



**AGENDA
WORK SESSION AND
REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 28, 2019 - 5:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

WORK SESSION- 5:00 P.M. A Work Session is used to explore matters of interest to one or more City Council Members or the City Manager for the purpose of giving staff direction into whether or not such matters should be placed on a future regular or special meeting of the Council for citizens input, City Council deliberation and formal City action. At a work session, the City Council generally receives informal and preliminary reports and information from City staff, officials, members of City committees, and the individual or organization proposing Council action, if invited by City Council or City Manager to participate in the session. Participation by individuals and members of organizations invited to speak ceases when the Mayor announces the session is being closed to public input. Although Work Sessions are public meetings, and citizens have a legal right to attend, they are not public hearings, so citizens are not allowed to participate in the session unless invited to do so by the Mayor. Any citizen may supply to the City Council, prior to the beginning of the session, a written report regarding the citizen's opinion on the matter being explored. Should the Council direct the matter be placed on a regular meeting agenda, the staff will generally prepare a final report defining the proposed action, which will be made available to all citizens prior to the regular meeting at which citizen input is sought. The purpose of this procedure is to allow citizens attending the regular meeting the opportunity to hear the views of their fellow citizens without having to attend two meetings.

CALL WORK SESSION TO ORDER Mayor calls the Work Session to order, states the date and time, state Councilmembers present, and declares a quorum present.

1. Discussion of potential funding options for Street Bond Phase 2.

ADJOURNMENT

REGULAR CITY COUNCIL MEETING- 6:00 P.M.

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER Mayor calls the Meeting to order, states the date and time, state Councilmembers present, and declares a quorum present.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Council agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the City Council on any subject but must first complete a Request to Speak Form so that the Mayor may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the Council as a whole. **When addressing the Council, please step forward to the speaker's podium, state your name and address, and direct your comments to the Mayor and City Council.**

RECOGNITION Business of the Month - Absolute Air - Air Conditioning and Heating

CONSENT AGENDA

2. Consider and take appropriate action on the minutes of the August 26, 2019, Regular City Council Meeting.
3. Consider and take appropriate action on the minutes of the September 9, 2019, Special City Council Meeting.
4. Consider and take appropriate action on the minutes of the September 23, 2019, Regular City Council Meeting.
5. Consider and take appropriate action regarding Resolution R-22-19, a resolution of the City Council of the City of Kaufman, for Texas Department of Transportation to Temporarily Close SH 34 (South Washington Street) for the purpose of a Lighted Christmas Parade on Saturday, December 14, 2019 at 6:00 P.M.
6. Consider and take appropriate action regarding Resolution R-23-19, a resolution of the City Council of the City of Kaufman, authorizing the City Manager to enter into an Agreement with the Texas Department of Transportation to close the Kaufman County Courthouse Square on December 14, 2019, from 9:00 A.M. to 10:00 P.M. for the Kaufman "Christmas On The Square."
7. Consider and take appropriate action to reschedule the Regular City Council Meeting set on Monday, December 23, 2019, to Monday, December 16, 2019.

END OF CONSENT AGENDA

PUBLIC HEARING

8. Conduct a Public Hearing, consider and take appropriate action on Ordinance O-29-19, an ordinance of the City Council of the City of Kaufman, amending Chapter 106 Utilities, Article VI Municipal Storm Water (Drainage) Utility System of Kaufman's Code of Ordinances, to amend Section 106.256 adopting the Municipal Stormwater Utility System Fee Schedule by amending Drainage Fees assessed on property within the City based upon the property's contribution of drainage into the Municipal Stormwater Utility System established and maintained by the City; establishing exemptions and fee credits and providing an effective date of January 1, 2020 for the assessment of the amended fees.
 - A. Presentation.
 - B. PUBLIC HEARING.
 - C. Consider and take appropriate action on Ordinance O-29-19.

