limitation the completeness, accuracy and content of such results.

10. SALES & USE TAX. Any sales tax payable as a result of the software, hardware and/or professional services purchase, shall be paid by Client. Client agrees to provide a completed *Tax Information Form* to VCS in the event that VCS is required to collect and remit sales tax as dictated by law in Client's state. Client hereby indemnifies and holds harmless VCS from any sales tax liability, claims, penalties, or losses incurred resulting from Client withholding or inaccurately reporting information on the *Tax Information Form*.

11. WARRANTY

a. The Software is licensed "AS IS." VCS represents and warrants that the Services will perform in accordance with the on-line and manual help documentation and the service level standards set forth in Section 3.

b. VCS warrants that it has good title to the Product and the right to license its use to Client free of any proprietary rights of any other party or any other encumbrance whatsoever.

12. INSURANCE AND INDEMNIFICATION

a. Throughout the life of this Agreement, VCS shall pay for and maintain in full force and effect the following policies of insurance:

- (i) Commercial General Liability insurance with combined single limits of not less than \$1,000,000 per occurrence;
- (ii) Commercial automobile liability insurance with combined single limits of not less than \$1,000,000 per occurrence;
- (iii) Worker's compensation insurance as required under the New Jersey Labor laws;
- (iv) Professional liability insurance of not less than \$1,000,000 each claim.

13. LIMITATION OF LIABILITY. VCS SHALL NOT BE LIABLE FOR DAMAGES, INJURY, COSTS OR CLAIMS ARISING OUT OF (I) DELAYS, MISTAKES, ACCIDENTS, ERRORS, OMISSIONS, INTERRUPTIONS, OR DEFECTS IN TRANSMISSION; (II) INADVERTENT DISCLOSURE, CORRUPTION OR ERASURE OF DATA; (III) SERVICES, FACILITIES OR EQUIPMENT NOT FURNISHED BY VCS; (IV) ANY ACT OR OMISSION OF A THIRD-PARTY VENDOR FURNISHING ANY PORTION OF THE SERVICES OR THE EQUIPMENT OR FACILITIES USED TO PROVIDE THE SERVICES; AND (V) ANY EVENT THAT PREVENTS VCS FROM PERFORMING ITS OBLIGATIONS UNDER THESE TERMS AND CONDITIONS, IF THAT EVENT IS BEYOND THE REASONABLE CONTROL OF VCS.

14. TERM AND TERMINATION OF AGREEMENT

a. The term of this subscription Agreement shall be no less than twelve (12) months and shall commence upon the effective date. The Client, at its sole option, may renew this Agreement for consecutive one-year terms upon payment of the next subscription invoice.

b. Either party may terminate rights if the other breaches any material term in this Agreement and the breach is not cured within thirty (30) days of written notice.

c. Upon termination of Client's Subscription Service, VCS must promptly provide Client with all Client Data in comma separated value (CSV) format. However, VCS may retain Client Data in backup media for an additional period of up to 12 months, or longer if required by law.

d. Within 30 days after the expiration or termination of this Agreement for any reason, the receiving party must destroy the original and all copies (including partial copies) of all Confidential Information of the disclosing party.

e. All fees collected or accrued prior to the date of termination shall be retained by VCS without any pro rata refund to Client.

f. The termination of this Agreement shall not extinguish any rights or obligation of the parties under this Agreement or applicable law, including without limitation, rights and obligations relating to the protection of Confidential Information or Intellectual Property rights.

15. GENERAL PROVISIONS

a. Client warrants that the signature executed on this quote or agreement is by a duly authorized employee, agent or officer that is binding upon Client.

b. Any notice required or intended to be given to either party under the terms of this Agreement shall be in writing.

c. Any controversy or claim arising out of or relating to this Agreement, or breach thereof, shall be settled by arbitration in accordance with the Rules of the American Arbitration Association and judgment upon the award rendered by the Arbitrator(s) may be entered in any Court having jurisdiction thereof.

City Council Report

<p>SUBJECT: Consider authorizing the city manager to purchase (3) three vehicles and (2) two tractors from approved vendors</p>	
<p>Supporting Documents:</p>	
	<p>Meeting Date: 11/8/2016 Department: Administration Reviewed by: Malaika Marion Farmer City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>The Fleet Services Division is committed to maintaining, repairing, and replacing City vehicles and equipment in a timely and cost-effective manner so as to prevent interruptions in City services. The Fleet Services Division follows a replacement schedule to determine vehicle and equipment depreciation and estimate service life. During the vehicle's or equipment's service life, all parts, fuel and repairs are tracked. Each year during the budget process, all vehicles and equipment are evaluated based on their age, mileage, maintenance and repair costs. Following this evaluation process, the necessary vehicles and equipment are budgeted to be replaced in the upcoming fiscal year. After vehicles are approved for replacement, Fleet Services staff examine them to determine if any equipment can be reused, in an effort to lower costs.</p> <p>For FY 2017, the following vehicles and equipment are scheduled and budgeted for replacement: one (1) Chevrolet 1500 Silverado for the Parks Division, two (2) Chevrolet 3500HD with utility body for the Facilities Services and Wastewater Divisions, one (1) Kubota MX4800DT tractor with rotary mower for the Streets and Drainage Division and one (1) Kubota U35-4R3A tractor for the Wastewater Division.</p> <p>Caldwell County Chevrolet submitted quotes in the amount of \$21,586 for the Parks Division vehicle, \$38,817 for the Facilities Services Division vehicle, and \$41,211 for the Wastewater Division vehicle. Kubota Tractor Corporation submitted quotes in the amount of \$25,659 for the Streets and Drainage Division tractor with rotary mower and \$57,429 for the Wastewater Division tractor. The City of Hurst is a member of the BuyBoard purchasing consortium, which provides substantial cost savings for the purchase of vehicles and equipment from Caldwell County Chevrolet and Kubota Tractor Corporation. When making purchases through BuyBoard, the City can purchase directly from Caldwell County Chevrolet and Kubota Tractor Corporation as a BuyBoard low bidders. The total for all quotes received is \$184,702 and \$207,000 was budgeted for the replacement of these units. The remaining budgeted funds will</p>	

be used to purchase and install the necessary equipment after examinations determine what can be reused from the existing units. This equipment and vehicle decaling will be purchased following City standard purchasing policies and procedures.

Funding and Sources:

Funding for these units has been identified within FY 2017 Fleet Service Fund, Storm Water Management Fund and Public Works Enterprise Fund Capital Budgets.

Recommendation:

It is recommended that the City Council authorize the city manager to purchase (3) three vehicles and (2) two tractors from approved vendors in the amount of \$184,702.

City Council Report

SUBJECT: Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A and B, Block 11, Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court

Supporting Documents:

Area map
 Legal notice
 Ownership Data
 Zoning exhibit / concept plan

Meeting Date: 11/8/2016
 Department: Development
 Reviewed by: Steve Bowden
 City Manager Review:

Background/Analysis:

An application has been made by Howe Investment Company LLC, for a zoning change from R-1 (Single-Family) to R1-PD (Single-Family Planned Development) with a concept plan for Lot A and B, Block 11, Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court.

The applicant is proposing a 30 single family lot development with lot widths of 65 feet and side yards of five (5) feet. The requested lot coverage is 55%, with the minimum dwelling unit size of 2,500. The proposed homes values will range from \$450,000-500,000.

The proposed development will install a public street to connect Heneretta and Taylor Court. The developer will remove two of the existing ponds and enhance the larger pond for retention and open space. The open space will have a walking path along the east side of the property. This space will also serve as a buffer for the existing homeowners on Hurstview Drive.

There is a large 100 ft. ONCOR easement that runs along the west side of the property. This area will also be used as open space and one lot is proposed with access to Taylor Drive.

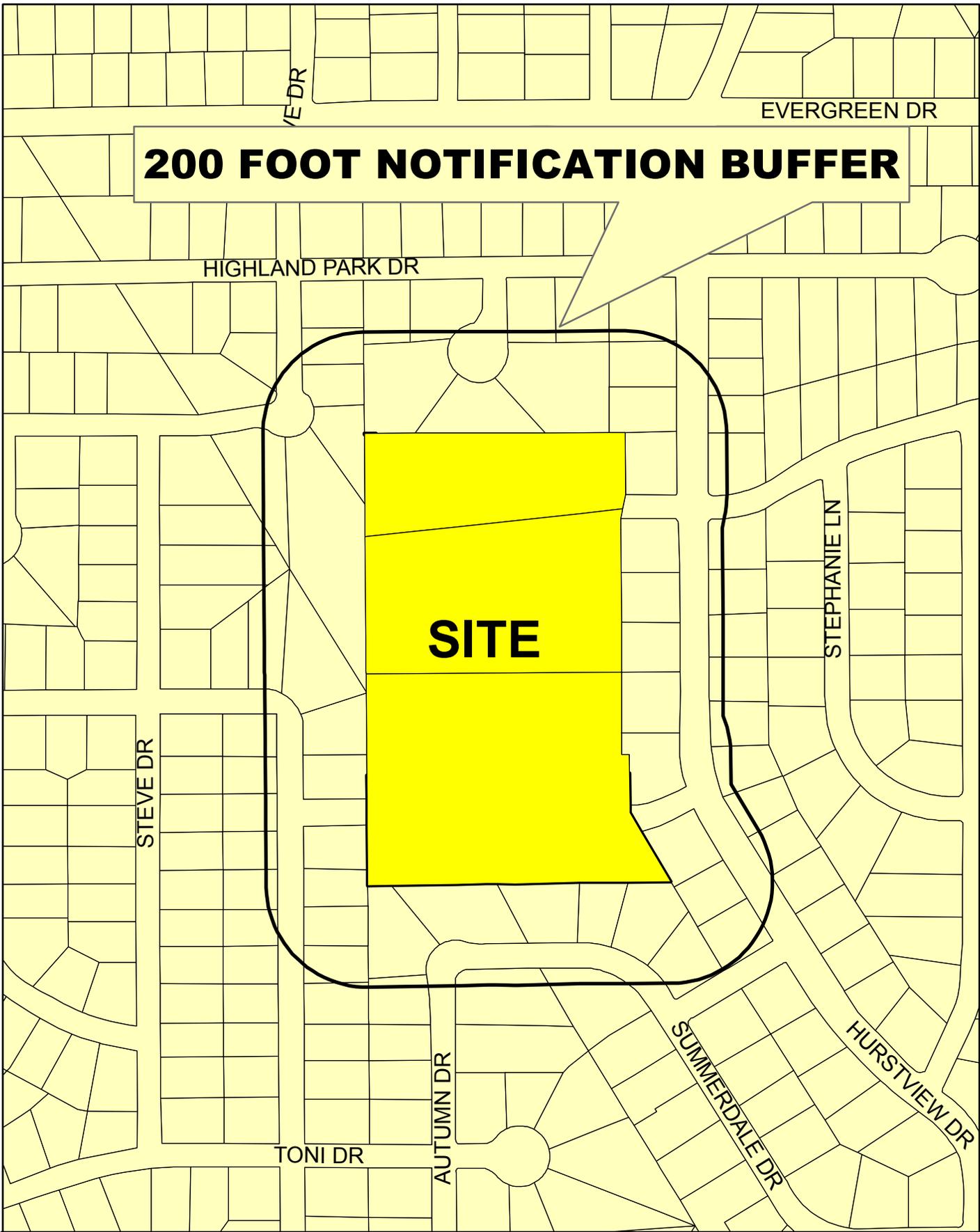
If the zoning change is approved, a detailed site plan, and plat will be submitted at a later date, and another public hearing will be held.

Funding and Sources:

There is no fiscal impact.

Recommendation:

The Planning and Zoning Commission met on Monday, October 17, 2016 and voted 5-1 to recommend approval of Z-16-04 Sandstone Cove.



<p>CASE NO: Z-16-04 Sandstone Cove</p>	<p>LEGAL DESCRIPTION: Lot A and B, Block 11 Wintergreen Acres & Tract 4B John H Duncan Survey A-.399</p>	<p>AGENDA DATE: 10/25/16</p>
<p>REQUESTED ACTION: Zoning change from R-1 to R-1 PD</p>	<p>LOCATION: 600 Heneretta & 600 Taylor Ct.</p>	



Z-16-04

LEGAL NOTICE

A PUBLIC HEARING WILL BE HELD BY THE HURST CITY COUNCIL ON TUESDAY, NOVEMBER 8, 2016 AT 6:30 P.M. AT HURST CITY HALL, 1505 PRECINCT LINE ROAD TO CONSIDER A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-1-PD (SINGLE FAMILY PLANNED DEVELOPMENT) FOR LOT A & B, BLOCK 11 WINTERGREEN ACRES AND TRACT 4B JOHN H. DUNCAN SURVEY A-399 BEING 10.42 ACRES LOCATED AT 600 HENERETTA AND 600 TAYLOR COURT



Z-16-04

**APPLICATION FOR SITE PLAN
OWNERSHIP DATA**

TO THE PLANNING and ZONING COMMISSION:

The following described real property is under application for approval of a site plan revision.

Sandstove Cove
Zoning Change with a Concept Plan
Lot A & B, Block 11 Wintergreen Acres and Tract 4B John Duncan Survey
600 Heneretta & 600 Taylor Ct.

The following is a list of the property owners, legal description of their property, and mailing address of the owners of the property within 200 feet of the above-described property, which is under application for a site plan:

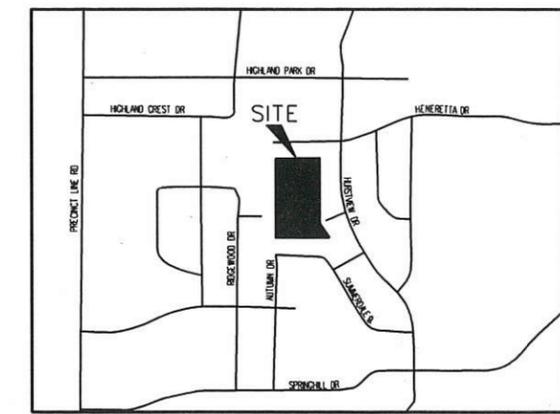
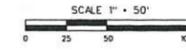
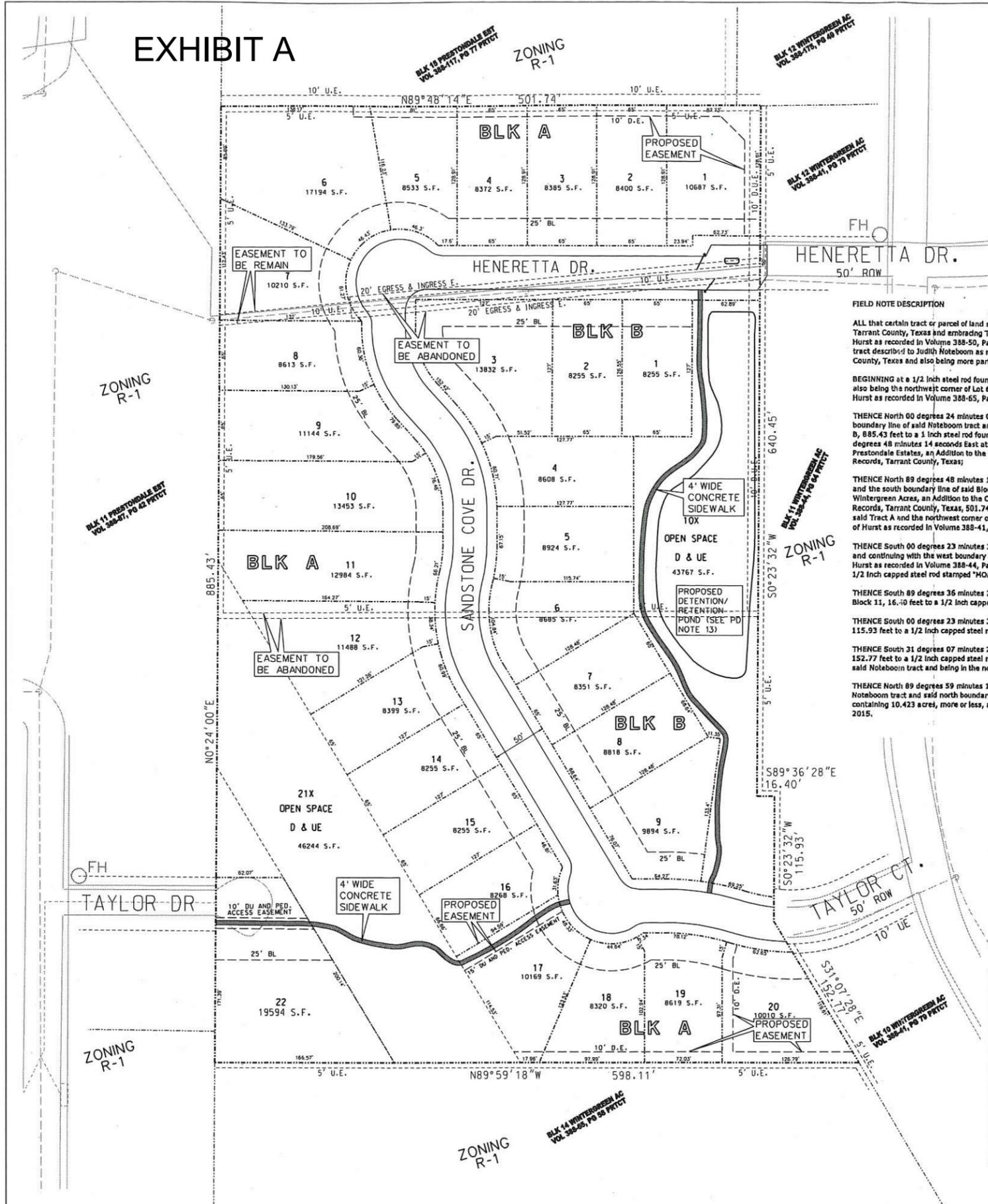
PROPERTY OWNER	LEGAL DESCRIPTION	ADDRESS
THEISS, JOHN M	Lot 3R, Blk 11 WINTERGREEN ACRES	2865 HURSTVIEW DR HURST, TX 76054
HANCOCK, CHARLES JOEL	Lot 1, Blk 11 PRESTONDALE ESTATES	2932 RIDGEWOOD DR HURST, TX 76054
FEY, ROLLAND	Lot 12 BLK 7 PRESTONDALE ESTATES	2937 RIDGEWOOD DR HURST, TX 76054
LARSON, HAROLD D	Lot 12, Blk 11 PRESTONDALE ESTATES	697 HIGHLAND CREST DR HURST, TX 76054
KIRK, LISA AILEEN	Lot 11, Blk 11 PRESTONDALE ESTATES	3032 STEVE DR HURST, TX 76054
BRYANT, GRADY L	Lot 1R, Blk 12 WINTERGREEN ACRES	2901 HURSTVIEW DR HURST, TX 76054
ALLEN, JERRY W	Lot 20, Blk 13R WINTERGREEN ACRES	2900 HURSTVIEW DR HURST, TX 76054
KINNEAR, JAMES D	LOT 7R, BLK 15 PRESTONDALE ESTATES	647 HIGHLAND PARK DR HURST, TX 76054
BAKER, JOHN	Lot 4, Blk 12 WINTERGREEN ACRES	643 HIGHLAND PARK DR HURST, TX 76054
RUDOLPH, WILLIAM	Lot 6R, Blk 15 PRESTONDALE ESTATES	651 HIGHLAND PARK DR HURST, TX 76054
WOOD, DEBORAH	Lot 3R, Blk 10 WINTERGREEN ACRES	2849 HURSTVIEW DR HURST, TX 76054
LEACH, ROBERT	Lot 17, Blk 8 WINTERGREEN ACRES	2844 HURSTVIEW DR HURST, TX 76054
PATTERSON, VICTORIA D	Lot 8, Blk 8 PRESTONDALE ESTATES	2928 RIDGEWOOD DR HURST, TX 76054
TANNER, KEISHAH A	Lot 10, Blk 7 PRESTONDALE ESTATES	2929 RIDGEWOOD DR HURST, TX 76054
DAY, JEFFREY	Lot 6, Blk 14	2861 AUTUMN DR

	WINTERGREEN ACRES	HURST, TX 76054
STEELE, DAVIS T	Lot 1, Blk 10 WINTERGREEN ACRES	2841 HURSTVIEW DR HURST, TX 76054
GRAHAM, DERENDA G ETAL	Lot 2R, Blk 15 PRESTONDALE ESTATES	6575 OLD MILL CIR WATAUGA, TX 76148
MASON, JAMES B	Lot 1R, Blk 15 PRESTONDALE ESTATES	671 HIGHLAND PARK DR HURST, TX 76054
KIM, ANDREW	Lot 15, Blk 11 PRESTONDALE ESTATES	3048 STEVE DR HURST, TX 76054
GREEN, PATSY B	Lot 49, Blk 6 PRESTONDALE ESTATES	2015 LARKSPUR DR CARROLLTON, TX 75010
PRISTERNIK, STEVEN	Lot 3R, Blk 15 PRESTONDALE ESTATES	663 HIGHLAND PARK CT HURST, TX 76054
CHRISTEN, FREDERICK	Lot 3, Blk 12 WINTERGREEN ACRES	2909 HURSTVIEW DR HURST, TX 76054
ANDRADE, MICHAEL J	Lot 5R, Blk 15 PRESTONDALE ESTATES	PO BOX 54154 HURST, TX 76054
WOJCIK, JOHN J	Lot 48, Blk 6 PRESTONDALE ESTATES	700 HIGHLAND CREST DR HURST, TX 76054
FOSTER, JESSE J	LOT 18, BLK 13R WINTERGREEN ACRES	2908 HURSTVIEW DR HURST, TX 76054
PYRON, THOMAS S	LOT 14, BLK 11 PRESTONDALE ESTATES	3044 STEVE DR HURST, TX 76054
HUDGINS, JAMES R	LOT 4R BLK 15 PRESTONDALE ESTATES	659 HIGHLAND PARK CT HURST, TX 76054
LANGFORD, STEPHEN M	Lot 2, Blk 12 WINTERGREEN ACRES	2905 HURSTVIEW DR HURST, TX 76054
VICKERS, MICHAEL	Lot 19 BLK 13R WINTERGREEN ACRES	2904 HURSTVIEW DR HURST, TX 76054
GANT, DONALD	Lot 13, Blk 11 PRESTONDALE ESTATES	3040 STEVE DR HURST, TX 76054
BLACK, DARLA	Lot 9, Blk 11 PRESTONDALE ESTATES	3012 STEVE DR HURST, TX 76054
TAMAYO, AUREA E	Lot 24 Blk 8 WINTERGREEN ACRES	2872 HURSTVIEW DR HURST, TX 76054
SHAW, GENE	LOT 5R, BLK 11 WINTERGREEN ACRES	2873 HURSTVIEW DR HURST, TX 76054
NOTEBOOM, JUDITH	Tr B JOHN DUNCAN SURVEY A 399	287 WILDCAT TRL HESPERUS, CO 81326
GARRETT, RUTH P	Lot 8, Blk 11 PRESTONDALE ESTATES	3008 STEVE DR HURST, TX 76054
LUNA, CESAR	LOT 23, BLK 8 WINTERGREEN ACRES	2868 HURSTVIEW DR HURST, TX 76054
WELLS, BARRY E	LOT 4, BLK 11 PRESTONDALE ESTATES	604 RIDGEWOOD CIR HURST, TX 76054
WALDROP, JAMES DAVID	LOT 3, BLK 11 PRESTONDALE ESTATES	600 RIDGEWOOD CIR HURST, TX 76054