DISCUSSION/ACTION ITEMS

9. Consider and take appropriate action on Ordinance O-28-19, an ordinance of the City Council of the City of Kaufman, to amend Chapter 22, "Buildings And Building Regulations" and Chapter 46, "Fire Prevention And Protection" by amending and repealing the following: Amending Section 22-481, "Code Adopted" of Article XIII "Technical Codes", and Repealing Sections 22-31 Through Section 22-34 (Property Maintenance Code Local Amendments) of Article II "Property Maintenance Code, Amending Section 22-121, "Adopted" of Article IV, "Electricity" of Chapter 22 "Building And Building Regulations", and Amending Section 46-161, "Adoption" of Article IV, "Fire Codes", Repealing Section 46-181 "Adoption Of NFPA Standard 101" And Section 46-182 "Automatic Sprinkler Systems Of Article IV, "Fire Codes" Chapter 46 "Fire Prevention And Protection" of the Code Of Ordinances, Replacing And Repealing All Of Ordinance O-01-14 (Adoption Of 2009 IBC Codes And 2008 NEC Code); Repealing All Of Ordinance O-17-14 (Property Maintenance Code Local Amendments) And Adopting And Incorporating into the Code Of Ordinances by reference the 2014 National Electrical Code; the 2015 International Building Code; the 2015 International Residential Code; the 2015 International Fire Code; the 2015 International Plumbing Code; the 2015 International Mechanical Code; the 2015 International Fuel Gas Code; the 2015 International Energy Conservation Code; The 2015 International Property Maintenance Code; the 2015 International Existing Building Code; and the 2015 International Swimming Pool and Spa Code; Providing for adoption of Certain Local Amendments including amendments as recommended by The North Central Texas Council Of Governments (NCTCOG) to the Codes as enumerated; providing for the incorporation of premises; providing for an amendment; providing a cumulative repealer clause; providing for severability; providing a penalty in an amount not to exceed two thousand dollars (\$2,000.00); providing an effective date.

10. Consider and take appropriate action on Resolution R-24-19, a resolution of the City Council of the City of Kaufman, setting a public hearing for December 16, 2019 to receive public input on the advisability of proposed updates and amendments to the City of Kaufman Land Use Assumptions, Water and Street Capital Improvements Plan and the Kaufman Impact Fee Schedule; and providing an effective date.
11. Consider and take appropriate action on Resolution R-25-19, a resolution of the City Council of the City of Kaufman, approving and adopting the Agreement Concerning Retail Water Utility Service Area between the City and the College Mound Special Utility District ("CMSUD") to provide for the transfer of a portion of the City's CCN serving Kaufman Estates to CMSUD, authorizing the commencement of transfer proceedings with the Public Utility Commission of Texas, and authorizing the Mayor or his designee to execute necessary documents in accordance with the terms of the Agreement.
12. Consider and take appropriate action on the award of bid and contract for the Landscape Maintenance Services for Fiscal Year 2020 and authorizing the Mayor or his designee to execute necessary documents.
13. Consider and take appropriate action on the award of bid and contract for the Paving, Drainage, Sanitary Sewer and Water Improvements for E. Ninth Street, Main Street, and Circle Drive; and authorizing the Mayor or his designee to execute necessary documents.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

14. Receive an update and discussion regarding the following:
 - A. Discussion Items Report (DIR)
 - B. Planning and Zoning Commission Vacancy.
 - C. Halloween on Houston- October 31st
 - D. Volunteer Banquet- November 7th
 - E. Monthly calendars attached.

ADJOURNMENT

I, JESSIE HANKS, CITY SECRETARY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON FRIDAY, OCTOBER 25, 2019 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.


JESSIE HANKS
CITY SECRETARY



THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE. SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES) AND 551 .086 (ECONOMIC DEVELOPMENT).

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



**MINUTES OF THE
JOINT CITY COUNCIL MEETING AND
PLANNING & ZONING COMMISSION MEETING
MONDAY, AUGUST 26, 2019 – 5:30 P.M.
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

	MAYOR	JEFF JORDAN
	MAYOR PRO-TEM	PATTY PATTERSON
ABSENT	COUNCILMEMBER	CAROLE AGA
	COUNCILMEMBER	JEFF COUNCIL
	COUNCILMEMBER	CHARLES GILLENWATER
	COUNCILMEMBER	MATT PHILLIPS
	COUNCILMEMBER	BARRY RATCLIFFE