BOWIE, DEIDRE L	LOT 4R, BLK 11 WINTERGREEN ACRES	2869 HURSTVIEW DR HURST, TX 76054
SELLARS, BRAD S	LOT 7, BLK 11 PRESTONDALE ESTATES	3004 STEVE DR HURST, TX 76054
BANKS, CHARLOTTE	LOT 22, BLK 8 WINTERGREEN ACRES	2864 HURSTVIEW DR HURST, TX 76054
WILLIAMS, JAMES V	Lot 21, Blk 8 WINTERGREEN ACRES	2860 HURSTVIEW DR HURST, TX 76054
SIPE, JAMES R	Lot 2R, Blk 11 WINTERGREEN ACRES	2861 HURSTVIEW DR HURST, TX 76054
NOTEBOOM, JUDITH	TR 4N A 399 JOHN DUNCAN	287 WILDCAT TRL HESPERUS, CO 81326
GUTHRIE, SANDRA	Lot 2, Blk 11 PRESTONDALE ESTATES	2936 RIDGEWOOD DR HURST, TX 76054
HUDNALL, RONALD D	Lot 20, Blk8 WINTERGREEN ACRES	2856 HURSTVIEW DR HURST, TX 76054
FLEMING, RANDY G	Lot 13, Blk 7 PRESTONDALE ESTATES	2941 RIDGEWOOD DR HURST, TX 76054
BROWNING, EDWARD PAUL	Lot 1R, Blk 11 WINTERGREEN ACRES	2857 HURSTVIEW DR HURST, TX 76054
BENCH, LILLA	Lot 19, Blk 8 WINTERGREEN ACRES	2852 HURSTVIEW DR HURST, TX 76054
RUNGE, ROBERT T	LOT 18, BLK8 WINTERGREEN ACRES	2848 HURSTVIEW DR HURST, TX 76054
GOODMAN, CONNIE J	LOT 11, BLK 7 PRESTONDALE ESTATES	2933 RIDGEWOOD DR HURST, TX 76054
JOHNSON, LEE	LOT 16 BLK 8 WINTERGREEN ACRES	2840 HURSTVIEW DR HURST, TX 76054
GOLDEN, GLEN W	Lot 2, Blk 10 WINTERGREEN ACRES	2845 HURSTVIEW DR HURST, TX 76054
PRIESTER, STEPHEN	Lot 7 BLK 8 PRESTONDALE ESTATES	2924 RIDGEWOOD DR HURST, TX 76054
WEBB, MORGAN J	Lot 9, Blk 7 PRESTONDALE ESTATES	2925 RIDGEWOOD DR HURST, TX 76054
BENTKE, L D	Lot 2, Blk 14 PRESTONDALE ESTATES	2842 SUMMERDALE DR HURST, TX 76054
SAWYER, VICKI L	Lot 3 Blk 14 WINTERGREEN ACRES	2846 SUMMERDALE DR HURST, TX 76054
MILLER, WILLIAM WALTER	LOT 4, BLK 14 WINTERGREEN ACRES	2850 SUMMERDALE DR HURST, TX 76054
DEWEY, TIMOTHY J	LOT 5 BLK 14 WINTERGREEN ACRES	2854 SUMMERDALE DR HURST, TX 76054
ADAMS, ANDREW T	Lot 6, Blk 8 PRESTONDALE ESTATES	2920 RIDGEWOOD DR HURST, TX 76054
SIMS, HAL C	LOT 8, BLK 7 PRESTONDALE ESTATES	604 GREEN MEADOW ST N COLLEYVILLE, TX 76034
SMITH, BETSY NULTY POWELL	LOT 1, BLK 14 WINTERGREEN ACRES	2838 SUMMERDALE DR HURST, TX 76054

STONE, DAVID J	LOT 5, BLK 8 PRESTONDALE ESTATES	2916 RIDGEWOOD DR HURST, TX 76054
ROTTMAN, JARROD	LOT 13, BLK 4 WINTERGREEN ACRES	2852 AUTUMN DR HURST, TX 76054
WELLS, CASEY W	LOT 12, BLK 4 WINTERGREEN ACRES	2849 SUMMERDALE DR HURST, TX 76054
RIDDLE, GALEN	LOT 7, BLK 14 WINTERGREEN ACRES	2857 AUTUMN DR HURST, TX 76054
BOWERS, BRUCE A	LOT 4, BLK 8 WINTERGREEN ACRES	2912 RIDGEWOOD DR HURST, TX 76054
OCCUPANT	LOT 2R, BLK 15 PRESTONDALE ESTATES	667 HIGHLAND PARK DR HURST, TX 76054
OCCUPANT	LOT 49, BLK 6 PRESTONDALE ESTATES	3045 STEVE DR HURST, TX 76054
OCCUPANT	LOT 5R, BLK 15 PRESTONDALE ESTATES	655 HIGHLAND PARK CT HURST, TX 76054
OCCUPANT	LOT 8, BLK 7 PRESTONDALE ESTATES	2921 RIDGEWOOD DR HURST, TX 76054

EXHIBIT A



FIELD NOTE DESCRIPTION

ALL that certain tract or parcel of land situated in the JOHN DUNCAN SURVEY, Abstract No. 399, Tarrant County, Texas and embracing Tracts A and B, Wintergreen Acres, an Addition to the City of Hurst as recorded in Volume 388-50, Page 96, Plat Records, Tarrant County, Texas and that same tract described to Judith Noteboom as recorded in Instrument D13112920, Deed Records, Tarrant County, Texas and also being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod found at the southwest corner of said Noteboom tract, said corner also being the northwest corner of Lot 6, Block 14, Wintergreen Acres, an Addition to the City of Hurst as recorded in Volume 388-65, Page 58, Plat Records, Tarrant County, Texas;

THENCE North 00 degrees 24 minutes 00 seconds East (base bearing per deed call) with the west boundary line of said Noteboom tract and continuing with the west boundary line of said Tracts A and B, 885.43 feet to a 1 inch steel rod found at the northwest corner of said Tract A and being North 89 degrees 48 minutes 14 seconds East at 9.05 feet from the southwest corner of Lot 3R, Block 15, Prestondale Estates, an Addition to the City of Hurst as recorded in Volume 388-117, Page 77, Plat Records, Tarrant County, Texas;

THENCE North 89 degrees 48 minutes 14 seconds East with the north boundary line of said Tract A and the south boundary line of said Block 15 and the south boundary line of Lot 2, Block 12, Wintergreen Acres, an Addition to the City of Hurst as recorded in Volume 388-175, Page 49, Plat Records, Tarrant County, Texas, 501.74 feet to a 1/2 inch steel rod found at the northeast corner of said Tract A and the northwest corner of Lot 1R, Block 12, Wintergreen Acres, an Addition to the City of Hurst as recorded in Volume 388-41, Page 79, Plat Records, Tarrant County, Texas;

THENCE South 00 degrees 23 minutes 32 seconds West with the west boundary line of said Lot 1R and continuing with the west boundary line of Block 11, Wintergreen Acres, an Addition to the City of Hurst as recorded in Volume 388-44, Page 64, Plat Records, Tarrant County, Texas, 640.45 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set;

THENCE South 89 degrees 36 minutes 28 seconds East continuing with said west boundary line of Block 11, 16.10 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set;

THENCE South 00 degrees 23 minutes 32 seconds West continuing with said west boundary line, 115.93 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set;

THENCE South 31 degrees 07 minutes 28 seconds East continuing with said west boundary line, 152.77 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set at the southeast corner of said Noteboom tract and being in the north boundary line of said Block 14, Wintergreen Acres;

THENCE North 89 degrees 59 minutes 18 seconds West with the south boundary line of said Noteboom tract and said north boundary line of Block 14, 598.11 feet to the place of beginning and containing 10.423 acres, more or less, as surveyed by Moak Surveyors, Inc. in the month of January, 2015.

AREA CALCULATIONS
AREA OF DEVELOPMENT = 10.423 ACRES
NUMBER OF UNITS = 30

LAND USE TABLE		
ITEM	R-1	PROPOSED R-1 PD
MIN LOT AREA	8,250 SF	8,250 SF
MIN FRONT YARD	25 FT	25 FT
MIN REAR YARD	25 FT	20 FT
MIN LOT WIDTH	75 FT	65 FT
MIN LOT DEPTH	NONE STATED	110 FT
MIN SIDE YARD	10 FT & 6 FT	5' SIDE YARDS
DWELLING SIZE	1,250 SF	2,500 SF
MAX COVERAGE	40%	55%
OPEN SPACE	0	90011 S.F. (19.8%)
DENSITY	-	2.9 UNITS/AC

- ### PLANNED DEVELOPMENT RESTRICTIONS
- Dwellings to be 2,500 s.f. minimum..
 - 100% masonry front elevations where the brick extends to the foundation. Sides and rear shall be 85% minimum masonry. Standards apply to all stories of house.
 - Roof pitch shall be 10:12 for front facing gables and 8:12 on side facing gables and adjusted per Architectural Committee approval.
 - All perimeter fencing shall be as shown on the plan. HOA shall be responsible for maintenance of walls within landscape and dedicated walkways.
 - Sidewalks shall be constructed by the home builder and/or the developer and shall be installed per this plan and be four feet in width.
 - Each lot shall have a full area irrigation sprinkler system with freeze and rain detectors.
 - Each owner will own a portion of all common areas (walls/landscaping/private drive) and will be members of the home owners association and will provide maintenance and liability coverage for common areas and sidewalks within.
 - Each lot shall be landscaped by the builder as follows (minimum):
3 trees (3" caliper)
 - Street lights to be decorative and shall be selected from the Oncor Decorative Street Lighting Brochure.
 - There shall be one masonry mailbox per residence.
 - There will be the option to gate the community.
 - Streets shall be concrete and shall be 31" b-b w/ laid-down curb.
 - Retention/detention pond to be an amenity and supplemental water supply shall be provided. Pond to be aerated and maintained by HOA.

DRAINAGE EASEMENTS

The Drainage Easements shown on the plot are dedicated to the public for storm water runoff control. The City of Hurst will not be responsible for the maintenance or erosion control of the open channel area within the drainage easement which is left in the natural state. Those drainage easements covering areas to be left in a natural state will be the property owner's responsibility to keep unobstructed and maintained, including erosion control.

Property owners shall keep these natural drainage ways on their property mowed, clean, and free of debris, silt, or other substances which would result in poor drainage or unsanitary conditions. The open channel areas left in the natural state are occasionally subject to storm water overflow and bank erosion that cannot be predetermined. The City of Hurst shall not be liable for any damages resulting from the occurrences of this overflow and erosion.

Maintenance and replacement of proposed inlets and storm drains in rear and side yards of Lots 1, 16, and 17, Block A, and the detention pond on this property are the responsibility of the property owners, not the City. The City has the right to enter any public drainage easement area for inspection purposes to confirm the drainage systems are being maintained. The City can require the property owners to repair the drainage systems when they do not function as proposed.

The City of Hurst will be responsible for maintenance and operation of all structural improvements which are installed in drainage easement areas once the improvements are accepted by the City. No construction, modifications, or fencing will be allowed in the drainage easement without the written approval of the City of Hurst's Executive Director of Public Works.

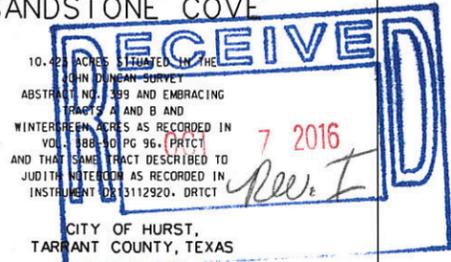
OWNER:
JUDITH NOTEBOOM
2877 HURSTVIEW DRIVE
HURST, TEXAS 76054

DEVELOPER:
HOWE INVESTMENT COMPANY, LLC
6617 PRECINCT LINE ROAD, #200
NORTH RICHLAND HILLS, TEXAS 76182

ENGINEER:
HAMILTON DUFFY, PC
8241 MID-CITIES BLVD.
NORTH RICHLAND HILLS, TEXAS
76182-4712
(817) 268-0408
FAX (817) 284-8408
TEXAS REGISTERED
ENGINEERING FIRM
NUMBER F-5260

ZONING EXHIBIT AND CONCEPT PLAN FOR

SANDSTONE COVE



CITY OF HURST,
TARRANT COUNTY, TEXAS
EXISTING ZONING: R-1
PROPOSED ZONING: R-1 PD

DATE OF PREPARATION 9-22-16
REVISED 10-6-16

ORDINANCE 2346

AN ORDINANCE ADOPTING A ZONING CHANGE FROM R1 to R1-PD WITH A CONCEPT PLAN FOR LOT A AND B, BLOCK 11, WINTERGREEN ACRES ADDITION, AND TRACT 4B JOHN DUNCAN SURVEY, BEING 10.42 ACRES LOCATED AT 600 HENERETTA AND 600 TAYLOR COURT. Z-16-04

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and,

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Hurst at least 15 days before such hearing; and,

WHEREAS, notices were posted on the subject land as provided by the Zoning Ordinance; and,

WHEREAS, public hearings to change the site plan on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the site plan change; and,

WHEREAS, the City Council is of the opinion that the site plan change herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Hurst.

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

Section 1. THAT the Comprehensive Zoning Ordinance of the City of Hurst is hereby amended by adopting a zoning change from R1 to R1-PD with a concept plan with Exhibit "A" on Lot A and B, Block 11, Wintergreen Acres Addition and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court.

AND IT IS SO ORDERED.

Passed on the first reading on the 8th day of November 2016 by a vote of ___ to ___.

Approved on the second reading on the 13th day of December 2016 by a vote of ___ to ___.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

City Attorney

City Council Report

SUBJECT: Consider adopting Ordinance 2347 amending Chapter 5 and Chapter 8 of the Hurst Code of Ordinances, pertaining to Building and Fire Regulations adopting the 2015 International Codes and the 2014 National Electrical Code

Supporting Documents:

Ordinance 2347
 Amendments to the 2015 I Codes
 Amendments to the 2014 NEC

Meeting Date: 11/8/2016
 Department: Building Inspection / Multi-Family
 Reviewed by: Greg Dickens
 City Manager Review:

Background/Analysis:

The State of Texas has mandated that all cities having a population of 5,000 or more adopt the most current editions of the International Residential Code (IRC) and the International Energy Conservation Code (IECC). In 2002, the City adopted the remaining International Codes to avoid the potential for conflict with the then Adopted Uniform Codes. The City also adopted the 2002 edition of the National Electrical Code with local amendments. This year, the State of Texas adopted the 2014 National Electrical Code to coincide with the new state electrical licenses law. Therefore, it is proposed to adopt the 2014 NEC as well. Additionally, staff is taking this opportunity to adopt the 2015 International Property Maintenance Code (IPMC), with amendments, to better regulate existing buildings within the City of Hurst. This code is also used to regulate the Rental Registration Ordinance and the multi-family housing in Hurst. The adoption of the International Fire Code (IFC) and the International Building Code (IBC) will provide continuity for contractors that work on both commercial and residential projects. Every effort is being made to keep our code amendments consistent with the City of Euless and the City of Bedford's code adoptions.

The adoption of some of the International Codes is mandated by the state and the adoption of the others is a matter of convenience and consistency for those who will be working with the codes, as contractors, homeowners or inspectors. The proposed amendments to these codes are either previously approved existing amendments that have been carried over and identified by two asterisks (**), or are new amendments identified by three asterisks (***) recommended by the North Central Texas Council of Governments, as part of an ongoing effort to provide consistency among neighboring jurisdictions, or are new amendments that staff feels will be in the best interest of the citizens of Hurst. The permit fees are reviewed from time to time by the city manager, as previously directed by Council, and there are no changes anticipated at this time.

Funding and Sources:

There is no fiscal impact.

Recommendation:

Staff recommends approval of Ordinance 2347 adopting the 2015 International Building Code (IBC), 2015 International Fire Code (IFC), 2015 International Residential Code (IRC), 2015 International Energy Conservation Code (IECC), 2015 International Plumbing Code (IPC), 2015 International Fuel Gas Code (IFGC), 2015 International Mechanical Code (IMC), 2015 International Property Maintenance Code (IPMC), 2015 Swimming Pool and Spa Code (ISPSC), the 2014 National Electrical Code (NEC) with local amendments as presented.

ORDINANCE 2347

AN ORDINANCE AMENDING THE HURST CODE OF ORDINANCES BY AMENDING CHAPTER 5 OF THE HURST CODE OF ORDINANCES, BUILDING REGULATIONS. ADOPTING THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE AND THE 2014 EDITION OF THE NATIONAL ELECTRICAL CODE INCLUDING AMENDMENTS AND DELETIONS TO EACH CODE; AND AMENDING CHAPTER 8 FIRE PROTECTION AND PREVENTION OF THE HURST CODE OF ORDINANCES; PROVIDING FOR ARSON REWARD AND ADOPTING THE INTERNATIONAL FIRE CODE INCLUDING AMENDMENTS AND DELETIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Codes, Appeals and Advisory Board of the City of Hurst has reviewed the proposed adoptions and amendments and has recommended to the City Council that they be adopted; and

WHEREAS, the City Council finds that the adoption of the International Model Codes along with local amendments and deletions is in the best interest of the citizens of Hurst.

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

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2: That the City of Hurst Code of Ordinances be amended by revising Chapter 5, Article I "In General" by deleting the current Chapter 5, Article I and replacing it to read as follows:

ARTICLE I. IN GENERAL

Sec. 5-1. Codes, Appeals and Advisory board.

(a) **Membership, qualifications, terms.** There is hereby created a seven-member board to be known as a Codes, Appeals and Advisory Board which shall be composed of two (2) members holding certificates of registration as an electrical contractor or master electrician, two (2) persons holding licenses as plumbing contractors or master plumbers, two (2) persons with building construction experience and one (1) member of the general public. Three (3) members shall have terms expiring in even numbered years and four (4)

shall have terms expiring in odd numbered years. Terms shall be for two (2) years except for initial appointments. Members may be reappointed after expiration of the terms. Members shall be appointed by the governing body and shall elect a chairman from their membership who shall have the same voting rights as any other member. There shall be two (2) alternate lay members who shall have the right to vote in the absence of regular members. Alternate members shall have terms of one (1) year. Four (4) members of the Codes, Appeals and Advisory Board shall constitute a quorum for the transaction of business. Any action at any meeting shall require the affirmative vote of at least four (4) members.

(b) Appeals. Any person may appeal an interpretation of the electrical, building, residential, energy, mechanical, plumbing, fuel gas, property maintenance or fire codes or the disapproval or refusal of any permit authorized by any of such codes by filing a written notice of appeal with the official who made the interpretation or who refused or disapproved a permit. Such notice of appeal must be filed within ten (10) days of the decision being appealed. The board shall hear such appeal within thirty (30) days of the filing of the notice of appeal. Both the official whose decision is being appealed and the party appealing the decision shall be notified of the date and time of such hearing at least seventy-two (72) hours before such hearing. Said notice to the building official and appealing party may be by mail, telephone or facsimile; however, the meeting will meet the requirements of state law and the Open Meetings Act insofar as public notice. The board shall decide such matter within fourteen (14) calendar days of such hearing. The board is authorized to exercise those powers granted to the board of appeals for the particular code relevant to the matter being appealed.

The Code appeals and advisory board shall also have jurisdiction to hear appeals concerning the designation by the police chief of a multi-family dwelling community as a required participant in the mandatory crime reduction program. The process shall be as set out in the sections in this chapter, Article XI, Mandatory Multi-family Dwelling Crime Reduction Program.

The Codes, Appeals and Advisory Board is designated to hear those appeals as set forth in Article XII Housing Code.

(c) Amendments. The board shall review all proposed code amendments to the building, residential, plumbing, fuel gas, mechanical, energy, pools and spas, fire, electrical and property maintenance codes prior to their consideration by the City Council.

Sec. 5-2 thru 5-4. Reserved.

Sec. 5-5. Fencing of swimming pools.

(a) Fence required. Every owner, lessee, tenant, licensee or other person in possession of land within the corporate limits of the city upon which is situated a swimming pool shall at all times maintain a fence, wall or barrier that completely surrounds the swimming pool. The fence, wall or barrier shall be not less than four (4) feet in height with no openings, holes or gaps large enough for a sphere four (4) inches in diameter to pass through. A single-family, duplex or accessory building may be used as a part of such

enclosure, provided that all outside entrances into the swimming pool area or court are equipped with gates as described in this section.

(b) Gates. All gates opening directly into a swimming pool enclosure shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such gate securely closed at all times when not in actual use. The gate handle must be at least 42” inches above grade. Self-closing and self-latching devices are not required on doors, which provide access into buildings.