P&Z COMMISSIONERS

	CHAIRMAN	BURTON BROWN
	VICE-CHAIRMAN	PATRICK CARDOZA
	COMMISSIONER	RICHARD DUNN
	COMMISSIONER	GAIL GODWIN-MASON
ABSENT	COMMISSIONER	LARRY NELSON
	COMMISSIONER	CURTIS SNOW

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER:

City Council: Mayor Jordan called the City Council meeting to order at 5:39 p.m. Councilmembers present were Jeff Jordan, Patty Patterson, Matt Phillips, and Barry Ratcliffe. Jeff Council and Charles Gillenwater arrived at 5:44 p.m. and Carole Aga was absent. Mayor Jordan declared a quorum present. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Attorney Patricia Adams, City Secretary Jessie Hanks, Development Services Director Marcy Ratcliff, Finance Director Mary Wennerstrom, Public Works Director Richard Underwood, Police Chief Dana Whitaker, Police Captain Les Edwards, and Administrative Assistant Lexie Hanson.

Planning & Zoning Commission: Chairman Brown called the Planning and Zoning Commission meeting to order at 5:39 p.m. Commissioners present were Burton Brown, Patrick Cardoza, Richard Dunn, Gail Godwin-Mason, and Curtis Snow. Commissioner Larry Nelson was absent. Chairman Brown declared a quorum present.

CITIZENS COMMENTS (5 MINUTES)

No comments were given.

JOINT PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL:

- 1. Conduct a Public Hearing on amendments to the Comprehensive Zoning Ordinance of the City of Kaufman as required for compliance with House Bills 2497 and 2439 by adopting amendments affecting materials used in the construction or renovation of residential and commercial buildings, providing exemptions, and by adopting amendments affecting rules and proceedings before the Board of Adjustment, such amendments to become effective September 1, 2019.**

- a. Presentation.**

Ms. Adams presented the changes to the Comprehensive Zoning Ordinance that were required due to the passage of House Bills 2497 and 2439 at the state level. She reviewed the effects this would have on the way the city conducts business for building regulations. She outlined the updates to the rules and proceedings for the Zoning Board of Adjustments.

- b. CONDUCT JOINT COUNCIL AND COMMISSION PUBLIC HEARING.**

Mayor Jordan and Chairman Brown opened the public hearing at 5:56 p.m. There were no speakers present to speak on this matter. Mayor Jordan and Chairman Brown closed the public hearing at 5:56 p.m.

- c. Planning and Zoning Commission consider and take appropriate action to make a recommendation to the City Council regarding proposed amendments.**

Commissioner Dunn made a motion to recommend approval of the amendment to the Comprehensive Zoning Ordinance. The motion was seconded by Commissioner Godwin-Mason and passed 5/0.

- 2. Conduct a Public Hearing on amendments to the Kaufman Subdivision Ordinance as required for compliance with House Bills 3314 and 3167 by adopting amendments affecting procedures for approving plats, replats and related site plans, such amendments to become effective September 1, 2019.**

- a. Presentation.**

Ms. Adams presented the changes to the Subdivision Ordinance that were required due to the passage of House Bills 3314 and 3167 at the state level. She reviewed the timelines for plats, replats, and related site plans. She outlined the effects the new laws will have on the Staff, City Council and Planning & Zoning Commission.

b. CONDUCT JOINT COUNCIL AND COMMISSION PUBLIC HEARING.

Mayor Jordan and Chairman Brown opened the public hearing at 6:07 p.m. There were no speakers present to speak on this matter. Mayor Jordan and Chairman Brown closed the public hearing at 6:08 p.m.

c. Planning and Zoning Commission consider and take appropriate action to make a recommendation to the City Council regarding proposed amendments.

Commissioner Godwin-Mason made a motion to recommend approval of the amendment to the Subdivision Ordinance. The motion was seconded by Commissioner Dunn and passed 5/0.

ADJOURN PLANNING & ZONING COMMISSION MEETING AND RECONVENE THE CITY COUNCIL MEETING

Chairman Brown adjourned the Planning and Zoning Commission Meeting at 6:08 p.m. Mayor Jordan recessed the City Council meeting at 6:08 p.m. Mayor Jordan reconvened the City Council meeting at 6:11 p.m.

ACTION ITEMS:

3. **Consider and take appropriate action on Ordinance O-16-19, an Ordinance of the City of Kaufman, Texas, amending Ordinance No. ZO-O-02-07 and Chapter 118, "Zoning" of the Kaufman Code of Ordinances, same being the Comprehensive Zoning Ordinance to comply with House Bills 2497 and 2439 affecting materials used in the construction or renovation of residential and commercial buildings and providing exemptions in accordance with Chapter 3000, Texas Government Code and to amend Section 9, "Zoning Board of Adjustments (ZBA) and Building Standards Commission (BSC)" of the Zoning Ordinance to comply with House Bills 2497 and 2439 affecting rules and proceedings before the Board of Adjustment in accordance with amendments to Chapter 211 of the Texas Local Government Code; and providing an effective date of September 1, 2019.**

Councilmember Gillenwater made a motion to approve Ordinance O-16-19 as presented. The motion was seconded by Councilmember Council and passed 6/0.

4. **Consider and take appropriate action on Ordinance O-17-19, an Ordinance of the City of Kaufman, Texas, amending Chapter 94, "Subdivisions" of the Code Of Ordinances of the City Of Kaufman, the same being the Kaufman Subdivision Ordinance (Ordinance No. O-24-99) to comply with House Bills 3314 and 3167 affecting procedures for approving plats, replats and related site plans in accordance with amendments to Chapter 212 of the Texas Local Government; and providing an effective date of September 1, 2019.**

Councilmember Ratcliffe made a motion to approve Ordinance O-17-19 as presented. The motion was seconded by Mayor Pro Tem Patterson and passed 6/0.

RECOGNITIONS: Business of the Month – Advance Tabco

Mayor Jordan, Mr. Holder, and Ms. Glasscock presented an award to Daniel Vinson recognizing Advance Tabco as the August's Business of the Month. Mr. Holder highlighted the longevity and accomplishments of the business. Mr. Vinson, Operations Manager for Advance Tabco, expressed his appreciation to the Council, the Kaufman Chamber of Commerce, and the Economic Development Corporation for the recognition. He gave a brief history of the business, its growth, and the basic operations.

CONSENT AGENDA

5. Consider and take appropriate action on the minutes of the July 22, 2019, Regular City Council Meeting.
6. Consider and take appropriate action on the minutes of the August 5, 2019, Special City Council Meeting and Budget Work Session.
7. Consider and take appropriate action on Resolution R-15-19, a resolution of the City Council of the City of Kaufman, Texas, authorizing the City Manager to enter into an agreement with the Texas Department of Transportation to close the Kaufman County Courthouse Square on Saturday, October 26, 2019, at 4:30 a.m. through October 27, 2019 at 12:00 a.m.
8. Consider and take appropriate action on Resolution R-16-19, a resolution of the City Council of the City of Kaufman, Texas, authorizing the City Manager to enter into an agreement with the Texas Department of Transportation to temporarily close SH 34 and FM 1388 for the purpose of the 2019 Kaufman Scarecrow Festival Parade.
9. Consider and take appropriate action on Resolution R-17-19, a resolution of the City Council of the City of Kaufman, Texas, amending and repealing Resolution R-04-19 to reduce the number of members serving on the Downtown Development Advisory Board from 7 members to 5 members and amending related provisions.
10. Consider and take appropriate action on a Proposed Animal Shelter Contract with the Humane Society of Cedar Creek Lake located in Tool, Texas and authorize the Mayor or his designee to execute necessary documents.
11. Consider and take appropriate action on a Partial Assignment of Taxpayer's Right Under Performance Agreement between the City and KLLM Transport Services, LLC and authorizing the Mayor or his designee to execute necessary documents.

END OF CONSENT AGENDA

Councilmember Council made a motion to approve all items on the Consent Agenda as presented. The motion was seconded by Councilmember Gillenwater and passed 6/0.