(c) New installations. A person who, on or after March 31, 1989, obtains a permit to install a swimming pool, is responsible for assuring compliance with the revisions [provisions] of this section.

(d) Contractor’s responsibility. Before the pool is filled with water, the swim contractor is responsible for:

- (1) Ensuring that the fence/enclosure is complete.
- (2) Ensuring that all required gate latches and self-closers are in place and operating.
- (3) A final inspection shall be obtained from the city inspection office prior to the actual use of the swimming pool.

(e) Existing installations. All gates into swimming pool enclosures, which lawfully existed prior to March 31, 1989, shall be made to fully comply with the self-closing and self-latching provisions of subsection (b) of this section before January 31, 1991.

(f) See: 2015 International Pool and Spa Code adopted later in this code. (See Article VI, Sec. 5-276)

Sec. 5-6. Erection and construction of fences; permit.

(a) Permit required. It shall be unlawful for any person to erect or construct any fence or wall in the city without first obtaining a permit.

(b) Notification of inspection required. It shall be the responsibility of the person erecting a fence within the city limits to establish the property corners of the fence and, after the property corners are established, to notify the city inspection department and request inspection to conform with this section.

(c) **Re-Inspection fees.** Re-Inspection fees for permits as set forth in this section shall be as set from time to time by the city manager.

(d) **Permit fees.** Permit fees shall be as set from time to time by the city manager.

Sec. 5-7. Swimming pools--Insanitary; closing order.

(a) Upon inspection and determination by either the county health department or the city's health officer or their designee that any swimming pool within the corporate limits of the city is insanitary, the city through its inspection office shall order that the same be closed and same be made sanitary or completely drained within five (5) days thereof and that the owner or manager of the premises be ordered to enforce such closing order prohibiting the use of the swimming pool. A sign shall be placed in a prominent position adjacent to the pool noting that the same has been closed by order of the city due to insanitary conditions and the same shall remain until conditions are corrected or the pool is drained.

(b) It shall be unlawful for any person to use a pool, which has been closed; it shall likewise be unlawful for any person to remove or deface the sign referred to in subsection (a).

(c) If the pool is a part of the required recreation area for a multi-family property, the owner of the property must reopen the pool in a sanitary condition and approved by the county health department, within 15 day of the date the pool was ordered closed or provide other recreational facilities approved by the city inspector.

Sec. 5-8. *Same--When draining is required.**

(a) A swimming pool closed under the provisions of section 5-7 shall be drained unless owner corrects the insanitary condition within five calendar (5) days of such closing. Such pool shall likewise be drained if the owner or manager of the premises fails to enforce the closing order prohibiting the use of the swimming pool.

(b) It shall be unlawful to fail to drain the swimming pool within twenty-four (24) hours after the same is ordered drained by the city.

(c) Should the city have to drain said pool or have said pool drained the owner will be responsible to reimburse the city for the cost thereof.

Sec. 5-9. Delete this section and replace with Reserved. (Note: This is no longer a requirement.)

~~**Structures adjacent to unlined drainage channels.**~~

~~(a) No fence, retaining wall, driveway or other structure shall be constructed within any drainage channel easement unless the channel slope has been improved with concrete lining.~~

~~(b) Notwithstanding the provisions of this section, fences may be located in such easements adjacent to unlined channels on lots platted prior to June 1, 1994. If such fences are placed closer than three (3) feet from the top of the bank of such channel, payment of seven hundred fifty dollars (\$750.00) shall be made to the city to reimburse the cost to replace such fence at the time it is removed to line the channel.~~

~~(c) Property owners shall be responsible for maintenance of the easement area between the fence and the channel.~~

Sec. 5-10. ** Registration of contractors. Any person or firm that does or causes any work to be done within the city must first register as a contractor with the appropriate department or division of the city. A registration application form must be filled out and the appropriate fee must be paid at the time of registration.

Exception:

- (1) Persons or firms doing work or causing work to be done that does not require a permit or licenses by other sections of this code.
- (2) When the work being done is being performed by a charitable or not for profit organization and said organization is not being compensated for doing the work.
- (3) A homeowner is performing work on his or her own home that is their homestead.

Sec. 5-11. **Cellulose insulation fiberboard. Notwithstanding anything within the International Building Codes to the contrary, no cellulose insulating exterior sheathing shall be used within the corporate limits of the city unless it is treated with a fire retardant chemical and certified to be self-extinguishing upon ignition. Fiberboard sheathing, when applied, shall not be used for the purpose of under coursing for any roof assembly.

Sec. 5-12 Fees. Fees for permits, licenses, registration of contractors and tradesmen shall be set by the city manager from time to time after review and recommendation by the Codes, Appeals and Advisory board and city council.

Sec. 5-13 thru 5-25 Reserved.

SECTION 3: That the City of Hurst Code of Ordinances be amended by revising Chapter 5, Article II “International Building Code” by deleting Chapter 5, Article II “International Building Code and Moving Buildings” and replacing it with Chapter 5, Article II “International Building Code and International Residential Code and Moving Buildings” Division 1 “International Building Code” and Division II “International Residential Code” and by leaving intact Division 3 “Moving Buildings” to read as follows:

**ARTICLE II. INTERNATIONAL BUILDING CODE AND INTERNATIONAL
RESIDENTIAL CODE AND MOVING BUILDINGS**

DIVISION 1. BUILDING CODE

Sec. 5-26. International Building Code-Adopted. The International Building Code, 2015 Edition and appendices chapters E, F, G, I and J as published by the International Code Council, Inc., a copy of which is on file in the office of the City Secretary, as amended by Section 5-27 and administered and enforced by the office of the Building Official is hereby adopted by reference and designated as the Building Code of the City as though such code were copied at length in this article.

Sec. 5-27. Same-Deletions and Amendments. The building code adopted in this article is hereby amended and changed in the following respects:

(1)Section 101.1, change to read as follows:**

101.1 Title. These regulations shall be known as the Building Code of the City of Hurst, hereafter referred to as “this code.”

(2)Section 101.4; change to read as follows:**

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

(3)*Section 101.2, ~~exception No. 2101.4.7~~; change to read as follows:**

~~2.~~ Existing buildings undergoing repair, alterations or additions and/or change of occupancy shall be permitted to comply with the International Existing Building Code only with prior approval of the Building Official. ~~Otherwise see Chapter 34.~~

(4)Section 101.4.8; add section to read:**

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

(5)*** *Section 103 and 103.1 amend to insert the Department Name*

SECTION 103

DEPARTMENT OF BUILDING SAFETY BUILDING INSPECTIONS DEPARTMENT

103.1 Creation of enforcement agency. ~~The Department of Building Safety~~ City of Hurst Building Inspections Department is hereby created and the official in charge thereof shall be known as the Building Official and is the Authority Having Jurisdiction, AHJ, to interpret and enforce this code.

(6)****Section 105.1; Add second paragraph to read as follows:** All contractors performing work that requires a permit by this code, with the exception of a homeowner performing work on their own home that is homesteaded in their name, shall register as a contractor, provide current and correct identification and proof of liability insurance as required with an annual registration fee established by the City Manager and reviewed by the City Council unless exempted by State law.

(7)***Section 105.2 Work exempt from permit; under sub-title entitled "Building" delete items 1, 2, 4 and 6 and re-number as follows:*

Building:

- ~~1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m2).~~
- ~~2. Fences not over 7 feet (1829 mm) high.~~
3. 1. (Unchanged)
- ~~4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.~~
5. 2. (Unchanged)
- ~~6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.~~
7. 3. (Unchanged)
8. 4. (Unchanged)
9. 5. (Unchanged)

~~10.~~ 6. (Unchanged)

~~11.~~ 7. (Unchanged)

~~12.~~ 8. (Unchanged)

~~13.~~ 9. (Unchanged)

(8)Section 105.3 , add #8.**

8. Have project approved as needed by the City Engineer, Planning and Community Development and Fire Department prior to submitting a permit application to the Building Inspection Department for review

(9)Section 109; add Section 109.7 to read as follows:**

109.7 Re-inspection Fee. A fee set by the City Manager and reviewed by the city council from time to time may be charged when:

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

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

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

109.8 Work without a permit.

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

109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of

such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

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

(11) **Section 110.3.5; Lath, gypsum board and gypsum panel product inspection. Delete exception

~~**Exception :** *Gypsum board and gypsum panel products that are not part of a fire resistance rated assembly or a shear assembly.*~~

(12) Section 111.1; Change to read as follows:**

111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof or change of owner, tenant or occupant shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of, nor waiver of, nor a defense to a violation of the provisions of this code or other ordinances of the jurisdiction.

(13) Section 114 Violations” amend section 114.3 to read as follows:

~~114.3 Prosecution of violation: If the notice of violation is not complied with promptly,~~The building official of the City of Hurst is authorized to request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 114.2 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

(14)Section 202; change by adding or changing the following definitions:**

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

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

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

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

CODE OFFICIAL. The officer or other designated authority, charged with the administration and enforcement of this code, or a duly appointed authorized representative.

GRANTING A PERMIT. For the purpose of complying with State Law, Granting a Permit shall mean: The Building Inspection Department has reviewed and approved the permit application and plans for issuance with or without plan reviewed comments and notified the applicant or their agent the permit is available to issue.

High-Rise Building. A building having any floor used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of Fire Department vehicle access.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

SPECIAL INSPECTOR. A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and approved by the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.

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

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

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

Fire stations

Police stations with detention facilities for 5 or less

(17)Section 307.1.1; add the following sentence to Exception 4:**

4. Cleaning establishments... *{Text unchanged}* ...with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711 or both. See also IFC Chapter 21, Dry Cleaning Plant provisions.

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

3. The open air portion of a building *[remainder unchanged]*

(19) ****Section 403.3, Exception; delete item 2.**

(20) *****Section 403.3.2; change to read as follows:**

[F] **403.3.2 Water supply to required fire pumps.** In buildings that are more than ~~420~~ 120 feet (36.5 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

(21) ****Section 404.5; delete Exception.**

(22) ****Section 406.3.5.1 Carport separation; add sentence to read as follows:**

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

(23) ****Section 507.2.2; add a sentence to read as follows:**

507.2.2 Open Space Limits. Such open space shall be either on the same lot or dedicated for public use and shall be accessed from a street or approved fire lane. In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.

(24) ****Section 712.1.9, change item 4 to read as follows:**

4. Is not open to a corridor in Group I and ~~R~~ H occupancies. (31)
*****Section 901.8.1; add section to read as follows:**

[F] **Section 901.8.1 Riser Access.** All risers supplying multiple occupancies shall be located in a separate individual room to include an exterior door with direct access.

Exception: Buildings containing a single occupancy shall have an exterior door located within 10 feet (3048 mm) of the riser or an approved distance as determined by the code official.

ALL riser access doors shall be labeled with 6" (six inch) letters "Riser Room". A key box shall be provided at this door, as required by Section 506.1 of the International Fire Code.

See Section 901.4.6.1 of the International Fire Code for additional riser room requirements.

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.

*(25)**Section 901.6.1; add Section 901.6.1.1 to read as follows:*

[F] 901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the fire code official.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with

regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (fire code official) shall be followed

7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the fire code official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.

(26) ****Section 903.1.1; change to read as follows:**

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

(27) ****Section 903.2; add the following:**

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

(28) *****Section 903.2; delete exception.**

(29) ****Section 903.2.9; add subsection 903.2.9.3 to read as follows:**

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

(30) Section 903.2.11; change subsection 903.2.11.3 and add subsections 903.2.11.7 and 903.2.11.8, and 903.2.11.9, as follows:

[F] 903.2.11.3 Buildings 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories ~~with an occupant load of 30 or more, other than penthouses in compliance with Section 1510 of the International Building Code,~~ located 35 feet (10 668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

~~1. Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.~~

~~2. Occupancies in Group F-2.~~

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

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

[F] 903.2.11.9 Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

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

(31) ****Section 903.3.1.1.1; change to read as follows:**

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

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.

3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
- ~~4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.~~
4. Fire service access Elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
5. {Delete.}

(32) ****Section 903.3.1.2.3; add subsection to read as follows:**

[F] Section 903.3.1.2.3 Attics and Attached Garages. Sprinkler protection is required in attic spaces of such buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

(33) ****Section 903.3.1.3; change to read as follows:**

[F] 903.3.1.3 NFPA 13D sprinkler systems. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4 Condition 1 and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

(34) *****Section 903.3.1.4; add subsections to read as follows:**

[F] 903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

[F] 903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

[F] 903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled

pipe.

903.3.1.4.3 Protection Against Freezing; add to read as follows:

[F] 903.3.1.4.3 Protection Against Freezing. New and existing fire sprinkler systems, including risers, shall be an approved design to protect against freezing or be in a conditioned space in order to maintain a temperature above 40 degrees Fahrenheit (four degrees Celsius). Areas or rooms containing risers shall be monitored for temperature conditions by the fire alarm panel and send a supervisory signal upon alarm. Heaters shall be hard wired with a maintenance disconnect in a location to be determined by the code official.

(35)**Section 903.3.5; add a second paragraph to read as follows:

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

(36)**Section 903.4; add a second paragraph after the exceptions to read as follows:

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

(37) **Section 903.4.2; add second paragraph to read as follows:

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

(38)**Section 905.2; change to read as follows:

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

(39) **Section 905.3; add subsection 905.3.9 and exception to read as follows:

[F] 905.3.9 Buildings exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire

department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

(40) *Section 905.4, change Item 1., 3., and 5. and add Item 7. to read as follows:**

[F] 1. In every required ~~interior~~ exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.

2. {No change.}

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an ~~interior~~ exit stairway hose connection by a{No change to rest.}

4. {No change.}

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way a hose connection shall be located to serve the roof or at the highest landing of an ~~interior~~ exit stairway with stair access to the roof provided in accordance with Section 1011.12.

6. {No change.}

7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

(41)Section 905.9;** add a second paragraph after the exceptions to read as follows:

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

(42)Section 907.1;** add Section 907.1.4 to read as follows:

[F] 907.1.4 Design standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

(43) ****Section 907.2.1; change to read as follows:**

[F] 907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies ~~where the~~ having an occupant load ~~due to the assembly occupancy is of~~ 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

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

(44) ****Section 907.2.3; change to read as follows:**

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

Exceptions:

1. {No change.}

1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

{No change to remainder of exceptions.}

(45) ****Section 907.2.11; Add second paragraph to add 907.2.10.4 text to remain in the Hurst City Code as follows**

Smoke alarms. (a) Every dwelling unit within a multi-family dwelling, every guest room in a hotel used for sleeping purposes and every rented dwelling unit in any other residential property shall, be provided with smoke alarms conforming to nationally recognized standards. Such smoke alarms shall be required in every dwelling unit in every type of residential property before any certificate of occupancy is granted or renewed. No building permit for alterations

requiring the expenditure of more than one thousand dollars (\$1,000.00) shall be granted without the installation of smoke alarms.

(b) The number of smoke alarms, and the manner and location of installation shall be set forth in the International Building Code or International Residential Code except that on rental property such alarms shall not be only battery-powered, but shall be wired directly into the power supply of the dwelling unit.

(c) Smoke alarms shall be maintained in operating condition. Multi-family rental property shall be inspected annually by the fire department and/or building inspection department to determine whether smoke alarms are present and operating. If the fire department and/or building inspection department is refused access to any rental dwelling unit upon reasonable notice, and for purposes of this section ten (10) calendar days shall be considered reasonable notice, the apartment owner will be deemed guilty of a misdemeanor and, upon conviction thereof, fined not less than twenty-five (\$25.00) or more than five hundred (\$500.00) per dwelling unit. If a smoke alarm required for a rental unit is inoperable, the rental unit owner or occupant will be deemed guilty of a misdemeanor and, upon conviction thereof, fined not less than twenty-five (\$25.00) or more than five hundred (\$500.00) per dwelling unit. Furthermore, should the owner or manager fail to come into compliance within thirty (30) days of re-inspection, the certificate of occupancy of that multi-family office will be automatically revoked, and the utility company serving such office shall be required to discontinue service thereto. Such certificate of occupancy and service shall not be restored until all smoke alarms comply with this section.

(d) In the event that the smoke alarm is inoperable due to the absence of electricity of the dwelling unit, a battery-powered smoke alarm shall be temporarily installed until electrical power to the dwelling unit is restored.

(e) Persons removing, disabling or possessing a smoke alarm with the battery removed or possessing a disabled smoke alarm shall be subject to immediate issuance of citation, with no warning period. It shall be an affirmative defense that the person provided written notification to the landlord or apartment manager of the defective smoke alarm.

(46) *Section 907.2.13, Exception 3; change to read as follows:***

[F] 3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

(47) *Section 907.4.2; add Section 907.4.2.7 to read as follows:***

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

(48)Section 907.6.1; add Section 907.6.1.1 to read as follows**

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

(49)*Section 907.6.3; delete all four Exceptions.**

(50) *Section 907.6.6; – add sentence at end of paragraph to read as follows:**

[F] See 907.6.3 for the required information transmitted to the supervising station.

(51) *Section 909.22; add to read as follows:**

[F] 909.22 Stairway or ramp pressurization alternative. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter’s smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the Fire Department as per Section 105.7.

[F] 909.22.1 Ventilating equipment. The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

[F] 909.22.1.1 Ventilation systems. Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire

barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective systems with a fire-resistance rating of not less than 2 hours.

[F] 909.22.1.2 Standby power. Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

[F] 909.22.1.3 Acceptance and testing. Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

(52) *Section 910.2; change Exception 2. and 3.to read as follows:**

[F] 2. Only manual smoke and heat removal shall not be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.

[F] 3. Only manual smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m*S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited

(53) *Section 910.2; add subsections 910.2.3 with exceptions to read as follows:**

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

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

(54) **Section 910.3; add subsections 910.3.4, 910.3.4.1, 910.3.4.2 to read as follows:

[F] 910.3.4 Vent operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

[F] 910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

Exception: Manual only system per 910.2

[F] 910.3.4.2 Nonsprinklered buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Listed gravity-operated drop out vents.

(55) **Section 910.4.3.1; change to read as follows:

[F] 910.4.3.1 Makeup air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be ~~manual or~~ automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

(56) **Section 910.4.4; change to read as follows:

[F] 910.4.4 Activation. The mechanical smoke removal system shall be activated by ~~manual controls only~~ automatically by the automatic sprinkler system or by an approved

fire detection system. Individual manual controls shall also be provided.

Exception: Manual only systems per Section 910.2.

(57) **Section 912.2; add Section 912.2.3 to read as follows:

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

(58) **Section 913.2.1; add second paragraph and exception to read as follows:

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

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

(59) **Section 1006.2.2.6 Add a new Section 1006.2.2.6 as follows:

1006.2.2.6 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

(60)Section 1009.1; add the following Exception 4:**

Exceptions:

{previous exceptions unchanged}

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

(61)Section 1010.1.9.4 Bolt Locks; amend exceptions 3 and 4 as follows:**

Exceptions:

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

4. Where a pair of doors serves a Group A, B, F, M or S occupancy
{*Remainder unchanged*}

(62) *Section 1015.8 Window Openings. REVISE text as follows:**

1. Operable windows where the top of the sill of the opening is located more than ~~75 feet~~ 55 feet (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

(63) **Section 1020.1 Construction; add exception 6 to read as follows:

6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

(64)Section 1029.1.1.1 Delete this section. Spaces under grandstands and bleachers;**

(65)*Section 1101.2 Design. Change Section 1101.2 by adding the following sentence::**

Also, buildings and facilities shall be designed and constructed in accordance with the Elimination of Architectural Barriers Act (currently Texas Government Code Chapter 469 and 2016 Texas Administrative Code Chapter 68) adopted and incorporated by reference as if set forth in their entirety.

(66) *Section 1203.1; amend to read as follows:**

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

Where the air infiltration rate in a *dwelling unit* is ~~less than~~ 5 air changes or less per hour when tested with a blower door {*remainder of text unchanged*} . . .

(67) **Table 1505.1; delete footnote c and replace footnote b with the following:

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

protected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

e. [delete]

(68)Section 1505.7; delete the section**

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

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

{text of exception unchanged}

(70)*Section 1704.2, Special inspections and tests is amended to read as follows:**

1704.2 Special inspections and tests. Where application is made to the Building Official for construction as specified in Section 105, the owner or the owner's authorized agent, or the registered design professional in responsible charge, other than the contractor, shall employ one or more approved agencies to provide special inspections and tests during construction on the types of work listed under Section 1705 and identify the approved agencies to the Building Official. The special inspector shall not be employed by the contractor. These special inspections and tests are in addition to the inspections identified by the Building Official that are identified in Section 110.

(71) *Section 1704.2.1, Special inspector qualifications, is amended to read as follows:**

1704.2.1 Special inspector qualifications. Prior to the start of construction and or upon request, the approved agencies shall provide written documentation to the registered design professional in responsible charge and the building official demonstrating the competence and relevant experience or training of the special inspectors who will perform the special inspections and tests during construction. [Remainder unchanged]

(72) *Section 1704.2.4, Report requirement, is amended to read as follows:**

1704.2.4 Report requirement. Approved agencies shall keep records of special inspections and tests. The approved agency shall submit reports of special inspections and tests to the Building Official upon request, and to the registered design professional in responsible charge. Individual inspection reports ~~{Reports}~~ shall indicate that work inspected or tested was or was not completed in conformance to approved construction documents. [Remainder unchanged]

(73)*Section 1704.2.5.1, Fabricator approval, is amended to read as follows:**

1704.2.5.1 Fabricator approval. Special inspections during fabrications required by Section 1704 are not required where the work is done on the premises of a fabricator registered and approved to perform such work without special inspection. Approval shall be based upon review of the fabricator's written procedural and quality control manuals and periodic auditing of fabrication practices by an approved agency, or a fabricator that is enrolled in a nationally accepted inspections program. At completion of fabrication, the acceptable or approved fabricator shall submit a certificate of compliance to the owner or the owner's authorized agent or the registered design professional in responsible charge, for submittal to the building official as specified in Section 1704.5 stating that the work was performed in accordance with the approved construction documents. The certificate of compliance shall also be made available to the Building Official upon request.

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

[P] 2901.1 Scope. *{existing text to remain}* The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

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

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

(76) **Table 2902.1; add footnote f to read as follows:

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

(77) **Section 2902.1.3; add new Section 2902.1.3 to read as follows:

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

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

2902.1.3.2 Service sink. In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and

similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the City of Hurst's health department.

(78) *Section 3002.1 Hoistway Enclosure Protection. add exceptions to read as follows:**

Exceptions:

1. Elevators wholly located within atriums complying with Section 404 shall not require hoistway enclosure protection.

2. Elevators in open or enclosed parking garages that serve only the parking garage, and complying with Sections 406.5 and 406.6, respectively, shall not require hoistway enclosure protection.

(79) *Section 3005.4 Machine rooms, control rooms, machinery spaces and control spaces.**

~~**Delete text as follows:** Elevator machine rooms, control rooms, control spaces and machinery spaces outside of but attached to a hoistway that have openings into the hoistway shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both.~~

Revise text to read:

Elevator machine rooms, control rooms, control spaces and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both.

[Remainder unchanged]

(80) *Section 3005.7 add a Section 3005.7 as follows:**

3005.7 Fire Protection in Machine rooms, control rooms, machinery spaces and control spaces.

3005.7.1 Automatic sprinkler system. The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, except as otherwise permitted by Section 903.3.1.1.1 and as prohibited by Section 3005.7.2.1.

3005.7.2.1 Prohibited locations. Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoist-ways.

3005.7.2.2 Sprinkler system monitoring. The sprinkler system shall have a sprinkler control valve supervisory switch and water-flow initiating device provided for each floor that is monitored by the building's fire alarm system.

3005.7.3 Water protection. An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

3005.7.4 Shunt trip. Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

(81) ****Section 3005.8 add Section 3005.8 as follows:*

3005.8 Storage. Storage shall not be allowed within the elevator machine room, control room, machinery spaces and or control spaces. Approved signage must be displayed at each entry to the above listed locations stating: "No Storage Allowed."

(82) *****Section 3006.2, Hoistway opening protection required. Revise text as follows:**

5. The building is a high rise and the elevator hoistway is more than ~~75 feet (22 860 mm)~~ 55 feet (16 764 mm) in height. The height of the hoistway shall be measured from the lowest floor at or above grade to the highest floors served by the hoistway.

(83) ****Section 3109.1; change to read as follows:**

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

Section 5-28 through 5-45 Reserved

DIVISION II. RESIDENTIAL CODE

Sec 5-46. International Residential Code – Adopted. The International Residential Code, 2015 Edition and Appendices G, H and J as published by the International Code Council, Inc., a copy of which is on file in the office of the City Secretary, as amended by Sec.5-47, administered and enforced by the office of the building official is hereby adopted by reference and designated as the Residential Code of the City as though such code were copied at length in this article.

Sec 5-47. Same – Deletions and Amendments. The following sections, paragraphs, and sentences of the *International Residential Code, 2015 Edition and Appendices* are hereby amended as follows:

The residential code adopted in this article is hereby amended and changed in the following respects:

(1) ****Section R101.1, insert jurisdiction name as follows :**

R1.1.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Hurst, and shall be cited as such and will be referred to herein as « this code. »

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

R102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

(3) ***** Section R103 and 103.1 amend to insert the Department Name**

SECTION R103

DEPARTMENT OF BUILDING SAFETY **BUILDING INSPECTIONS DEPARTMENT**

R103.1 Creation of a code enforcement agency. The Department of Building Safety City of Hurst Building Inspections Department is hereby created and the official in charge thereof shall be known as the Building Official.

(4) ****Section R104.10.1 Flood Hazard areas; delete this section.**

(5) ****Section R105.2, items #1, 2 & 3; change as follows:**

1. One-story detached accessory structures, provided the floor area does not exceed ~~200~~ 120 square feet (~~18.58~~ 11.15 m²) or 11 feet in height or on a permanent foundation.
2. Fences not over ~~6 feet~~ 36 inches (~~1829 mm~~ 914mm) high.
3. Retaining walls that are not over ~~4 feet~~ 1 foot (~~1219~~ 304 mm) in height...*{remainder unchanged.}*...
- ~~5. Sidewalks and driveways.~~

(6) ****Section R105.3.1.1& R106.1.4; delete these sections.**

(7)*Section R108 Fees; add a sentence to R108.2 and R108.6 as follows:**

R108.2 Schedule of permit fees. {bulk of sentence unchanged}... The fees for all such work shall be set by the City Manager and reviewed by City Council from time to time.

R108.6 Work commencing before permit issuance. {bulk of sentence unchanged}...a fee established by the applicable governing authority that shall be in addition to the required permit fees and may also be subject to municipal court action.

(8)Section R109.1.3; change to read as follows:**

R109.1.3 Floodplain inspections. For construction permitted in areas prone to flooding as established by Table R301.2(1), upon . . . *{bulk of section unchanged}* . . . construction, documentation, prepared and sealed by a registered *design professional*, of the elevation of the lowest floor, including *basement*, required in Section R322, shall be submitted upon request by the building official.}.

(9) **Section R110 (R110.1 through R110.5); delete the section.

(10) Amend Section 113.3 to read as follows:

113.3 Prosecution of violation: ~~If the notice of violation is not complied with in the time prescribed by such notice,~~The building official of the City of Hurst is authorized to request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 113.2 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

(11) **Section R202; change by adding or changing the following definitions:

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

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

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

GROUND SNOW LOAD	WIND SPEED ^{ed} (mph)	SEISMIC DESIGN CATEGORY ^{gh}
5 lb/ft	115 (3-sec-gust)/76 fastest mile	A

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

WINTER DESIGN TEMP ^{fe}	ICE SHIELD UNDER-LAYMENT REQUIRED ^{ih}	FLOOD HAZARDS ^{hg}	AIR FREEZING INDEX ⁱⁱ	MEAN ANNUAL TEMP ^{kj}
22°F	No	local code	150	64.9°F

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

Exceptions:

[1-5 Unchanged]

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

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

Exceptions:

1. {existing text unchanged}

2. {existing text unchanged}

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

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

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 inches (35 mm) thick, or 20-minute fire-rated doors ~~equipped with a self-closing device.~~

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

Exception: {existing text unchanged} Exhaust air from the space shall be exhausted out to the outdoors unless the space contains only a water closet, a lavatory, or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

(17)***Section R311.9; add to read as follows:

R311.9 Under stair protection. Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 5/8-inch (15.8 mm) fire-rated gypsum board or one-hour fire-resistive construction.

(18) Section R313 Automatic Fire Sprinkler Systems. Delete R313.1 and 313.2 in their entirety and replace with R313 as show below, said requirement to remain in Hurst Code of Ordinances as it has been:

One- and two-family dwellings with 10,000 square feet (3 048 000 mm) or more shall be equipped with automatic fire sprinklers. This requirement applied to initial construction and renovations to one- and two-family dwellings.

(19) ***Section R315.2.2 Alterations, repairs and additions. Amend to read as follows:

Exceptions:

2. Installation, alteration or repairs of electrically powered {remaining text unchanged}

(20) **Section R322 Flood Resistant Construction. Delete Section

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

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

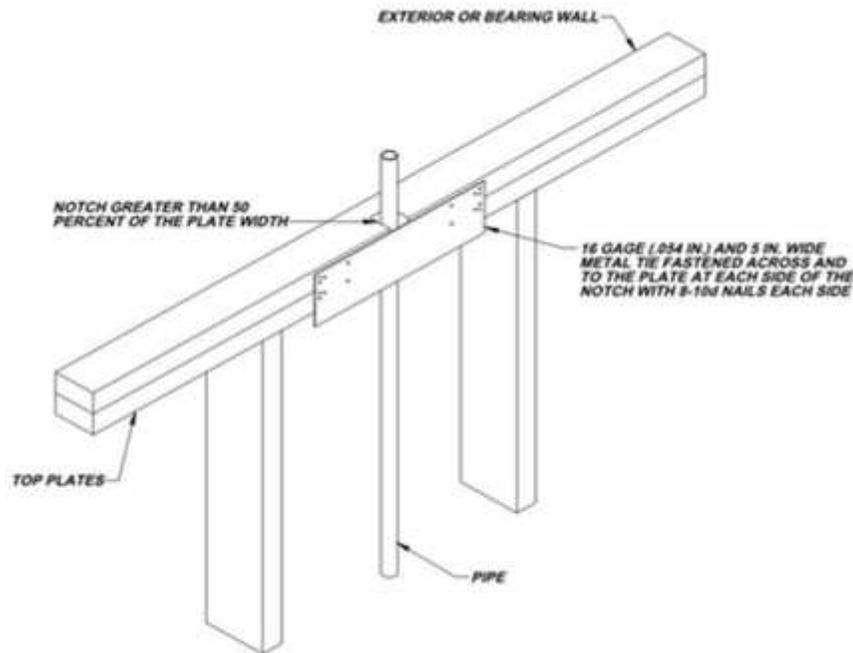
Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.

(22) **Section R602.6.1; amend the following:

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and ~~1½ inches (38) mm~~ 5 inches (127 mm) wideshall be fastened across and to the plate at each side of the opening with not

less than eight 10d (0.148 inch diameter) nails having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {remainder unchanged}

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



(24) ****Section R703.8.4.1; add a second paragraph to read as follows:**

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

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or
2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

(25) ****Section R902.1; Amend and add exception #5 to read as follows:**

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

Exceptions:

1. {text unchanged}
2. {text unchanged}
3. {text unchanged}
4. {text unchanged}

5. Non-classified roof coverings shall be permitted on one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet or as approved by the code official.

(26) * Chapter 11 [RE] – Energy Efficiency is deleted in its entirety and replaced with the following:**

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

N1101.2 Compliance. Compliance shall be demonstrated by meeting the requirements of the residential provisions of 2015 International Energy Conservation Code.

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

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

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

Exceptions:

1. The passageway and level service space are not required where the appliance can be serviced and removed through the required opening.
2. Where the passageway is unobstructed... {remaining text unchanged}

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

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

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

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

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

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

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

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

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

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

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

M2005.2 Prohibited locations. Fuel-fired water heaters shall not be installed in a room

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

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

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

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

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

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

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

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

G2415.12 (404.12) Minimum burial depth. Underground piping systems shall be installed a minimum depth of ~~42 inches (305 mm)~~ 18 inches (457 mm) below grade ~~except as provided for in Section G2415.12.1.~~

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

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

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

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

~~measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~

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

G2417.4.1 (406.4.1) Test pressure. ~~The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.~~

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing

(40) **Section G2417.4.2; change to read as follows:

G2417.4.2 (406.4.2) Test duration. ~~The test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for ~~be not~~ less than ~~40~~ fifteen (15) minutes. For welded *piping*, and for *piping* carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than thirty (30) minutes.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(47) ***** Section P2801.6.1; change to read as follows:**

Section P2801.6.1 Pan size and drain. The pan shall be not less than 1 ½ inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than ¾ inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.

Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the manufacture's installation instructions and installed with those instructions.

(48) ****Section P2801.7; add Exception to read as follows:**

Exceptions:

1. Elevation of the ignition source {remainder of sentence unchanged}.
2. Electric Water Heater.

(49) ***** Section P2804.6.1; change to read as follows:**

Section P2804.6.1 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

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

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufacture's installation instructions and installed with those instructions.

5. Discharge ~~to the floor,~~ to an indirect waste receptor or to the outdoors.

[remainder unchanged]

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

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

(51) *****Section P3003.9; Subsection P3003.9.2 change to read as follows:**

P3003.9.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in

color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

~~Exception: A primer is not required where both of the following conditions apply:~~

- ~~1. The solvent cement used is third party certified as conforming to ASTM D 2564~~
- ~~2. The solvent cement is used only for joining PVC drain, waste, and vent pipe and fittings in not pressure applications in sizes up to and including 4 inches (102mm) in diameter.~~

(52) ****Section P3111; delete.**

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

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

(54) *****Chapters 34 through 43; delete. Replace with the electrical code as adopted.**

Sections 5-48 thru 5-60 Reserved

DIVISION 3. MOVING BUILDINGS

Sections 5-61 thru 5-68 Unchanged

Sections 5-69 thru 5-100 Reserved

SECTION 4: That the City of Hurst Code of Ordinances be amended by revising Chapter 5, Article III “Plumbing Code” by deleting the current Chapter 5, Article III “Plumbing Code” and replacing Chapter 5, Article III “Plumbing Code and International Fuel Gas Code” to read as follows:

ARTICLE III. PLUMBING CODE AND INTERNATIONAL FUEL GAS CODE

DIVISION 1. PLUMBING CODE

Sec 5-101. International Plumbing Code – Adopted. The International Plumbing Code, 2015 Edition and Appendices ~~Chapters~~ B, C, D and E as published by the International Code Council, Inc., a copy of which is on file in the office of the City Secretary, as amended by Sec. 5-102 and administered and enforced by the office of the Building Official is hereby adopted by reference and designated as the Plumbing Code of the City as though such code were copied at length in this article.

Sec 5-102. Same – Deletions and Amendments. The plumbing code adopted in this article is hereby amended and changed in the following respects:

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

Section 714 Engineered ~~Computerized~~ Drainage Design 69

(2) ****Section 101.1, change to read as follows:**

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Hurst, hereafter referred to as “this code.”

(3) ****Section 102.8; change to read as follows:**

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and

standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the National Electrical Code (NEC) shall mean the Electrical Code as adopted.

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

106.6.2 Fee schedule. The fees for all plumbing work shall be set by the City Manager and reviewed by City Council from time to time.

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

(5)*Amend Section 108.2; 108.3, 108.4, and 108.5; amend to read as follows:**

108.2. Notice of violation. The code official ~~shall~~ is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of this code, or in violation of a detail statement or the *approved* construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

108.3 Prosecution of violation. ~~If the notice of violation is not complied with promptly,~~ The code official shall request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 108.2 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations ~~[SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues ~~after due notice has been served~~ shall be deemed a separate offense.

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the

person performing the work. The notice shall state the conditions under which work is authorized to resume. ~~Where an emergency exists,~~ The code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the code official to remove a violation or unsafe condition, shall be liable ~~as set forth above in Section 108.4 to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

(6) *****Section 109; Delete entire section and insert the following:**

SECTION 109
MEANS OF APPEAL

109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

(7) ****Section 305.4.1; change to read as follows:**

- (1) **305.4.1 Sewer depth.** ~~Building sewers that connect to private sewage disposal systems shall be a minimum of [number] inches (mm) below finished grade at the point of septic tank connection.~~ Building sewers shall be a minimum of 12 inches (304 mm) below grade.

(8) ****Section 305.7; change to read as follows:**

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

(9) ****Section 314.2.1; change to read as follows:**

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

(10) ****Section 409.2; change to read as follows:**

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

(11) ****Section 412.4; change to read as follows:**

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

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

(12) ****Section 419.3; change to read as follows:**

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

(13) *****Section 502.3; change to read as follows:**

502.3 Appliances in attics. Attics containing a water heater shall be provided . . . {bulk of paragraph unchanged} . . . side of the water heater. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the water heater. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

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

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.

2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

(14) ****Section 502.6; add Section 502.6 and 502.6.1 to read as follows:**

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

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

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

(15) ****Section 504.6; change to read as follows:**

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

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

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufacture's installation instructions and installed with those instructions

5. Discharge ~~to the floor,~~ to an indirect waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.

8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Terminate not more than 6 inches above and not less than two times the discharge pipe diameter above the floor or flood level rim of the waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.

(16) *Section 504.7.1; change to read as follows:**

Section 504.7.1 Pan size and drain ~~to read as follows:~~ The pan shall be not less than 1 ½ inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than ¾ inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4. Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the manufacture's installation instructions and installed with those instructions.

(17) **Section 604.4; add Section 604.4.1 to read as follows:

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

(18) **Section 606.1; delete items #4 and #5.

(19) **Section 606.2; change to read as follows:

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

1. On the fixture supply to each plumbing fixture other than bathtubs and showers in one- and two family residential occupancies, and other than in individual sleeping units that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.
2. ~~On the water supply pipe to each sillcock.~~
3. On the water supply pipe to each appliance or mechanical equipment.

(20) **Section 608.1; change to read as follows:

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

(21) **Section 608.16.5; change to read as follows:

608.16.5 Connections to lawn irrigation systems.

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

(22) **Section 608.17; change to read as follows:

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

(23) **Section 610.1; add exception to read as follows:

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

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

4. The procedure shall be repeated where shown by a bacteriological examination that contamination remains present in the system.

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

(24) Section 703.6; Delete

*(25) ***Section 704.5; added to read as follows:*

704.5 Single stack fittings. Single stack fittings with internal baffle, PVC schedule 40 or cast iron single stack shall be designed by a registered engineer and comply to a national recognized standard.

*(26) ***Section 705.11.2; change to read as follows:*

705.11.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

~~Exception: A primer is not required where both of the following conditions apply:~~

- ~~1. The solvent cement used is third party certified as conforming to ASTM D 2564~~
- ~~2. The solvent cement is used only for joining PVC drain, waste, and vent pipe and fittings in not pressure applications in sizes up to and including 4 inches (102mm) in diameter.~~

*(27) **Section 712.5; add Section 712.5 to read as follows:*

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

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

SECTION 714

ENGINEERED COMPUTERIZED DRAINAGE DESIGN

714.1 Design of drainage system. The sizing, design and layout of the drainage system

shall be ~~permitted to be~~ designed by a registered engineer using approved computer design methods.

(29) ****Section 804.2; added to read as follows:*

804.2 Special waste pipe, fittings, and components. Pipes, fittings, and components receiving or intended to receive the discharge of any fixture into which acid or corrosive chemicals are placed shall be constructed of CPVC, high silicone iron, PP, PVDF, chemical resistant glass, or glazed ceramic materials.

(30) ***Section 903.1; change to read as follows:*

903.1 Roof extension. Open vent pipes that extend through a roof shall terminate not less than six (6) inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

(31) ***Section 917 Single stack vent system. Delete entire section.*

(32) ***Section 1002.10; delete.*

(33) ***Section 1003; replace Table 1003.3.4.1 to read as follows:*

All food establishments having a food disposal or discharge of more than fifty (50) gallons per minute shall discharge into an oil & grease interceptor. Establishments with a discharge of fifty (50) gallons per minute or less shall discharge into ~~at least~~ a minimum 100-pound size grease trap. An approved-type grease interceptor or grease trap complying with the provisions of this subsection shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment in establishments such as restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, sanitariums, factory or school kitchens, or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal when grease interceptors are required. A grease trap is not required for individual dwelling units or for any private living quarters.

Grease Interceptors

Concrete -Shall be composed of one part Portland cement and five parts aggregate.
 -Reinforcement bars deformed number four bars on 18-inch centers.

Alternate to Other than concrete interceptors as approved by the code official.
concrete

Manholes -Cast iron frame with 20-inch cover.

Vents -Four-inch sanitary vent may be reduced to two inches if interceptor is

connected to a properly vented sewer or waste line within 25 feet.
-Relief vents shall be two inches between compartments and to atmosphere above roof, and inside building.

- Capacity -The figures below are approximates:
100 cubic feet holding 750 gallons *retention* capacity minimum.
- Clean out -Should be two-way located as near as possible to the interceptor on outflow line above seal.
- Test port -See city detail.

(34) **Section 1101.8; change to read as follows:

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

~~Exception: Subsurface drainage system~~

(35) **Section 1106.1; change to read as follows:

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

(36) **Section 1108.3; change to read as follows:

1108.3 Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106 ~~based on the rainfall rate for which the primary system is sized in Figure 1106.1 or on other rainfall rates determined from approved local weather data.~~ Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

(37) **Section 1109; delete this section...

(38) **Section 1202.1; delete Exception 2.

Sections 5-103 thru 5-110 Reserved.

DIVISION 2. INTERNATIONAL FUEL GAS CODE

Sec 5-111. International Fuel Gas Code – Adopted. The International Fuel Gas Code, 2015 Edition and Appendices ~~Chapters~~ A, B and C as published by the International Code Council, Inc., a copy of which is on file in the office of the City Secretary, as amended by Sec. 5-112, administered and enforced by the office of the Building Official is hereby adopted by reference and designated as a part of the Plumbing Code of the City as though such code were copied at length in this article.

Sec 5-112. Same – Deletions and Amendments.

The Fuel Gas Code adopted in this article is hereby amended and changed in the following respects:

(1) *Section 101.1 Amend as follows:***

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Hurst, Texas, hereinafter referred to as “this code.”

(2) *Section 101.2 change to read as follows:***

101.2 Scope. This code shall apply to the installation of fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories in accordance with Section 101.2.1 through 101.2.5 in accordance and to the extent there is no conflict with State law.

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

Exception: Existing dwelling units shall comply with Section 621.2.

(4) *Section 102.8; change to read as follows:***

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 of the International Fuel Gas Code and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted

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

106.6.2 Fee schedule. The fees for all plumbing work shall be as set by the City

Manager and reviewed by City Council from time to time.

106.6.3 Fee Refunds. The code official shall establish a policy for authorizing the refunding of fees.

(6) **Amend section 108.2, 108.3, 108.4 and 108.5 as set forth below:**

108.2. Notice of violation. The code official ~~shall~~ is authorized to serve a notice of violation or order to the person responsible for the erection, installation, *alteration*, extension, repair, removal or demolition of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

108.3 Prosecution of violation. ~~If the notice of violation is not complied with promptly,~~ The code official shall request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 108.2 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

108.4 Violation penalties. Any person who shall violate a provision of this code, shall fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations ~~[SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

108.5 Stop work orders. Upon notice from the code official that work is being performed contrary to the provisions of this code or in an dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. ~~Where an emergency exists,~~ The code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform by the code official to remove a violation or unsafe condition, shall be liable as set forth above in Section 108.4. to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

(7)**Section 109; Delete entire section and insert the following:

**SECTION 109
MEANS OF APPEAL**

109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

(8)**Section 306.3; change to read as follows:

[M] 306.3 Appliances in attics. Attics containing appliances shall be provided . . . {bulk of paragraph unchanged} . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), ~~and~~ or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

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

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than . . . {bulk of section to read the same}.