PUBLIC HEARINGS / ACTION ITEMS

- 12. Conduct a public hearing and take appropriate action on Ordinance O-18-19, an ordinance of the City Council of the City of Kaufman, Texas, amending the Zoning Ordinance and Zoning Map of the City by rezoning an approximate 1.00-acre tract located within the D. Falcon Survey, Abstract No. 151, addressed as 4893 Lions Den Trail, from Agricultural/Open Space District (A/O) to Residential Townhouse District "TH" for an existing single family residence. (Applicant Raul Martinez) (Z-05-19)**

- a. Presentation of Request**

Ms. Ratcliff presented the rezoning request and outlined the purpose for the request. She stated the Planning and Zoning Commission unanimously recommended approval on the case.

- b. PUBLIC HEARING**

Mayor Jordan opened the public hearing at 6:19 p.m. There were no speakers present to speak on this matter. Mayor Jordan closed the public hearing at 6:19 p.m.

- c. Consider and take action to approve Ordinance O-18-19.**

Mayor Pro Tem Patterson made a motion to approve Ordinance O-18-19 as presented. The motion was seconded by Councilmember Council and passed 6/0.

- 13. Conduct a Public Hearing and discussion regarding the City's Fiscal Year 2019-2020 Budget.**
- 14. Conduct the first Public Hearing on a proposal to adopt a Property Tax Rate of \$.848651 Per \$100 Of Assessed Valuation (Second Public Hearing scheduled for Monday, September 9, 2019, to be held at 6:00 P.M. at City Hall – 209 S. Washington Street, Kaufman.)**

Mayor Jordan stated Council would address items 13 and 14 at the same time. Mayor Jordan opened the public hearing for the 2019-2020 Budget and the Proposed Property Tax Rate at 6:19 p.m.

Mr. Slye gave a presentation reviewing the proposed reduction to the property tax rate, the various services the tax dollars' fund, and the average monthly cost to the

residents for these services. He outlined the history of the tax rate and the proposed tax rate. He discussed the tax revenue comparison and highlighted the proposed budget.

There were no speakers present to speak on this matter. Mayor Jordan closed the public hearing at 6:43 p.m.

DISCUSSION/ACTION ITEMS

- 15. Consider and take appropriate action on the award of bid and contract for the Kaufman Water System Improvements Project 1- Fair Road Sewer Extension and authorizing the Mayor or his designee to execute necessary documents.**

Mr. Slye stated a Request for Proposal was put out for the Kaufman Water System Improvement Project 1- Fair Road Sewer Extension. He outlined the project and bids received. He recommended Council award the bid to McKinney & Moore of Texas, LP.

Councilmember Phillips made a motion to award the bid and contract for the Kaufman Water System Improvements Project 1- Fair Road Sewer Extension to McKinney & Moore of Texas, LP and authorize the Mayor or his designee to execute necessary documents. The motion was seconded by Mayor Pro Tem Patterson and passed 6/0.

- 16. Consider and take appropriate action on the award of bid and contract for the Kaufman Water System Improvements Project 2- Stormwater Holding Basin Wall Extension and authorizing the Mayor or his designee to execute necessary documents.**

Mr. Slye stated a Request for Proposal was put out for the Kaufman Water System Improvement Project 2- Stormwater Holding Basin Wall Extension. He outlined the project and bids received. He stated the recommended bidder came in under proposed budget. He recommended Council award the bid to 7-H Construction Company, Inc.

Councilmember Ratcliffe made a motion to award the bid and contract for the Kaufman Water System Improvements Project 2- Stormwater Holding Basin Wall Extension to 7-H Construction Company, Inc. and authorize the Mayor or his designee to execute necessary documents. The motion was seconded by Councilmember Gillenwater and passed 6/0.

- 17. Consider and take appropriate action on the Site Plan of Lot 1, La Pradera Addition, a 1.205-acre site located on the south side of East Highway 175 between Walton Drive and Center Drive and addressed as 380 East Highway 175, zoned Highway Commercial (HC) for a retail center with a restaurant and drive through window proposed. (SP-02-19)**

Ms. Ratcliff presented the site plan and proposed development of the property. She verified the site plan met city requirements. She stated the Planning and Zoning Commission unanimously voted to recommend approval of the Site Plan.

Councilmember Council made a motion to approve the Site Plan as presented. The motion was seconded by Mayor Pro Tem Patterson and passed 6/0.