(9) **Section 306.5; change to read as follows:

[M] 306.5 Equipment and appliances on roofs or elevated structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, ~~an~~ a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 8 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall . . . {bulk of section to read the same}. . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). . . {bulk of section to read the same}.

(10) ****Section 306.5.1; change to read as follows:**

[M] **306.5.1 Sloped roofs.** Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which *access* is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

(11) ****Add Section 306.7 to read as follows:**

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

(12) ****Section 401.5; add a second paragraph to read as follows:**

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

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

(13) ****Section 402.3; add an exception to read as follows:**

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

(14) ****Section 404.12; change to read as follows:**

404.12 Minimum burial depth. Underground piping systems shall be installed at a minimum depth of ~~±~~ 18 inches (305 458 mm) top of pipe below grade, ~~except as provided for in Section 404.9.1.~~

(15) **** Section 406.1; change to read as follows:**

406.1 General. Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 406.1.1 through 406.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

(16)*Section 406.4; change to read as follows:**

406.4 Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure~~

(17)*Section 406.4.1; change to read as follows:**

406.4.1 Test pressure. ~~The test pressure to be used shall be no less than 1 1/2 times the proposed maximum working pressure, but no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge; irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.~~

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

(18)Section 406.4.2; change to read as follows:**

406.4.2 Test duration. Test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than thirty (30) minutes. (Delete remainder of section.)

(19)Add Section 409.1.4 to read as follows:**

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

(20)Section 410.1; add a second paragraph and exception to read as follows:**

Access to regulators shall comply with the requirements for access to appliances as specified in Section 306.

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

(21)Section 621.2; change to read as follows:**

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

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

Sections 5-113 thru 5-135. Reserved.

SECTION 5: That the City of Hurst Code of Ordinances be amended by revising Chapter 5, Article IV “Mechanical Code” by deleting the current Chapter 5, Article IV “Mechanical Code” and replacing Chapter 5, Article IV “Mechanical Code and International Energy Conservation Code” to read as follows:

ARTICLE IV. MECHANICAL CODE AND INTERNATIONAL ENERGY

CONSERVATION CODE

DIVISION 1. MECHANICAL CODE

Sec 5-136. International Mechanical Code – Adopted. The International Mechanical Code, 2015 Edition, as published by the International Code Council, Inc., a copy of which is on file in the office of the City Secretary, as amended by Sec. 5-137, administered and enforced by the office of the building official is hereby adopted by reference and designated as the Mechanical Code of the City as though such code were copied at length in this article.

Sec 5-137. Same – Deletions and Amendments.

The mechanical code adopted in this article is here by amended and changed in the following respects :

(1) **Section 101.1, change to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Hurst, hereafter referred to as “this code.”

(2) **Section 102.8; change to read as follows:

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

(3) **Sections 106.5.2 and 106.5.3; change to read as follows:

106.5.2 Fee schedule. The fees for all mechanical work shall be set by the City Manager and reviewed by City Council from time to time.

106.5.3 Fee Refunds. The code official shall establish a policy for authorize authorizing the refunding of fees.

(4)*Amend Section 108.2; 108.3, 108.4, and 108.5 to read as follows:**

108.2. Notice of violation. The code official ~~shall~~ is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

108.3 Prosecution of violation. ~~If the notice of violation is not complied with promptly,~~ The code official shall request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 108.2 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations ~~[SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues after ~~due notice has been served~~ shall be deemed a separate offense.

108.5 Stop work orders. Upon notice from the code official, that mechanical work is being is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice ~~shall~~ may be in writing and ~~shall~~ be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. ~~Where an emergency exists,~~ The code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform by the code official to remove a violation or unsafe condition, shall be liable as set forth above in Section 108.4 ~~to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

(5)Section 109; Delete entire section and insert the following:**

**SECTION 109
MEANS OF APPEAL**

109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

(6) **Section 306.3; change to read as follows:

306.3 Appliances in Attics. Attics containing appliances shall be provided . . . {bulk of paragraph unchanged} . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

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

Exceptions:

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

(7) **Section 306.5; change to read as follows:

306.5 Equipment and Appliances on Roofs or Elevated Structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, ~~an~~ a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 8 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall . . . {bulk of section to read the same} . . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). ... {bulk of section to read the same}.

(8) **Section 306.5.1; change to read as follows:

306.5.1 Sloped Roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units

horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

(9) **Section 306; add Section 306.6 to read as follows:

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

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

(10) **Section 307.2.3; amend item 2 to read as follows:

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

(11) **Section 403.2.1; add an item 5 to read as follows:

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

(12) **Section 501.3; add an exception to read as follows:

501.3 Exhaust Discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from

which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.
3. Where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.
4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

(13) **Section 607.5.1; change to read as follows:

607.5.1 Fire Walls. Ducts and air transfer openings permitted in fire walls in accordance with Section 706.11 of the International Building Code shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1 - 510.9 IMC.

Sections 5-138 Unchanged

Sections 5-139 thru 5-145 Reserved

DIVISION 2. ENERGY CODE

Sec 5-146. International Energy Conservation Code – Adopted. The International Energy Conservation Code, 2015 Edition as published by the International Code Council, Inc., a copy of which is on file in office of the City Secretary, as amended by Sec. 5-147, administered and enforced by the office of the Building Official is hereby adopted by reference and designated as the Energy Code of the City as though such code were copied at length in this article.

Sec 5-147. Same – Deletions and Amendments. The energy code adopted in this article is hereby amended and changed in the following respects:

(1)***Section C101.1 and R101.1. Change to read as follows:

[the City of Hurst]

(2) **Section C102/R102; add Section C102.1.2 and R102.1.2 to read as follows:

C102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

R102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.

(3)***Add sections C108.5, C108.6 and C108.7 and R108.5, R108.6 and R108.7 to read as follows:

C108.5. Notice of violation. The code official is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of any work regulated by this code that is in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

C108.6 Prosecution of violation. The code official shall request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 108.5 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

C108.7 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair any work regulated by this code in violation of the approved construction documents or

directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations. Each day that a violation continues shall be deemed a separate offense.

R108.5. Notice of violation. The code official is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of any work regulated by this code that is in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R108.6 Prosecution of violation. The code official shall request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 108.5 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

R108.7 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair any work regulated by this code in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations. Each day that a violation continues shall be deemed a separate offense.

(4)*Section C109 and R109; Delete entire sections and insert the following:**

SECTION C109
MEANS OF APPEAL

C109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

SECTION R109
MEANS OF APPEAL

R109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

(5) Section C202 and R202; add the following definition:

*****PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

Section R202; add the following definition:

*****DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

(6)*Section C202; add the following definitions:**

RE-ROOFING. When a commercial flat roofed building, built prior to the adoption of the IECC, is re-roofed, roof deck insulation shall be installed with an R value of not less than R-19.

SHELL BUILDINGS. New buildings (shell buildings) designed to be heated or air conditioned in the future shall meet the code requirements for envelope design at the time of construction.

(7)Amend Table R402.1.2:**

**** Table R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT;** Amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:

~~20 or 13+5^h~~ 13

(8) ** Amend Table R402.1.4

Table R402.1.4 EQUIVALENT U-FACTORS; Amend by changing the FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:

~~0.060~~ 0.082

(9)C402.2.2 Roof assembly. Add paragraph at end of subsection to read as follows:**
Suspended or drop in ceilings shall not be considered as part of the building envelope.

Insulation installed on top of the ceiling grid shall not be considered to meet envelope requirements. Pre-existing buildings may retain the insulation installed in this manner. Pre-existing buildings where 50% or more of the insulation is removed for remodeling, or any other reason, shall then meet the current code requirements.

(10) *Section R402.3.2 Glazed fenestration SHGC; amend by adding a paragraph and table following the exception to read as follows:**

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

Table R402.3.2 SHGC Multipliers for Permanent Projections ^a

<i>Projection Factor</i>	<i>SHGC Multiplier (all Other Orientation)</i>	<i>SHGC Multiplier (North Oriented)</i>
<i>0 - 0.10</i>	<i>1.00</i>	<i>1.00</i>
<i>>0.10 – 0.20</i>	<i>0.91</i>	<i>0.95</i>
<i>>0.20 – 0.30</i>	<i>0.82</i>	<i>0.91</i>
<i>>0.30 – 0.40</i>	<i>0.74</i>	<i>0.87</i>
<i>>0.40 – 0.50</i>	<i>0.67</i>	<i>0.84</i>
<i>>0.50 – 0.60</i>	<i>0.61</i>	<i>0.81</i>
<i>>0.60 – 0.70</i>	<i>0.56</i>	<i>0.78</i>
<i>>0.70 – 0.80</i>	<i>0.51</i>	<i>0.76</i>
<i>>0.80 – 0.90</i>	<i>0.47</i>	<i>0.75</i>
<i>>0.90 – 1.00</i>	<i>0.44</i>	<i>0.73</i>

^a *North oriented means within 45 degrees of true north.*

(11) **Section R402.4.1.2 Testing; modify the first paragraph to read as follows:

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in ~~Climate Zones 1 and 2, and 3 air changes per hour in~~ Climate Zones 3 through 8. *{Remainder of text unchanged}*

(12) *R402.4.1.2 Testing; Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

(13) * R403.3.3 Duct Testing (Mandatory) Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the

building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

(14) **Section C402.2.7/R402.2; Add Section C402.2.7 and R402.2.14 to read as follows:

Section C402.2.7/R402.2.14 Insulation installed in walls. To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

(15) *Section R405.6.2; add the following sentence to the end of paragraph:**

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

(16) *TABLE R406.4 MAXIMUM ENERGY RATING INDEX; amend to read as follows:**

TABLE R406.4¹
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	65

¹ This table is effective until August 31, 2019.

TABLE R406.4²
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	63

² The table is effective from September 1, 2019 to August 31, 2022.

TABLE R406.4³
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	59

³ This table is effective on or after September 1, 2022.

Sections 5-148 thru 5-155 Reserved

SECTION 6: That the City of Hurst Code of Ordinances be amended by revising Chapter 5, Article V “Electrical Code” by deleting said section where shown below for Chapter 5, Article V “Electrical Code” and replacing said deleted sections and retaining sections as shown below for Chapter 5, Article V “Electrical Code” to read as follows:

ARTICLE V. ELECTRICAL CODE

DIVISION 1. GENERAL

Sec 5-156 Unchanged.

(1)*Section 5-157 Definitions; add a definition to read as follows:**

CODE OFFICIAL. The officer or other designated authority, charged with the administration and enforcement of this code, or a duly appointed authorized representative.

Section 5-158 thru Sec 5-160 Unchanged.

(2)*Section 5-161. General standards; code adopted. Change (b) to read:**

(b) NFPA 70, The National Electric Code, 2014 Edition, as published by the National Fire Protection Association, a copy of which is on file in the office of the City Secretary, as amended by section 5-168, is hereby adopted by reference and designated as the electrical code of the city as though such code were copied at length in this article.

Sec 5-162 thru Sec 5-166 Unchanged.

Sec 5-167. Reserved.

Sec. 5-168. Amendments, deletions and changes to the electrical code.

(3) *Add 90.4.1 to read as follows:**

90.4.1. Notice of violation. The code official is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of any work regulated by this code that is in violation of the provisions of this code, or in violation of the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code or the

directive of the code official. Such order may direct the discontinuance of the illegal action or condition and the abatement of the violation.

90.4.2 Prosecution of violation. The code official shall request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Neither the City nor the Code Official, shall not be required to provide notice as set forth in 90.4.1 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

90.4.3 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair any work regulated by this code in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations. Each day that a violation continues shall be deemed a separate offense.

(4)*Article 100; add the following to definitions:**

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations.

(5) *Article 100; amend the following definitions:**

Intersystem Bonding Termination. A device that provides a means for connecting intersystem bonding conductors for communication systems and other systems ~~such as metallic gas piping systems~~ to the grounding electrode system. Bonding conductors for other systems shall not be larger than 6 AWG.

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

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

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

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

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of *Approved, Identified, Labeled, and Listed*.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with US product safety standards as certified by a Nationally Recognized Testing Lab.

Informational Note No. 3: NFPA 790 and 791 provide an example of an approved method for qualifying a third party inspection agency.

(7) *Article 210.52(G) (1) Garages: delete the following**

(1) Garages. In each attached garage and in each detached garage with electric power. ~~The branch circuit supplying this receptacle(s) shall not supply outlets outside of the garage.~~ At least one receptacle outlet shall be installed for each car space.

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

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

(9) *Article 240.91; delete the Article.**

(10) **Article 300.11; add the following exception:

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

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

(7) This Article shall not be used in conjunction with 220.82.

(12)*Article 500.8 (A) (3) changed to read as follows:**

500.8 Equipment.

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

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

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

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

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

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

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

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

505.7 Special Precaution.

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

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

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

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a qualified ~~persons~~ ~~Registered~~ licensed Professional Engineer in the State of Texas.

(14) *Article 517.30 Essential Electrical Systems for Hospitals; create a new (H) and add the following language:**

(G) Coordination. Overcurrent protective devices serving the equipment branch of the essential electrical system shall be coordinated for the period of time that a fault's duration extends beyond 0.1 second.

Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

(H) Selective Coordination. Overcurrent protective devices serving the life safety, and critical branches of the essential electrical system shall be selectively coordinated with all supply-side overcurrent protective devices.

Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

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

680.25 Feeders.

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

(A) Wiring Methods.

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

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

~~**Exception:** A feeder within a one-family dwelling or two-family dwelling unit between remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an insulated equipment grounding conductor~~

Sec. 5-169 thru 5-173 Unchanged.

Sec. 5-174 thru 5-185. Reserved.

DIVISION 2. ELECTRICAL INSPECTOR*

Sec. 5-186 Unchanged.

Sec. 5-187 Reserved.

Sec. 5-188 thru 5-195 Unchanged.

Sec. 5-196 thru 5-205. Reserved.

DIVISION 3. RESERVED

Sec. 5-206 thru 5-225. Reserved.

DIVISION 4. REGISTRATION OF ELECTRICIANS; CERTIFICATE

Sec. 5-226. thru 5-240. Unchanged.

Sec. 5-241 thru 5-250. Reserved.

DIVISION 5. WORK PERMITS

Sec. 5-251 thru 5-260 Unchanged.

Sec. 5-261 thru 5-275. Reserved.

SECTION 7: That the City of Hurst Code of Ordinances be amended by revising Chapter 5, Article VI “Reserved” by deleting the current Chapter 5, Article VI “Reserved” replacing said deleted sections and retaining sections as shown below for Chapter 5, Article VI “International Pool and Spa Code” to read as follows:

ARTICLE VI. INTERNATIONAL POOL AND SPA CODE

DIVISION 1. GENERAL

*****Sec. 5-276. International Pool and Spa Code– Adopted.** The International Pool and Spa Code, 2015 Edition as published by the International Code Council, Inc., a copy of which is on file in the office of the City Secretary, as amended by Sec. 5-277, administered and enforced by the office of the building official is hereby adopted by reference and designated as the Pool and Spa Code of the City as though such code were copied at length in this article.

*****Sec. 5-277. Same – Deletions and Amendments.**

(1)*101.1 Title. Add City of Hurst as NAME OF JURISDICTION.**

(2)*PART 2- ADMINISTRATION AND ENFORCEMENT Change DEPARTMENT OF BUILDING SAFTY TO Building Inspection Department, here and through out.**

(3)*105.3.1 Add new section as follows :**

105.3.1 Pools in Flood Hazard Areas. Pools requesting to be located in flood hazard areas will submit a Flood Development Permit, provided by the city, along with the construction documents.

(4)*105.6 Fees ; change subsection 105.6.2 change to read as follows :**

105.6.2 Fee Schedule. The fees for all swimming pool or spa work shall be set by the City Manager and reviewed by City Council from time to time.

(5) *107.2 Change 107.2 to read as follows:**

107.2. Notice of violation. The code official ~~shall~~ is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of work in violation of the provisions of this code, or in violation of a detail statement or the *approved* construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(6) *107.2 Change 107.3 to read as follows:**

107.3 Prosecution of violation. ~~If the notice of violation is not complied with promptly,~~
The code official shall request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful pool or spa in violation of the provisions of this code or of the order or direction made pursuant thereto. It shall not be required to provide notice as set forth in section 107.2 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.

(7) *107.2 Change 107.4 to read as follows:**

107.4 Violation penalties. Any person who shall violate a provision of this code, shall fail to comply with any of the requirements thereof or erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations ~~[SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues ~~after due notice has been served~~ shall be deemed a separate offense.

(8) *107.2 Change 107.5 to read as follows:**

107.5 Stop work orders. Upon notice from the code official that work is being performed contrary to the provisions of this code or in an dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. ~~Where an emergency exists,~~ The code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform by the code official to remove a violation or unsafe condition, shall be liable as set forth above in Section 107.4. ~~to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

(9)*Section 108; Delete entire section and insert the following:**

SECTION 108
MEANS OF APPEAL

108.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

Sec. 5-278 thru Sec. 5-293. Reserved.

Section 8: That the City of Hurst Code of Ordinances be amended by revising Chapter 5, Article VII "Substandard Buildings" by deleting Chapter 5, Article VII, "Substandard Buildings" replacing said deleted sections and retaining sections as shown with Chapter 5, Article VII "Substandard Buildings and International Property Maintenance Code" Division 1 "Substandard Buildings" and Division II "International Property Maintenance Code" to read as follows:

**ARTICLE VII. SUBSTANDARD BUILDINGS AND INTERNATIONAL
PROPERTY MAINTENANCE CODE**

DIVISION 1. SUBSTANDARD BUILDINGS

Sec. 5-294 thru 5-301 Unchanged.

*****DIVISION 2. INTERNATIONAL PROPERTY MAINTENANCE CODE**

Sec 5-302. International Property Maintenance Code – Adopted. The International Property Maintenance Code, 2015 Edition as published by the International Code Council, Inc., a copy of which is on file in the office of the City Secretary, as amended by Sec. 5-303, administered and enforced by the office of the building official is hereby adopted by reference and designated as the Property Maintenance Code of the City as though such code were copied at length in this article.

Sec 5-303. Same – Deletions and Amendments. The property maintenance code adopted in this article is hereby amended and changed in the following respects:

(1)*Section 101.1 Change to read as follows:**

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Hurst, hereinafter referred to as “this code.”

(2)*Section 103.5 change to read as follows:**

Section 103.5 Fees. The fees for activities and services performed by this department in carrying out its responsibilities under this code shall be set by the city manager from time to time.

(3) *Section 106.3 change to read as follows:**

106.3 Prosecution of violation. Any person failing to comply with any provisions of this code or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor as determined by the Municipal Court. This code governs fire, safety, zoning or public health and sanitation and such violations are subject to a fine not to exceed two thousand dollars (\$2,000.00). Each day a violation continues shall be a separate offense.

The code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or other order or direction made pursuant thereto.

(4) *Section 106.6 Add to read as follows:**

106.6 Corrective Action by City of Hurst. Any corrective action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(5)*Section 111; Delete entire section and insert the following:**

**SECTION 111
MEANS OF APPEAL**

111.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

(6)Section 304.14 Insert dates.**

Section 304.14 Insect screen. During the period from 1 January to 31 December, every door, ...the remainder unchanged.

(7)Section 602.3 Insert dates.**

Section 602.3 Heat supply. Every owner ..., to furnish heat to the occupants thereof shall supply heat during the period from 1 November to 30 April to maintain a temperature of not less than 68° F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

(8)*Section 602.4 Insert dates.**

Section 602.4 Occupiable work space. Indoor occupiable work space shall be supplied with heat during the period from 1 November to 30 April to maintain a temperature of not less than 65° F (18°C) during the period the space is occupied.

(9) **Section 704.2.2; add second paragraph to exception 1.

Section 704.2.2 Interconnection. Exception:

This exception does not apply to the minimum housing requirements for properties subject to the Rental Registration Program.

(10)Section 704.2.3; add second paragraph to exception 1.**

Section 704.2.3 Power Source. Exception:

This exception does not apply to the minimum housing requirements for properties subject to the Rental Registraton Program.

(11)Section 705, add Sections 705, 705.1, 705.2 and 705.3 to read as follows:**

SECTION 705
CARBON MONOXIDE ALARMS

Section 705.1 Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate

vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

Section 705.2 Where required in existing dwellings. Where there is a change of tenant in a rental unit or work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with section 705.1

Section 705.3 Alarm requirements. Single station carbon monoxide alarms shall be listed as complying with U 2034 and shall be installed in accordance with this code and the manufacturer’s installation instructions.

Sec. 5-304 thru 5-320. Reserved.

ARTICLE VIII. VACANT COMMERCIAL BUILDINGS

Unchanged by this ordinance.

ARTICLE IX. HISTORIC LANDMARK PRESERVATION

Unchanged by this ordinance.

ARTICLE X. RENTAL REGISTRATION

Unchanged by this ordinance.

ARTICLE XI. MANDATORY MULTI-FAMILY DWELLING CRIME REDUCTION PROGRAM

Unchanged by this ordinance.

ARTICLE XII. HOUSING CODE

Unchanged by this ordinance

Section 5-659 – 5-672. Reserved.

Section 9 That the City of Hurst Code of Ordinances be amended by revising Chapter 8, Article I “In General” by deleting Chapter 8, Article I, “In General” replacing said deleted sections and retaining sections as shown with Chapter 8, Article II “Fire Prevention Code” to read as follows:

Chapter 8 - FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Amend section 8-1 to read as follows:

Sec. 8-1. - Arson reward.

(a) The City Council may offer a reward payable to the persons who shall be responsible for the arrest or conviction of any person committing in the city the crime of arson as the same is now defined by the penal code of the state.

(b) Whenever the mayor shall be informed that any fire occurring in the city was of an incendiary origin, he shall call for a report on the same by the city fire marshal, and if the marshal shall report that such fire was caused by the commission of the crime of arson, the mayor is hereby authorized to offer a reward of up to five hundred dollars (\$500.00) and a higher reward may be offered upon the consent of the City Council. Upon information being given by any person who shall cause the arrest or conviction of such person guilty of a specific crime of arson for which the reward shall be offered and after the final conviction of such person, the person or persons giving such information shall be entitled to receive the reward or a portion of the reward.

Amend section 8-2 by deleting the current 8-2 and replacing it with the following, which has remained in the Hurst City Code and the substantive portions of subsection (a) through (c) have remained unchanged prior to any state preemption, and Section 8-2 to reads as follows:

:

Sec. 8-2 Smoke Alarms:

Smoke alarms. (a) Every dwelling unit within a multi-family dwelling, every guest room in a hotel used for sleeping purposes and every rented dwelling unit in any other residential property shall, be provided with smoke alarms conforming to nationally recognized standards. Such smoke alarms shall be required in every dwelling unit in every type of residential property before any certificate of occupancy is granted or renewed. No building permit for alterations requiring the expenditure of more than one thousand dollars (\$1,000.00) shall be granted without the installation of smoke alarms.

(b) The number of smoke alarms, and the manner and location of installation shall be set forth in the International Building Code or International Residential Code except that on rental property such alarms shall not be only battery-powered, but shall be wired directly into the power supply of the dwelling unit.

(c) Smoke alarms shall be maintained in operating condition. Multi-family rental property shall be inspected annually by the fire department and/or building inspection department to determine whether smoke alarms are present and operating. If the fire department and/or building inspection department is refused access to any rental dwelling unit upon reasonable notice, and for purposes of this section, ten (10) calendar days shall be considered reasonable notice, the apartment owner will be deemed guilty of a misdemeanor and, upon conviction thereof, fined not less than twenty-five (\$25.00) or more than five hundred (\$500.00) per dwelling

unit If a smoke alarm required for a rental unit is inoperable, the rental unit owner or occupant will be deemed guilty of a misdemeanor and, upon conviction thereof, fined not less than twenty-five (\$25.00) or more than five hundred (\$500.00) per dwelling unit. Furthermore, should the owner or manager fail to come into compliance within thirty (30) days of re-inspection, the certificate of occupancy of that multi-family office will be automatically revoked, and the utility company serving such office shall be required to discontinue service thereto. Such certificate of occupancy and service shall not be restored until all smoke alarms comply with this section.

(d) In the event that the smoke alarm is inoperable due to the absence of electricity of the dwelling unit, a battery-powered smoke alarm shall be temporarily installed until electrical power to the dwelling unit is restored.

(e) Persons removing, disabling or possessing a smoke alarm with the battery removed or possessing a disabled smoke alarm shall be subject to immediate issuance of citation, with no warning period. It shall be an affirmative defense that the person provided written notification to the landlord or apartment manager of the defective smoke alarm.

Section 8-3 through 8-15.

ARTICLE II. - FIRE PREVENTION CODE

Sec. 8-16. - Adoption of International Fire Code.

The City of Hurst hereby adopts the 2015 Edition of the International Fire Code, including Appendix Chapters A, B, C, D, E, F, G, H, I, K, and L published by the International Code Council, Inc., save and except such portions as are deleted or amended by this article, and the same are hereby adopted and incorporated as fully as if set out at length herein. One (1) copy of the 2015 Edition of the International Fire Code is now filed in the office of the city secretary. From the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Hurst and its extraterritorial jurisdiction.

Sec. 8-17. - Deletions and amendments.

The following sections of the 20015 Edition of the International Fire Code, as adopted in section 8-17, are hereby amended as follows:

- (1) **101.1 Title.** These regulations shall be known as the Fire Code of the City of Hurst, hereinafter referred to as “this code.”
- (2) **Section 102.1** Change section 102.1 by changing subsection 3 and leaving the rest of section 102.1 unchanged.
3. Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code or city ordinance.

- (3) **105.3.3** Change 105.3.3 as follows:
Occupancy Prohibited before Approval. The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.
- (4) **105.7.19** Add 105.7.19 to read as follows:
Electronic access control systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
- (5) **109.3.1** Change 109.3.1 to reads as follows:
Service A notice of violation issued pursuant to this code may be served upon the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or the violation, either by personal service, regular mail, certified mail, alternate delivery services including but not limited to overnight delivery services, by leaving it with some person of responsibility upon the premises, by posting the notice upon the structure or visibly upon the premises or by any other method designated by the fire code official as a means of providing notice.
- (6) **109.3.3.** Change 109.3.3 to read as follows:
Prosecution of violations. The fire code official is authorized to request the legal counsel of the City of Hurst to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Neither the City nor the Code Official, shall be required to provide notice as set forth in 109.3 prior to instituting the appropriate proceedings, and providing notice shall not be considered an element of the offense or a requirement before prosecution or other legal proceeding.
- (7) **109.4** Change 109.4 to read as follows:
Violation penalties. Any person, firm, or corporation who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than Two Thousand Dollars (\$2,000.00) or by imprisonment not exceeding twenty (20) days or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (8) **111.4 Failure to comply.** Change section 111.4 to read as follows:

Any person, firm, or corporation who shall continue any work after having been served with a stop work order, except such work as that person, firm, or corporation is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed Two Thousand Dollars (\$2,000.00).

(9) **Section 202**, change by adding or changing the following definitions:

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

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

ATRIUM. An opening connecting three or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505 of the International Building Code.

CITY shall mean the City of Hurst, Texas.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this Code or a duly authorized representative.

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

FIRE MARSHAL. The Fire Marshal is the designated authority charged by the Fire Chief with the duties of administration and enforcement of the code, or a duly authorized representative.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the *fire code official*, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, *deflagration*, or *detonation*, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

HIGH-PILED COMBUSTIBLE STORAGE: add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 6,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

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

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

(10) **307.1.1 Prohibited Open Burning.** Change 307.1.1 to read as follows:

Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Exception: Prescribed burning for the purpose of reducing the impact of wild land fire when authorized by the fire code official.

(11) **307.2 Permit Required.** Change 307.2 to read as follows:

A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, a bonfire or any open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions.
2. State, County, or Local temporary or permanent bans on open burning.
3. Local written policies as established by the *fire code official*.

(12) **307.3 Extinguishment Authority.** Change 307.3 to read as follows:

The fire code official is authorized to order the extinguishment of any fire by the owner or person responsible, regardless of whether or not a permit was obtained, when in the opinion of the fire code official the fire creates or adds to a hazardous or potentially hazardous situation. The fire code official is further authorized to take all necessary steps to extinguish any such fire upon the failure of the owner or person responsible to do so.

(13) **307.4 Location.** Change 307.4 to read as follows:

The location for open burning shall not be less than 300 feet (91 440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91 440 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet from a structure
2. The minimum required distance from a structure shall be 25 feet where the pile size is feet or less in diameter and 2 feet or less in height.

(14) **307.4.3:** Change 307.4.3 Exception: to Exceptions: to read as follows:

Exceptions:

1. Portable outdoor fireplaces used at one- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system.

(15) **307.4.4** Add 307.4.4 to read as follows

Permanent Outdoor Firepit.

Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the all adopted Codes and city ordinances.

(16) Add 307.4.5 to read as follows:

307.4.5 Trench Burns. -

Trench Burns are prohibited within the City Limits of Hurst. It shall be an affirmative defense that the trench burn is allowed by the Code Official.

(17) **307.5** Change 307.5 to read as follows

Attendance.

Open burning, trench burns, bonfires, *recreational fires*, and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum of 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(18) **308.1.4** Change 308.1.4 to read as follows:

Open-flame Cooking Devices Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 lbs (5 containers).
2. Where buildings, balconies and decks are protected by an approved *automatic sprinkler system*, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs (2 containers).
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity.]

(19) **308.1.6.2** Change 308.1.6.2 Exceptions number 3 to read as follows

Exceptions:

3. Torches or flame-producing devices in accordance with Section 308.1.3.

(20) **308.1.6.3** Change 308.1.6.3 to read as follows

Sky Lantern. A person shall not release or cause to be released an unmanned free-floating device containing an open flame or other heat source, such as but not limited to a sky lantern.

(21) **311.5** Change 311.5 to read as follows

Placards. The *fire code official* is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, which shall be marked as required by Section 311.5.1 through 311.5.5.

(22) **403.5** Change 403.5 to read as follows

Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.5.1 through 403.5.3.

(23) **404.2.2** Change 404.2.2 to read as follows

Fire Safety Plans.

4.10 Fire extinguishing system controls.

(28) **405.4** Change 405.4 to read as follows

Time. The fire code official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

(29) **501.4** Change 501.4 to read as follows

Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

(30) **503.1.1** Add a sentence to 503.1.1 to read as follows

Buildings and Facilities

[Add following sentence] Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure.

(31) **503.2.1** Change 503.2.1 to read as follows

Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security

gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

Exception: Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and *approved* signs are installed and maintained indicating the established vertical clearance when approved.

(32) **503.2.2** Change 503.2.2 to read as follows

Authority. The *fire code official* shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

(33) **503.2.3** Change 503.2.3 to read as follows

Surface. Fire apparatus access roads shall be designed and maintained to support imposed loads of 80,000 Lbs for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

(34) **503.3** Change 503.3 to read as follows

Marking. Striping, signs, or other markings, as approved by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads and prohibit the obstruction thereof. Said approved notices or markings shall include the words NO PARKING-FIRE LANE and shall follow the requirements set out below. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

(35) **503.4** Change 503.4 to read as follows

Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum

widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

(36) **505.1 Change 505.1 to read as follows**

Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained and visible.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

(37) **507.4 Change 507.4 to read as follows**

Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 “Recommended Practice for Fire Flow Testing and Marking of Hydrants” and within one year of sprinkler plan submittal. The *fire code official* shall be notified prior to the water supply test. Water supply tests shall be witnessed by the *fire code official*. Design drawings are required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a digital and hard copies of the waterflow test report, or either digital or hard copies, as approved by the *fire code official*. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

(38) **507.5.4 Change 507.5.4 to read as follows:**

Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

(39) **509.1.2** Change 509.1.2 to read as follows

Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as approved by the *fire code official*. The letters shall be of a color that contrasts with the background.

(40) **603.3.2.1** Change 603.3.2.1 to read as follows

Quantity Limits.

Exception: The aggregate capacity limit shall be permitted to be increased to 3,000 gallons (11,356 L) in accordance with all requirements of Chapter 57.

(41) **603.3.2.2** Change 603.3.2.2 to read as follows

Restricted Use and Connection. Tanks installed in accordance with Section 603.3.2 shall be used only to supply fuel oil to fuel-burning ~~or generator~~ equipment installed in accordance with Section 603.3.2.4. Connections between tanks and equipment supplied by such tanks shall be made using closed piping systems.

(42) **604.1.1** Change 604.1.1 to read as follows

Stationary Generators. Stationary emergency and standby power generators required by this code shall be *listed* in accordance with UL 2200.

(43) **604.1.2** Change 604.1.2 to read as follows

Installation. Emergency power systems and standby power systems shall be installed in accordance with the *International Building Code*, NFPA 70, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

(44) **604.1.9** Add 604.1.9 to read as follows

Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

(45) **604.2** Change 604.2 to read as follows

Where Required. Emergency and standby power systems shall be provided where required by Sections 604.2.1 through 604.2.24 or elsewhere identified in this code or any other referenced code.

(46) **604.2.4** Change 604.2.4 to read as follows

Emergency Voice/Alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

Covered and Open Malls, Section 907.2.20 and 914.2.3
Group A Occupancies, Sections 907.2.1 and 907.5.2.2.4.
Special Amusement Buildings, Section 907.2.12.3
High-rise Buildings, Section 907.2.13
Atriums, Section 907.2.14
Deep Underground Buildings, Section 907.2.19

(47) **604.2.12** Change 604.2.12 to read as follows

Means of Egress Illumination. Emergency power shall be provided for *means of egress* illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

(48) **604.2.13** Change 604.2.13 to read as follows

Membrane Structures. Emergency power shall be provided for *exit* signs in temporary tents and membrane structures in accordance with Section 3103.12.6.1. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the *International Building Code*. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

(49) **604.2.15 Smoke Control Systems.** Change 604.2.15 to read as follows

Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

Covered Mall Building, *International Building Code*, Section 402.7
Atriums, *International Building Code*, Section 404.7
Underground Buildings, *International Building Code*, Section 405.8
Group I-3, *International Building Code*, Section 408.4.2
Stages, *International Building Code*, Section 410.3.7.2
Special Amusement Buildings (as applicable to Group A's), *International Building Code*, Section 411.1
Smoke Protected Seating, Section 1029.6.2.1

(50) **604.2.17** Add 604.2.17 to read as follows

Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.3.

(51) **604.2.18** Add 604.2.18 to read as follows

Airport Traffic Control Towers. A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

(52) **604.2.19** Add 604.2.19 to read as follows

Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the *International Building Code*, Section 909.20.6.2.

(53) **604.2.20** Add 604.2.20 to read as follows:

Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

(54) **604.2.21** Add 604.2.21 to read as follows:

Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the *International Building Code*, Section 717.5.3, exception 2.3.

(55) **604.2.22** Add 604.2.22 to read as follows

Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the *International Mechanical Code*, Section 504.10, Item 7.

(56) **604.2.23** Add 604.2.23 to read as follows:

Hydrogen Cutoff Rooms. Standby power shall be provided for mechanical ventilation and gas detection systems of Hydrogen Cutoff Rooms in accordance with the *International Building Code*, Section 421.8.

(57) **604.2.24** Add 604.2.24 to read as follows:

Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for *means of egress* illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

(58) **604.8 Energy Time Duration.** Add 604.8 to read as follows:

Unless a time limit is specified by the fire code official, in this chapter or elsewhere in this code, or in any other referenced code or standard, the emergency and standby

power system shall be supplied with enough fuel or energy storage capacity for not less than 2-hour full-demand operation of the system.

Exception: Where the system is supplied with natural gas from a utility provider and is approved.

(57) **609.2 Where Required.** Change 609.2 to read as follows

A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

Exceptions:

1. Tents, as provided for in Chapter 31.
2. {No change to existing Exception.}

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

(58) **704.1** Change 704.1 to read as follows

Enclosure. Interior vertical shafts including, but not limited to, *stairways*, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as required in Chapter 11. New floor openings in existing buildings shall comply with the *International Building Code*.

(59) **807.3 Combustible Decorative Materials.** Change 807.3 to read as follows

In occupancies in Groups A, E, I, and R-1, and dormitories in Group R-2, curtains, draperies, fabric hangings and other similar combustible decorative materials suspended from walls or ceilings shall comply with Section 807.4 and shall not exceed 10 percent of the specific wall or ceiling area to which they are attached.

(60) **807.5.2.2** Change 807.5.2.2 to read as follows

Flammable material in Corridors. Flammable materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

(61) **807.5.2.3** Change 807.5.2.3 to read as follows

Flammable materials in Classrooms. Flammable materials (which may include, but is not limited to, artwork and teaching materials) shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached.

Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

(62) **Section 901.4.6.1 Add 901.4.6.1** to read as follows

Riser Access: All risers supplying multiple occupancies shall be located in a separate individual room to include an exterior door with direct access.

Exception: Buildings containing a single occupancy shall have an exterior door located within 10 feet (10') of the riser or an approved distance as determined by the code official.

ALL riser access doors shall be labeled with 6" (six inch) letters "Riser Room."
A key box shall be provided at this door, as required by Section 506.1.

(63) **901.6.1.1** Add 901.6.1.1 to read as follows

Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

10. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.

11. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. The tester shall confirm that there are no open hose valves prior to introducing water into a dry standpipe and verify that check valves function properly and that there are no closed control valves on the system. There is no required pressure criteria at the outlet.

12. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.

13. If the FDC is not already provided with approved caps, the owner, agent, contractor or person in charge of construction or maintenance shall install such caps for all FDC's as required by the *fire code official*.
14. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
15. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags (currently at 28 TAC 34.700 and more specifically at 28 TAC 721 for Yellow Tags and 28 TAC 34.722 for Red Tags) or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*) shall be followed.
16. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the Texas Statutes and Texas Administrative Code and NFPA 25.
17. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
18. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

(64) **901.6.3** Add 901.6.3 to read as follows

False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

(65) **901.7** Change 901.7 to read as follows

Systems Out of Service. Where a required *fire protection system* is out of service or in the event of an excessive number of false or unnecessary activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved fire watch* shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service.

It shall be presumed that the number of activations is excessive when activations occur for a false or unnecessary alarm four or more times in a 12 month period.

Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

(66) **901.8.2** Change 901.8.2 to read as follows

Removal of Occupant-use Hose Lines. The *fire code official* is authorized to permit the removal of occupant-use hose lines and hose valves where all of the following conditions exist:

1. The hose line(s) would not be utilized by trained personnel or the fire department.
2. If the occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such [NOTE – such what? Such use hose lines?] shall be compatible with local fire department fittings.

(67) **903.1.1** Change 903.1.1 to read as follows

Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as *approved* by the *fire code official*.

(68) **903.2** Change 903.2 to read as follows

Where Required. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

(69) **903.2.9.3** Add 903.2.9.2 to read as follows:

Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

(70) 903.2.11.3 Buildings – 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings be installed throughout buildings that have one or more stories, other than penthouses in compliance with Section 1510 of the *International Building Code*, located 35 feet (10 668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions: Open parking structures in compliance with Section 406.5 of the *International Building Code*, *having no other occupancies above the subject garage*.

(71) **903.2.11.7** Add 903.2.11.7 to read as follows:

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

(72) **903.2.11.8** Add 903.2.11.8 to read as follows:

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

(73) **903.2.11.9** Add 903.2.11.9 to read as follows:

Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

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

(74) **903.3.1.1.1** Change 903.3.1.1.1 to read as follows

Exempt Locations. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely *because* it is damp, of fire-resistance-rated construction or contains electrical equipment.

1 Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.

3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

4. Elevator machine rooms, ~~and~~ machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

(75) **Section 903.3.1.2.3** Change 903.3.1.2.3 to read as follows

Attics and Attached Garages. Sprinkler protection is required in attic spaces of such buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

(76) **903.3.1.3** Change 903.3.1.3 to read as follows

NFPA 13D Sprinkler Systems. *Automatic sprinkler systems* installed in one- and two-family *dwelling*s; Group R-3; Group R-4 Condition 1 and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

(77) **903.3.1.4** Add 903.3.1.4 to read as follows

Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

(78) **903.3.1.4.1** Add 903.3.1.4.1 to read as follows

Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

(79) **903.3.1.4.2** Add **903.3.1.4.2** to read as follows

Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

(80) **903.3.1.4.3** Add **903.3.1.4.3**

Protection Against Freezing. New and existing fire sprinkler systems, including risers, shall be an approved design to protect against freezing or be in a conditioned space in order to maintain a temperature above 40 degrees Fahrenheit (four degrees Celsius). Areas or rooms containing risers shall be monitored for temperature conditions by the fire alarm panel and send a supervisory signal upon alarm. Heaters shall be hard wired with a maintenance disconnect in a location to be determined by the code official.

(81) **Section 903.3.5; add a second paragraph to read as follows:**

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

(82) **Section 903.4; add a second paragraph after the exceptions to read as follows:**

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

(83) **Section 903.4.2; add second paragraph to read as follows:**

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

(84) **905.2** Change 905.2 to read as follows

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

(85) **905.3.9** Add 905.3.9 to read as follows

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

Exceptions:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

(86) **Section 905.4**, change Item 1, 3, and 5, and add Item 7 to read as follows:

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a 30 foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the horizontal exit.

- 4.. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an ~~interior~~ exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

(87) **Section 905.9;** add a second paragraph after the exceptions to read as follows:

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

(88) **907.1.4** Add 907.1.4 to read as follows

Design Standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

(89) **907.2.1** Change 907.2.1 to read as follows

Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

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

(90) **907.2.3** Change 907.2.3 to read as follows

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

Exceptions:

1. {No change.}
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.) {No

change to remainder of exceptions. }

(91) **Section 907.2.13, Exception 3; change to read as follows:**

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

(92) **907.4.2.7** Add 907.4.2.7 to read as follows:

Type. Manual alarm initiating devices shall be an approved double action type.

(93) **907.6.1.1** Add 907.6.1.1 to read as follows:

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

(94) **Section 907.6.3;** delete all four Exceptions.

(95) **Section 907.6.6;** – add sentence at end of paragraph to read as follows:

See 907.6.3 for the required information transmitted to the supervising station.

(96) **909.22** Add 909.22 to read as follows

Stairway or Ramp Pressurization Alternative. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the fire department as per Section 105.7.

(97) **909.22.1** Add 909.22.1 to read as follows:

Ventilating equipment. The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level

at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

(98) **909.22.1.1** Add 909.22.1.1 to read as follows:

Ventilation Systems. Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective system with a fire-resistance rating of not less than 2 hours.

(99) **909.21.1.2** Add 909.22.1.2 to read as follows

Standby Power. Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

(100) **909.22.1.3** Add 909.22.1.3 to read as follows

Acceptance and Testing. Before the mechanical equipment is approved, the system shall be tested in the presence of the code official to confirm that the system is operating in compliance with these requirements.

(101) **Section 910.2; change Exception 2. and 3.to read as follows:**

2. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.

3. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m*S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

(102) **910.2.3** Add 910.2.3 to read as follows:

Group H. Buildings and portions thereof used as a Group H occupancy as follows:

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

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

Exception: Buildings of noncombustible construction containing only noncombustible materials.

(103) **910.3.4** Add 910.3.4 to read as follows:

Vent Operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

(104) **910.3.4.1** Add 910.3.4.1 to read as follows:

Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically.

The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

Exception: Manual only systems per Section 910.2.

(105) **910.3.4.2** Add 910.3.4.2 to read as follows:

Nonsprinklered Buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Listed gravity-operated drop out vents.

(106) **910.4.3.1** Change 910.4.3.1 to read as follows

Makeup Air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

(107) **910.4.4** Change 910.4.4 to read as follows

Activation. The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided.

Exception: Manual only systems per Section 910.2.

(108) **912.2.3** Add 912.2.3 to read as follows:

Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

(109) **Section 913.2.1;** add second paragraph and exception to read as follows:

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

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

(110) **914.3.1.2** Change 914.3.1.2 to read as follows

Water Supply to required Fire Pumps. In buildings that are more than 120 feet (128 m) in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: {No change to exception.}

(111) **1006.2.2.6** Add 1006.2.2.6 to read as follows:

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

(112) **Section 1009.1;** add the following **Exception 4:**

Exceptions:

{previous exceptions unchanged}

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

(113) Section 1010.1.9.4 Bolt Locks; change Exceptions 3 and 4 to read as follows:

Exceptions:

3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall not contain doorknobs, panic bars, or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M or S occupancy, manually operated edge- or surface mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. The inactive leaf shall not contain doorknobs, panic bars, or similar operating hardware.
5. {To remain unchanged}

(114) Section 1015.8 Window Openings; change number 1 to read as follows:

1. Operable windows where the top of the sill of the opening is located more than 55 (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

(115) Section 1020.1 Construction; add Exception 6 to read as follows:

6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

(116) Section 1029.1.1.1; delete this section. Spaces under Grandstands and Bleachers:

(Reason: Unenforceable.)

(117) 1031.2 Change 1031.2 to read as follows

Reliability. Required *exit accesses*, *exits* and *exit discharges* shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An *exit* or *exit passageway* shall not be used for any purpose that interferes with a means of egress.

(118) **Section 1103.3; add sentence to end of paragraph as follows:**

Provide emergency signage as required by Section 607.3.

(119) **1103.5.1** Change 1103.5.1 to read as follows

Spray Booths and Rooms. Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

(120) **1103.7.8** Add 1103.7.8 to read as follows:

Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

(121) **1103.7.8.1** Add 1103.7.8.1 to read as follows:

Communication requirements. Refer to Section 907.6.6 for applicable requirements.

(122) **2304.1** Change 2304.1 to read as follows

Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2304.3.

At any time the qualified attendant of item Number 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

(123) **Section 2401.2; delete this section out of IFC**

(124) **Table 3206.2, footnote j;**

j. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s) 1/2 or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

(125) **Section 3310.1;** add sentence to end of paragraph to read as follows:

When fire apparatus access roads are required to be installed for any structure or development, they shall be approved prior to the time at which construction has progressed beyond completion of the foundation of any structure.

(126) **5601.1.3** Change 5601.1.3 to read as follows

Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, storage, and handling of fireworks as allowed in Section 5604 and 5608.
2. The use of fireworks for approved fireworks displays as allowed in Section 5608.

(127) **5703.6** Change 5703.6 to read as follows

Piping Systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

(128) **5704.2.9.5** Add 5704.2.9.5 to read as follows:

Above-ground Tanks Inside of Buildings. Above-ground tanks inside of buildings shall comply with Section 5704.2.9.5.1 through 5704.2.9.5.3.

(129) **5704.2.9.5.3** Add 5704.2.9.5.3 to read as follows:

Combustible Liquid Storage Tanks Inside of Buildings. The maximum aggregate allowable quantity limit shall be 3,000 gallons (11 356 L) of Class II or III combustible liquid for storage in protected aboveground tanks complying with Section 5704.2.9.7 when all of the following conditions are met:

1. The entire 3,000 gallon (11 356 L) quantity shall be stored in protected above-ground tanks;

2. The 3,000 gallon (11 356 L) capacity shall be permitted to be stored in a single tank or multiple smaller tanks;
3. The tanks shall be located in a room protected by an *automatic sprinkler system* complying with Section 903.3.1.1; and
4. Tanks shall be connected to fuel-burning equipment, including generators, utilizing an *approved* closed piping system.

The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 5003.1.1(1), and such tanks shall not be required to be located in a control area. Such tanks shall not be located more than two stories below grade.

(130) **5704.2.11.4** Change 5704.2.11.4 to read as follows

Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

(131) **5704.2.11.4.2** Change 5704.2.11.4.2 to read as follows

Leak Detection. Underground storage tank systems shall be provided with an *approved* method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

(132) **5704.2.11.4.3** Add 5704.2.11.4.3 to read as follows:

Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

(133) **6103.2.1.8** Add 6103.2.1.8 to read as follows:

Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

(134) **6104.2** Change 6104.2 Exception by adding a second exception to read as follows

Maximum Capacity within Established Limits.

Exceptions:

1. *{existing text unchanged}*
2. Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

(135) **6104.3.2** Change 6104.3.2 to read as follows

Spas, Pool Heaters, and Other Listed Devices. Where natural gas service is not available, an LP-gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

Exception: Lots where LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500 gallon above ground or 1,000 gallon underground approved containers.

(136) **6107.4** Change 6107.4 to read as follows

Protecting Containers from Vehicles. Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with Section 312.

(137) **6109.13** Change 6109.13 to read as follows

Protection of Containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

(138) **Table B105.2; change footnote a. to read as follows:**

- a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

(139) **Section L101;** add to read as follows:

Firefighter air replenishment systems (FARS) shall be provided for in accordance with Appendix L. Installation, determination, and requirements shall be set forth at the discretion of the Fire Chief.

SECTION 10. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 11. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two thousand dollars (\$2,000.00) for health or safety violations and not to exceed Five Hundred Dollars (\$500.00) for all other violations and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 12. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 13. The fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

SECTION 14. This ordinance shall be in full force and effect after its passage and it is so ordained.

AND IT IS SO ORDERED.

PASSED on the first reading on the 8th day of November by a vote of ____ to ____.

APPROVED on the second reading on the ____ day of _____ 2016 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

APPROVED AS TO FORM:

City Attorney

City Council Report

<p>SUBJECT: Consider Ordinance 2348 concerning when rental property inspections are required</p>	
<p>Supporting Documents:</p>	
<p>Ordinance 2348</p>	<p>Meeting Date: 11/8/2016 Department: Building Inspections / Multi-Family Reviewed by: Greg Dickens City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>The existing rental registration Ordinance 2047 was approved by Council in 2008. The City attorney recommended certain language be modified or added in Section 5-394-Inspection to clarify when an inspection of rental units is required. Ordinance 2348 reflects all of the revisions and replaces all of Article X – Rental Registration.</p> <p>On June 27, 2016, the Code Appeals and Advisory Board reviewed and approved the proposed changes and recommended forwarding to City Council.</p>	
<p>Funding and Sources:</p>	
<p>There is no fiscal impact.</p>	
<p>Recommendation:</p>	
<p>Staff recommends Council approve Ordinance 2348 concerning when rental property inspections are required.</p>	

ORDINANCE 2348

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF HURST, TEXAS, AMENDING THE HURST CODE OF ORDINANCES BY AMENDING CHAPTER 5 – BUILDING REGULATIONS, BY REPEALING ARTICLE X - RENTAL REGISTRATION, IN ITS ENTIRETY AND ADDING A NEW ARTICLE X –RENTAL REGISTRATION; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council has determined it is in the best interests, health, and safety of the citizens of the City of Hurst that revisions to the Code of Ordinances be made concerning rental registration in the City.

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

Section 1: Code of Ordinances for the City of Hurst, Texas is hereby amended by amending and replacing Article X-Rental Registration, which shall read as follows:

“ARTICLE X - RENTAL REGISTRATION

Sec. 5-391.-Definitions.

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

Building Official means the building official for the City of Hurst, Texas, or his/her designee.

Owner means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title; holder of life-estate, holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

Person means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest; or any other legal or community entity.

Property manager means a person whom for compensation has control of the day-to-day operations of the rental unit or units or the person in a partnership or corporation, or any other legal entity who has managing control of the rental unit(s).

Rent means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

Rental unit means a single family dwelling unit, duplex unit, triplex, quadruplex, mobile home, town house dwelling unit, or a portion thereof that is rented or offered for rent as a residence.

Tenant means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the owner or property manager.

Sec. 5-392.- Rental Registration.

- (a) Each owner of a rental unit within the city shall register each such rental unit with the building official before June 1, 2008; and shall renew such registration annually on the date prescribed by the Building Official.
- (b) Each new owner of a rental unit within the City shall make application for registration with the Building Official within ten (10) days after the date of acquiring ownership.
- (c) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall include at least the following information:
 - (1) Owners' name, address, work and home telephone number, drivers license number, or identification card number and state of issuance of the owner;
 - (2) If the owner does not live in Hurst, or in Tarrant County, Dallas County or Denton County, then in addition to the information in (1) above, the same information shall be provided for a local contact that has the authority to represent the owner in all matters relating to maintenance of the rental unit or units;
 - (3) If owner is a partnership, the name of all partners, the principal business address of the person in charge of the property, and telephone number of each partner;
 - (4) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the property of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and the agent for service;
 - (5) Name, address, and telephone number of the property manager;

- (6) Street address of the rental unit;
 - (7) Total square feet of living area and number of bedrooms;
 - (8) Name, drivers license number or identification number and state of issuance for each adult (18 years of age or older) tenant;
 - (9) Number of persons occupying the rental unit;
 - (10) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration; and
 - (11) Signed by the owner or owner's agent, designated in writing.
- (d) A fee, set and reviewed annually by the city manager, shall be charged for the registration and/or of each rental unit.
 - (e) The Building Official shall within thirty (30) calendar days after receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this ordinance.
 - (f) A certificate of registration shall be valid for a period of twelve (12) calendar months following issuance thereof, provided however the initial certificate of registration for a rental unit shall not expire until the date of renewal of registration established by the Building Official.
 - (g). It is an offense for an owner to fail to register or fail to renew the registration of a rental unit within the City, and each and every day that the owner continues to fail to register or renew the registration of the owner's rental units within the City shall constitute a separate offense.
 - (h) It shall be unlawful for any person to file a false registration application with the Building Official.

Sec. 5-393. - Initial Rental Registration.

- (a) Recognizing that the initial implementation of this article may be difficult because of the number of rental units and the inspection of rental units, the Building Official, shall by administrative order, divide the City into three (3) or more geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file in the Office of the Building Official.

- (b) A registered owner of a rental unit with the City, or the owner's agent, shall renew the registration of each rental unit on or before the date prescribed by the Building Official.
- (c) The Building Official shall send each registered owner of a rental unit within the City a renewal notice for registration accompanied by a registration application to be completed and returned to the Building Official. It is the responsibility of the owner to update their contact information with the City (address, phone number, et cetera,) should it change during the year.
- (d) A registered owner of a rental property or the owner's agent shall, upon receipt of the renewal notice, complete and return a completed registration application for each rental unit within thirty (30) days after receipt of the renewal notice. If an owner does not receive a renewal notice, it is the owner's responsibility to renew the registration for each rental unit within the City. It is an offense for an owner to fail to file a completed annual registration application for each rental unit on or before the dates specified on the renewal notice.

Sec. 5-394. - Inspections.

- (a) ~~An owner shall permit~~ The Building Official, or his/her designee, shall to inspect a rental unit ~~at the time of initial registration for the purposes of to determine~~ ing compliance with minimum housing standards, ordinances, Section 5-302 International Property Code, City Code, and applicable state and local laws:
 - (1) at the time of initial registration of a rental unit;
 - (2) and if when a change of occupancy has occurred at a rental unit; or
 - (3) at any other time deemed necessary by when the Building Official has good reason to believe that the unit fails to comply to maintain compliance with the minimum housing standards described in the International Property Maintenance Code as adopted in Section 5-302 of the City Code.
- (b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed \$2,000 for each offense.

Sec. 5-395. - Appeals.

If an owner or a person legally authorized to represent the owner, wishes to appeal a decision or inspection requirement they may do so by filing a notice of appeal with the Building Official to the City Code of Appeals and Advisory Board within ten (10) business days of the decision being appealed and paying an application fee of one hundred dollars (\$100.00) for the first item appealed and twenty five dollars (\$25.00) for each additional and related item appealed. The Building Official shall notify the Appeals

Board and the Board shall hear such appeal within thirty (30) calendar days of the filing of the notice of appeal. Both the official whose decision is being appealed and the party appealing the decision shall be notified of the date and time of such hearing at least seventy-two (72) hours before such hearing. Such notice may be by mail, telephone or facsimile. The board shall decide such matter within fourteen (14) calendar days of such hearing. The Board is authorized to exercise those powers granted to the Board of Appeals for the particular code relevant to the matter being appealed. Should the Board find in favor of the applicant for any or all of the appealed violations, the Board is authorized to refund to the applicant the twenty five dollars (\$25.00) per violation; however the Board is not authorized to refund the one hundred dollar (\$100.00) application fee.

Sec. 5-396. - Building Official, Powers and Duties.

- (a) The Building Official is hereby designated as the administrator of this article.
- (b) In addition to the powers and duties otherwise prescribed for the Building Official, as administrator of this article, he is required to:
 - (1) Administer and enforce all provisions of this article;
 - (2) Keep records of all licenses issued;
 - (3) Adopt rules and regulations, not inconsistent with the provisions of this article, with respect to the form and content of application for licenses, the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper administration and enforcement of the provisions of this article.”

Section 2:

THAT, all provisions of the ordinances of the City of Hurst in conflict with the provisions of this ordinance are, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Hurst not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3:

THAT, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the code of Ordinances as a whole.

Section 4:

THAT, any person, firm, or corporation violating any provision of this ordinance shall be fined an amount in accordance with Chapter 1, Section 1.5 of the Hurst Code of Ordinances.

Section 5:

THAT this ordinance shall take effect immediately after its passage on second reading.

AND IT SO ORDERED.

Passed on the first reading on the ____ day of _____ by a vote of ___ to _____.

Approved on the second reading on the ____ day of _____ by a vote of ___ to _____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Richard Ward, Mayor

Approved as to form and legality:

City Attorney

City Council Report

<p>SUBJECT: Consider authorizing the city manager to enter into a contract with A & M Construction & Utilities, Inc., for the renovation and repainting of the Tarrant County College Elevated Storage Tank (TCC EST)</p>	
<p>Supporting Documents:</p>	
<p>Engineer's Recommendation Letter Bid Summary</p>	<p>Meeting Date: 11/8/2016 Department: Public Works Reviewed by: Greg Dickens City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>In recent years, the TCC EST has been inspected by professional services and has been found to be in fair to poor condition. Interior and exterior structural issues have been identified in the reports. The TCC EST is a key component in the north pressure plane water system operation and aids in supplying peak demands, fire coverage, and normal water pressure year round.</p> <p>Deltatek, Inc. prepared construction drawings for the renovation and repainting of the Tarrant County College Elevated Storage Tank. Renovations and repair to this facility will include structural repairs, remote control equipment upgrades, removal of existing coating and repainting entire tank, and installation of an internal water mixer.</p> <p>Bids were received and opened on October 27, 2016. Eight (8) bids were received with A & M Construction & Utilities, Inc. submitting the lowest bid of \$616,390.00. A contingency of \$40,360.00 is not included in the bid amount, but is recommended to be approved as part of this action item. The total amount with contingency is \$656,750.00.</p>	
<p>Funding and Sources:</p>	
<p>Funds of \$730,000.00 are available from the 2016-2017 Pay-As-You-Go Maintenance and Capital Expenditures Enterprise Fund. A total of \$73,250.00 has been allocated for Deltatek, Inc. engineering services, leaving a balance of \$656,750.00 for the construction phase.</p>	

Recommendation:

City staff recommends City Council authorize the city manager to enter into a contract with A & M Construction & Utilities, Inc., for the renovation and repainting of the Tarrant County College Elevated Storage Tank (TCC EST), in the amount of \$616,390.00, with a contingency of \$40,360.00, for a total of \$656,750.00.



October 31, 2016

Mr. Greg Dickens, P.E.
Executive Director of Public Works
City of Hurst
1505 Precinct Line Road
Hurst, Texas 76054

Reference: Repainting & Renovation of
Tarrant County College Elevated Storage Tank
City of Hurst
Bid Recommendation

Dear Mr. Dickens:

On October 27, 2016, the City of Hurst received eight (8) responsive sealed bids for the referenced renovation project. The bids have been tabulated and attached to this correspondence for your use. Deltatek Engineering has reviewed these bid documents and submits the following opinion and recommendation.

Based on review of the bid submitted by A&M Construction and Utilities, Inc., and previous recent experience with this contractor, it is our opinion that the low bidder is qualified to perform this task in accordance with the contract documents. In the fall of 2013, A&M Construction and Utilities, Inc., successfully performed the renovation of the Pump Station No. 3, 0.5 MG Ground Storage Tank for the City of Hurst.

Deltatek Engineering has no objection to the City of Hurst awarding this project to A&M Construction and Utilities, Inc., for the lump sum price of \$616,390.00. It should be noted that our Opinion of Probable Cost was \$664,225.00.

Should you have any questions, please call me at 972-255-9500.

Sincerely,
DELTATEK ENGINEERING

Bahram Niknam, P.E.

Attachments: Bid Tabulation

	CITY OF HURST, TEXAS		
	RENOVATION AND REPAINTING OF THE TARRANT COUNTY COLLEGE ELEVATED STORAGE TANK (TCC EST)		
	PROJECT NO.: 6808-003		
	BID DATE: 2:00 P.M., THURSDAY, OCTOBER 27, 2016		
	CONSTRUCTION DURATION: 180 Calendar Days		
	Bidders		Total Bid Amount
	<hr/>		
1.	A&M Construction & Utilities		\$616,390.00
2.	N. G. Painting, Inc.		\$689,700.00
3.	Utility Services Co.		\$799,670.00
4.	TMI Coatings, Inc.		\$822,850.00
5.	Classic Protective Coatings Inc.		\$834,950.00
6.	M K Painting Inc.		\$878,000.00
7.	L C United Painting Co. Inc.		\$890,998.30
8.	Horizon Bros. Painting Corp.		\$1,190,430.00

City Council Report

SUBJECT: Consider approval of the Chisholm Park Improvements Project Phase II

Supporting Documents:

Meeting Date: 11/8/2016
Department: Community Services
Reviewed by: Allan Heindel
City Manager Review:

Background/Analysis:

Chisholm Park, the City's premier park, was established in 1969. On a peak season weekend, it is not uncommon for several thousand people to visit the park and enjoy its full range of community park amenities. In 2016, the City completed Phase I improvements to maintain and enhance this 50-acre community asset. That Phase included new landscaping in strategic locations, new bollards throughout the site, and the installation of an independent water source for the pond.

The park is in need of repairs, to key elements, in order to maintain Chisholm as the City's premier park. Phase II repairs include refurbishing the retaining wall around Chisholm Pond, and major structural repairs to Longhorn and Bluebonnet pavilions. The project would begin in November with completion prior to spring, the park's peak season.

All components specified in this project will be purchased through cooperative purchasing agreements with other cities, and by City approved contractors including Ed's Electric and Falkenberg Construction, Inc.

The Hurst Parks and Recreation Advisory Board reviewed the Chisholm Park Improvements Project Phase II at the August 18, 2016 meeting and recommended that Council proceed with the project.

Funding and Sources:

Funding in the amount of \$115,000 (includes a 10% contingency) has been identified within the 2017 FY Half Cent Fund PAYGO Projects, and the remaining balances from Half Cent Sales Tax Fund 2015-2016 projects.

Recommendation:

It is recommended that the City Council authorize the city manager to proceed with the Chisholm Park Improvements Project, Phase II, for an amount not to exceed \$115,000, with funding from the Half Cent Sales Tax Fund.

City Council Report

SUBJECT: Consider approval to purchase equipment required to re-align the soccer fields at Hurst Athletic Complex

Supporting Documents:

Meeting Date: 11/8/2016
Department: Community Services
Reviewed by: Allan Heindel
City Manager Review:

Background/Analysis:

In November 2015, the Hurst United Soccer Association (HUSA) notified the City that U.S. Soccer, the governing body of HUSA, had approved a new player development program. This national initiative required the field dimensions to be changed to meet the new specifications, and the various cities and organizations were given until Summer 2017 to comply with the new field requirements.

The Hurst Athletic Complex was originally designed in 2001, specifically to accommodate U.S. Soccer's field dimensions at that time. Once notified of the pending changes, the City and HUSA collaborated on developing a plan to address the new player development initiative. This plan outlined a new design of the existing soccer fields at the Athletic Complex, taking into consideration the existing infrastructure and transforming the fields in the most efficient manner possible. Projects costs were minimized by using portable goals, players' benches, and on-site improvements, such as retaining walls and handrails.

The City of Hurst is a member of the BuyBoard purchasing consortium, which provides substantial cost savings for purchases of the new equipment required to make the necessary changes. The labor and equipment for this project can be purchased through sole source vendors, vendors in the purchasing consortium or City approved contractors. The City has received quotes from various vendors and City approved contractors totaling approximately \$45,000. An 11% contingency (\$5,000) is requested for minor electrical, landscape, and irrigation work that is required.

The Parks and Recreation Advisory Board reviewed the plans for the Hurst Athletic Complex Field Realignment during the October 20, 2016 board meeting and recommended Council proceed with the project.

Funding and Sources:

The Hurst Athletic Complex Field Realignment, in the amount of \$200,000, was approved in the FY 16-17 budget within the Half Cent Sales Tax Fund. It is recommended that \$50,000 be approved for this project, and the remaining \$150,000 be returned to the unencumbered balance in the Half Cent Sales Tax Fund.

Recommendation:

It is recommended that the City Council authorize the city manager to proceed with the Hurst Athletic Complex Field Realignment, for an amount not to exceed \$50,000, with funding from the Half Cent Sales Tax Fund.

City Council Report

SUBJECT: Consider authorizing the city manager to enter into contracts to migrate the City's email system

Supporting Documents:

Meeting Date: 11/8/2016
Department: Information Technology
Reviewed by: Allan Heindel
City Manager Review:

Background/Analysis:

In the 1990's, the City of Hurst originally installed GroupWise as part of the WordPerfect Office product. GroupWise was one of the first email systems on the market during that time period with Lotus Notes being the other well-known product. Since that time, the City has maintained the GroupWise infrastructure throughout the years relying on the product's stability and security.

Over the years, Microsoft has released several products, one of which was Microsoft Office Mail (Exchange). Although this product became very robust and popular with consumers over the years, the City opted to stay with GroupWise because of its stability and lower overall maintenance costs. However, over the years the Novell Corporation (GroupWise) has lost its dominance in the networking and email market to Microsoft and was recently sold to Microfocus.

Recently, the City reviewed the marketplace to determine the best product for its email, calendar and contact needs within the context of the current environment. After a thorough review of in-house solutions, Google products and Microsoft solutions, it was determined that it would be the best fit for the City to move to Microsoft Exchange as a hosted solution.

Along with the move to Exchange, the City also looked at items like archiving, records retention, attorney holds, email security and spam/virus filtering. The Retain product from GWAVA and the cloud based spam filtering system from Cisco offered the City the best solutions.

The total project includes the migration of users and 3 months of email data to the new exchange online system, migration of all data to Retain, and labor to move to

the new systems.

The total estimated cost for this project is \$98,000.00 (this includes 10% contingency).

Funding and Sources:

Funding for this project has been identified within the FY 2016-2017 Information Technology budget and from the Information Technology Fund Balance.

Recommendation:

Staff recommends that the City Council authorize the city manager to enter into contracts to migrate the City's email system, for an amount not to exceed \$98,000.

STATE OF TEXAS

On the 18th day of October, 2016, at 5:30 p.m., the Library Board of the City of Hurst, Texas, convened in Regular Meeting at the Library, 901 Precinct Line Road, Hurst, Texas, with the following members present:

Betty Whiteside	)	Chair
Joyce Davis	)	Members
Peggy Moore)	
Lou Farris)	
Ruth Kennedy)	
Bruce Hutto	)	Alternates
Margaret Coleman)	
Allan Heindel	)	Deputy City Manager
Kyle Gordon	)	Managing Director of Community Services
Teri Smith	)	Administrative Assistant
Jesse Loucks	)	Library Director

with the following members absent: Janie Melton-Judy, Gus Nixon, constituting a quorum, at which time the following business was transacted:

I. Call to Order

Chair Betty Whiteside called the meeting to order at 5:30 p.m.

II. Roll Call of Members

Teri Smith conducted the Roll Call of Members.

III. Approval of Minutes

The minutes of the August 16, 2016 regular meeting were reviewed and approved as written.

At the request of Staff, the following item was moved to the top of the Agenda.

IX. Informational Items

A. Resource Enhancements

- 1. ABC Mouse:** Rosalyn Reyna-Rodriguez gave a brief overview of the ABC Mouse program that teaches phonics and technology to preschoolers using songs, rhymes, games and activities. She explained that this program makes learning fun.

- 2. **Lynda.com:** Laura DuPuy gave a brief overview of the Lynda.com program and explained that this program is like YouTube for office software. It is a high level software program used by adults to develop their skills in a certain field and is an excellent way to continue education, especially when looking for a job.

IV. Librarian’s Report

- A. **Statistical Reports for August, September and Year End:** The Library Statistical Reports for August, September and Year End were distributed to the Board. Jesse Loucks reviewed the reports.

August

Circulation.....	32,876
Number of Active Patrons.....	30,019
Volunteer Hours.....	191
Door Count.....	15,429
Electronic Usage Sessions.....	6,793
Page Views.....	9,562
Net Revenue	\$3,585
Children’s Programming.....	889
Adult Programming.....	310
Outreach Programs	28

September

Circulation.....	29,468
Number of Active Patrons.....	30,410
Volunteer Hours.....	154
Door Count.....	13,874
Electronic Usage Sessions.....	6,432
Page Views.....	9,361
Net Revenue	\$2,620
Children’s Programming.....	916
Adult Programming.....	719
Outreach Programs	512

FY 2015-16

Circulation.....	378,417
Number of Active Patrons.....	28,354
Volunteer Hours.....	2,368
Door Count.....	158,787
Electronic Usage Sessions.....	70,222
Page Views.....	120,651
Net Revenue	\$44,214
Children’s Programming.....	13,794
Adult Programming.....	6,961
Outreach Programs	6,786

- B. **Program & Events Reports for August and September:** The Program & Events Reports for August and September were distributed to the Board. Jesse Loucks reviewed the reports. Pictures of events were displayed for the Board.
- C. **Upcoming Programs and Events:** The Upcoming Programs and Events report was reviewed by Jesse Loucks. Pictures were displayed for the Board.
- D. **Works in Progress**

1. **CD Shelving Replacement:** Jesse Loucks reported that high capacity shelving has been added to the Library to accommodate the Library's growing CD collection.
2. **Network Upgrade:** Mr. Loucks reported that the Library's computer system has been upgraded with new switches and servers to work more efficiently.
3. **Automated Calling System Update:** He informed the Board that the new automated calling system that calls patrons when their on hold items are available will go live on October 24th.
4. **Circulation Ceiling Renovation:** Allan Heindel noted that the ceiling in the Circulation area is 37 years old and in need of some renovation. LED lights will be installed.

E. Staff Activities

1. **Personnel Updates:** Allan Heindel informed the Board that Chantele Hancock, who was the Library's programming coordinator, has left the City of Hurst to advance her career as the Director of an area library. Malaika Marion was promoted to Executive Director of Administration and Customer Service. Kyle Gordon has been promoted to Managing Director of Community Services. Hannah Titony received the Ambassador of the Year Award for 2016.

V. Reports of the Committees

A. Friends of the Hurst Public Library

1. **August and September Revenue Reports:** The Board was provided the Friends revenue reports for August and September.

VI. Communications

- A. **Patron Compliment:** Jesse Loucks reported that the Library received compliments on Library Staff from a patron on our social media.

VII. Unfinished Business

None at this time.

VIII. New Business

- A. **Election of Officers:** Allan Heindel reminded the Board that October is the month to elect Chair and Vice-Chair for the Library Board. Lou Farris made a motion to elect Betty Whiteside to remain Chair and Ruth Kennedy to remain Vice-Chair. Peggy Moore seconded the motion and the vote in favor was unanimous.

IX. Informational Items

A. Resource Enhancements: This item was moved to the top of the Agenda.

- 1. **ABC Mouse**
- 2. **Lynda.com**

B. Tackle Loaner: Jesse Loucks reported that the Hurst Library was rated #1 in the state for Non-State Park participants for 2016. There were 8,100 fishing poles circulated statewide and the Hurst Library issued 151 poles and tackle to borrowers.

C. Lost Item Procedure Update: Mr. Loucks informed the Board that the Library’s lost items procedure is followed by Library Staff who are allowed to look through bags left behind by patrons. Staff wear gloves and use wands to try and find ownership and return items to the patron. If there are items found to be illegal, they are turned over to the Police Department.

D. Heritage Village Presents: Kyle gave a brief overview of the 2016 Heritage Village Presents Fall events including a successful Dogtoberfest that was held on October 6th with 10 vendors and 150 in attendance and Movie in the Park that will be held on November 4th featuring Beauty and the Beast where there will be free popcorn and a gift bag give away.

E. Holiday Schedules: Allan Heindel informed the Board of the Library closure dates and times for Thanksgiving – close at 2:00 p.m. on November 23rd and will be closed November 24th and 25th, Christmas – will be closed December 24th & 25th, and New Year’s – close at 6:00 p.m. on December 31st and will be closed January 2nd for New Year’s Day.

X. Board Member and Citizen Comments

None at this time.

XI. Adjournment

There being no further business, the meeting was adjourned by Chair Betty Whiteside at 6:35 p.m.

APPROVED this the _____ day of _____, 2016.

APPROVED:

ATTEST:

CHAIRMAN

RECORDING SECRETARY

CITY OF HURST

Final Draft

COUNTY OF TARRANT

STATE OF TEXAS

On the 20th day of October, 2016, at 11:00 a.m., the Hurst Senior Citizens Advisory Board of the City of Hurst, Texas, convened in Regular Meeting at the Hurst Senior Center, 700 Heritage Circle, Hurst, Texas, with the following members present:

Marcy Davis	)	Chair
Gerald Grieser	)	Members
Bob Hampton		
Doris Young		
Joan Stinnett		
Durwood Foote		
John Sechrist		
Barbara Albright		
John Smith		
Marie Perry	)	Alternates
Allan Heindel	)	Deputy City Manager
Kyle Gordon	)	Managing Director of Community Services
Linda Rea	)	Senior Center Director
Michelle Varley	)	Activities Coordinator
Teri Smith	)	Administrative Assistant

with the following members absent: none, constituting a quorum, at which time the following business was transacted.

I. Call to Order

Marcy Davis called the meeting to order at 11:00 a.m.

II. Roll Call of Members

Teri Smith conducted the Roll Call of Members.

III. Approval of Minutes

The minutes from the September 15, 2016 meeting were approved as written.

IV. Senior Center Director's Report

A. Statistical Reports for September and Year End: The Statistical Reports for September and Year End were distributed to the Board and reviewed by Linda Rea.

September

Center Attendance.....	11,817
Number of Members.....	1,700
Volunteer Hours.....	819
Net Revenue.....	\$ 9,369
Fitness Center Attendance.....	3,130
Class Attendance.....	2,363
Aquatics.....	224

FY 2015-16

Center Attendance.....	141,765
Number of Members.....	1,700
Volunteer Hours.....	11,173
Net Revenue.....	\$ 121,701
Fitness Center Attendance.....	36,994
Class Attendance.....	26,986
Aquatics.....	1,570

B. Programs & Events Report: The Programs & Events Report for September was distributed to the Board and reviewed by Michelle Varley.

C. Upcoming Programs & Events: A list of Upcoming Programs & Events was distributed to the Board and reviewed by Michelle Varley.

Michelle Varley distributed the November Senior Pipeline Calendar of events to the Board.

D. Works in Progress

- 1. Fitness Equipment:** Allan Heindel explained that the Senior Center is scheduling the replacement of about a third of the fitness equipment in the Fitness Center.
- 2. Dishwasher:** Allan Heindel explained that City Facilities Staff has been trained on maintenance and repair and they have repaired the dishwasher.
- 3. Fitness Center Cleaning Wipes:** Linda Rea reported that sanitizing wipes dispensers have been placed in several areas of the Fitness Center for proper sanitizing of equipment before and after use. This system seems to be working well.
- 4. Holiday Decorations:** Kyle Gordon noted that the installation of the holiday decorations is a month long process that will begin on Tuesday November 1st.

E. Staff Activities

- 1. Personnel Update:** Ms. Rea informed the Board that longtime employee Ron Beall has retired and interviews for the front counter position are currently underway.

2. **Northeast Senior Community Forum:** Linda Rea noted that she was unable to attend the Northeast Senior Community Forum last month, but she encouraged the Board Members to attend the next meeting noting that there are always interesting speakers with important information.
3. **Northeast Senior Jamboree:** Michelle Varley explained that the Northeast Senior Jamboree is now being held at the YMCA's Camp Carter. She attended the event on Friday, September 30th where there were a lot of activities and vendors from CVS (giving flu shots), Mercedes Benz, insurance companies, etc.

V. Communications

Michelle Varley stated that there was an article in the Star Telegram where her name was mentioned regarding the Empowering Seniors event that she attended.

VI. New Business

None at this time.

VII. Informational Items

- A. **Program Highlight – Thanksgiving Dessert Buffet:** Michelle Varley highlighted the Senior Center's very popular Thanksgiving Dessert Buffet that will take place on November 18th at 2:00. She noted that Staff is currently lining up vendors for the event.
- B. **Board Meal Plan:** Allan Heindel asked the Board to select their choice of restaurants for their meals at the Board Meetings. They made their selections from a survey form that was then collected by Teri Smith to determine their top choices for future meetings.
- C. **Craft and Holiday Market Update:** Michelle Varley stated that Staff is currently setting up tables for the Craft and Holiday Market that will be held on October 21st from 9:00 a.m. until 6:00 p.m.
- D. **Anniversary Update:** Linda Rea reminded the Board of the Senior Center's 7th Anniversary and Open House that will be held on November 7th at 1:00. She noted that there will be a cake and punch reception and videos of past years at the Senior Center.
- E. **Heritage Village Presents:** Kyle Gordon gave a brief overview of the 2016 Heritage Village Presents Fall events including a successful Dogtoberfest that was held on October 6th with 10 vendors and 150 in attendance and Movie in the Park that will be held on November 4th featuring Beauty and the Beast where there will be free popcorn and a gift bag give away.
- F. **Holiday Schedule:** Allan Heindel informed the Board of the Senior Center closing dates and times for Thanksgiving – close at noon November 23rd and will be closed November 24th and 25th, Christmas – closed December 23rd and 26th, New Year's – close at noon December 30th and will be closed January 2nd.

VIII. Board Member and Citizen Comments

Joan Stinnett asked if the forms for ambulance service in Hurst could be made available at the front desk of the Senior Center. Linda Rea said she would look into making them available.

IX. Adjournment

There being no further business, the meeting was adjourned by Marcy Davis at 11:50 a.m.

APPROVED this the _____ day of _____, 2016.

APPROVED:

ATTEST:

CHAIR

RECORDING SECRETARY

STATE OF TEXAS

On the 20th day of October, 2016 at 6:00 p.m., the Parks and Recreation Board of the City of Hurst, Texas, convened in its Regular Meeting at the Hurst Public Library, 901 Precinct Line Road, Hurst, Texas, with the following member's present to-wit:

Alan Neace	)	Chairman
Ralph Hurd	)	Members
Pat King)	
Rod Robertson)	
Karen Spencer)	
Cathy Thompson	)	Alternates
Gary Waldron)	
Allan Heindel	)	Deputy City Manager
Kyle Gordon	)	Managing Director of Community Services
Chris Watson	)	Recreation Director
Eric Starnes	)	Director of Facilities & Project Management
Paige Lutz	)	Recreation Administrative Assistant

With the following member absent: Bob Walker, constituting a quorum, at which time the following business was transacted:

- I. **Call to Order:** Alan Neace called the meeting to order at 6:00 p.m. Allan Heindel reported that Carol Cole has retired from the Board. Ms. Cole has been a member of the Board since 1991.
- II. **Roll Call of Members:** Paige Lutz conducted the Roll Call of Members.
- III. **Approval of Minutes:** Ralph Hurd made a motion to approve the minutes of the September 15, 2016 regular meeting as written; Cathy Thompson seconded the motion.

AYES: Hurd, King, Neace, Robertson, Spencer, Thompson, Waldron

NOES: None

IV. **Staff Report:**

A. **Director's Reports:**

1. **September and FY 2015-16 Participation Reports:** Chris Watson presented the following statistics for the September

Participation Report and the Fiscal Year 2015-16 Participation Report.

<u>September</u>	
Recreation Center	12,945
Tennis Center	1,859
Facility Rentals	84
 <u>FY 2015-16</u>	
Recreation Center	191,676
Tennis Center	9,245
Facility Rentals	1,193

2. **Program Highlight:** Chris Watson reported that the October Program Highlight features the 4th Annual Halloween Dance Party. The Dance Party will take place on October 26th at the Recreation Center from 6-7:00 p.m. Bekha Hartmann, Classroom Program Fitness Instructor, will host the event. The event will include Zumba dancing and Halloween music.

B. Special Events:

1. **2016 Chisholm Pond Fish Stocking Program:** The dates for the upcoming fish stocking at the Chisholm Park Pond were displayed.
2. **Heritage Village Presents:** Allan Heindel reported that Malaika Marion has accepted the position of Executive Director of Admin and Customer Service and noted that Kyle Gordon has taken her position of Managing Director of Community Services. The Board congratulated Kyle on his new position.

Kyle updated the Board on the Heritage Village Presents events. He noted that Dogtoberfest was held on October 6th at Heritage Village Plaza. The event included pet vaccinations and a flipbook with your pet. Movie in the Park is scheduled for November 7th, featuring Disney's Beauty and the Beast.

3. **Kid's All-American Fishing Derby Update:** The Kid's All-American Fishing Derby was held September 17th, at Chisholm Park Pond. Chris Watson noted that 200 participants enjoyed a morning of fishing and a free lunch from In & Out Burgers.
4. **Walktober Preview:** Chris Watson reported that as part of the Healthy Hurst program, the Hurst Recreation Center is currently celebrating National Walking Month with the Annual Walktober program throughout the month of October.

5. **Family Overnight Campout Preview:** The Annual Family Overnight Campout event was held on October 14th-15th at Chisholm Park. Two hundred and two campers attended the event, which included a Chuck Wagon dinner, campfire songs, and homemade ice cream.
6. **Santa's Mailbox Preview:** The Annual Santa's Mailbox program will be held December 1st – 11th; children can drop off their letters to Santa at the mailboxes located at the Recreation Center, Library, and City Hall.
7. **Christmas Tree Lighting and Santa's Workshop Preview:** Chris Watson presented an overview of the Christmas Tree Lighting and Santa's Workshop event. The event will be held on November 29th at the Hurst Conference Center. He noted that the event will offer several new attractions this year, including a Winter Wonderland.

C. Works in Progress:

1. **City Hall Landscape Project:** The Parks Division has completed the landscape improvements outside of the newly renovated Finance Department. Also, Parks will oversee drainage improvements for the traffic control circle in front of City Hall by the end of November.
2. **Highway 10 Median Landscape Improvements:** The contractor has poured the concrete mow strips and installed most of the irrigation system. The project should be done by the end of November.
3. **Rickel Park TRA Project:** The pipeline project is complete.
4. **Chisholm Park Improvements:** The project is nearly complete. The permanent well will be installed shortly.
5. **2016 Master Plan:** Council approved Halff Associates in late June to perform professional consulting services for the 2016 Master Plan. Currently, Halff is reviewing all the staff provided data to start the Master Plan process.
6. **TXDOT Green Ribbon Grant Update:** Texas Department of Transportation (TXDOT) awarded the City \$766,000 in late July to landscape medians from near IH 820 to Precinct Line Road. TXDOT has issued an Amended Funding Agreement to the City; the agreement is being executed along with the design consultant's contract.

7. **Recreation Center Roofing and Flooring Project:** The roofing contractor is 40% complete with the roof and the flooring contractor has started the project. The gym floor replacement started in October and will end mid-November.
8. **Brookside Center Fireplace Replacement:** The existing fireplace, which is currently out of use, will be replaced in late October. The new fireplace will be gas heated with a lockable control.
9. **Chisholm Park Improvement Phase 2:** Council will review this project for construction in early November. The wall around the pond will start immediately following Council approval; the pavilion roofs will start several weeks after due to material lead-time.
10. **Pipeline Road Phase 2 Improvements:** The construction project will start in early 2017, the landscaping part of the project will be ready to start early 2018.

D. Staff Activities:

1. **November Calendar:** Chris Watson reviewed the calendar of events for the month of November.

V. Report of the Committee:

A. John Butler Memorial Senior Banquet

1. **Door Prize List:** The list of new Hurst businesses was distributed and reviewed. Alan Neace offered to take Carol Cole's place on the Prize Donation Committee with Cathy Thompson.

VI. Communications: None to discuss at this time.

VII. Unfinished Business: None to discuss at this time.

VIII. New Business: None to discuss at this time.

IX. Informational Items:

- A. Central Aquatics Center Update:** Eric Starnes presented an update regarding the Central Aquatics Center Project. He presented an overview of the project and completion timeline.
- B. Gymnastics Equipment Relocation Project:** Chris Watson presented an update on the Recreation Center Roofing and Flooring Project. He noted that during the project the equipment for the Gymnastics classes will be relocated into racquetball courts three and four. He noted that courts

one and two will still be available for play. Open play basketball and all advertised classes will continue to be held during the renovations.

- C. Miscellaneous Park Improvements:** Allan Heindel reported that the Pickle Ball lines at the Smith Barfield Tennis Courts are currently being enhanced for easier viewing. He noted that the Parks Department is currently planting 500 plats of pansies in the botanical beds by the departmental signs throughout the City.
- D. Athletics Complex Soccer Field Realignment:** Kyle Gordon reported that the City of Hurst is working with the US Soccer Association and Hurst United Soccer Association to realign the soccer fields at the Hurst Athletic Complex. The fields will meet the new standards set by the US Soccer Association. The new layout will meet the needs of each age group by providing an age appropriate environment. A timeline for the realignment was presented.
- E. TAAF Award Update:** Chris Watson presented the Board with the TAAF Gold Member City Award. He noted that Hurst will host the 2017 Six Foot and Under Men's Basketball Tournament.
- F. Holiday Schedules:** Allan Heindel presented the Holiday schedule for the Recreation Center and Tennis Center. The Recreation Center and Tennis Center will close at noon on November 23rd and will be closed on November 24th and 25th for the Thanksgiving holiday; both facilities will be closed on December 24th and 25th for the Christmas holiday; the facilities will close at noon on December 31st and will be closed on January 1st for the New Year's holiday.
- X. Board Member and Citizen Comments:** Rod Robertson complimented the City for the City of Hurst's Facebook Page, noting that the page is very informative for the Public.
- XI. Adjournment:** Ralph Hurd made a motion to adjourn the meeting; Gary Waldron seconded the motion.

AYES: Hurd, King, Neace, Spencer, Robertson, Thompson, Waldron

NOES: None

Alan Neace adjourned the meeting at 7:13 p.m.

APPROVED this the _____ day of _____, 20__

APPROVED:

ATTEST:

CHAIRMAN

RECORDING SECRETARY

Future Event Calendar
November 8, 2016

DATE AND TIME	ACTIVITY
Tuesday, November 8, 2016 6:30 p.m.	Regular City Council Meeting City Council Chambers
Tuesday, November 22, 2016	Regular City Council Meeting - Canceled
Wednesday, November 23, 2016	City Offices Close - Noon
Thursday, November 24, 2016	City Offices Closed - Holiday
Friday, November 25, 2106	City Offices Closed - Holiday
Tuesday, November 29, 2016 5:00 p.m. – 9:00 p.m.	Christmas Tree Lighting Hurst Conference Center
Tuesday, December 13, 2016 6:30 p.m.	Regular City Council Meeting City Council Chambers
Friday, December 23, 2016	City Offices Closed – Holiday
Monday, December 26, 2016	City Offices Closed - Holiday
Tuesday, December 27, 2016	Regular City Council Meeting - Canceled
Friday, December 30, 2016	City Offices Close - Noon