- 18. Consider and take appropriate action on the Amending Plat of Lot 1, La Pradera Addition, a 1.205-acre site located on the south side of East Highway 175 between Walton Drive and Center Drive and addressed as 380 East Highway 175. The property is zoned Highway Commercial. (Case No. FP-04-19)**

Ms. Ratcliff presented the Amending Plat for the same lot as discussed prior. She outlined the reasons for the proposed Amending Plat. She stated the Planning and Zoning Commission unanimously voted to recommend approval of the Amending Plat.

Councilmember Phillips made a motion to approve the Amending Plat as presented. The motion was seconded by Councilmember Council and passed 6/0.

- 19. Consider and take appropriate action on Resolution R-18-19, a resolution of the City Council of the City of Kaufman, Texas, approving the application of the Kaufman Economic Development Corporation (KEDC) requesting an amendment to the KEDC Articles of Incorporation (Certificate of Formation) to amend the qualifications of KEDC Directors; and authorizing the Mayor or his designee to execute necessary documents.**

Ms. Glasscock outlined the changes to the KEDC Articles of Incorporation and the KEDC Bylaws.

Councilmember Gillenwater made a motion to approve Resolution R-18-19, approving the application of the Kaufman Economic Development Corporation (KEDC) requesting an amendment to the KEDC Articles of Incorporation (Certificate of Formation) to amend the qualifications of KEDC Directors; and authorizing the Mayor or his designee to execute necessary documents. The motion was seconded by Councilmember Phillips and passed 6/0.

- 20. Consider and take appropriate action on Resolution R-19-19, a resolution of the City Council of the City of Kaufman, Texas, approving the Amended and Restated Bylaws of the Kaufman Economic Development Corporation (KEDC) to reflect changes to qualifications of Directors and changing references from Articles of Incorporation to Certificate of Formation; and authorizing the Mayor or his designee to execute necessary documents.**

Councilmember Ratcliffe made a motion to approve Resolution R-19-19, approving the Amended and Restated Bylaws of the Kaufman Economic Development

Corporation (KEDC) to reflect changes to qualifications of Directors and changing references from Articles of Incorporation to Certificate of Formation; and authorizing the Mayor or his designee to execute necessary documents. The motion was seconded by Mayor Pro Tem Patterson and passed 6/0.

- 21. Consider and take appropriate action on the appointment of two (2) members to serve on the Kaufman Economic Development Corporation for a two (2) year term through August 2021.**

Mayor Pro Tem Patterson made a motion to appoint Jane Lucas to the KEDC for a two (2) year term through August 2021. The motion was seconded by Councilmember Council and passed 6/0.

Councilmember Phillips made a motion to appoint Ben Brashear to the KEDC for a two (2) year term through August 2021. The motion was seconded by Mayor Jordan and passed 6/0.

- 22. Consider and take appropriate action on the appointments of two (2) members to serve on the Planning and Zoning Commission for a two (2) year term through November 2021.**

Councilmember Council made a motion to appoint Colton Brantley and Gladis Saldana to the Planning and Zoning Commission for a two (2) year term through November 2021. The motion was seconded by Mayor Pro Tem Patterson and passed 6/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

- 23. Receive an update and discussion regarding the following:**
- A. Discussion Items Report (DIR)**
 - B. Ransomware Attack Update**
 - C. Street Project Update**
 - A. Annual Street Maintenance Program - Asphalt Overlays on North Washington and East Fourth Streets**
 - B. Phase II Street Bond**
 - D. HIIP Update**
 - E. County Bond Election**
 - F. Important Dates**
 - A. September 2- City Hall Closed- Labor Day**
 - B. September 9- Special City Council Meeting—Budget**
 - C. September 14- Kaufman Chamber of Commerce Auction- Kaufman County Fair Grounds**
 - G. Monthly calendars attached.**

Mr. Slye gave an update on the above-listed items.

CITIZENS COMMENTS (5 MINUTES)

Betty Harris, 707 W. Grove St, Kaufman, Texas 75142, addressed the Council regarding the new recycling program. She expressed her concerns of the lack of updating on the City Website regarding minutes of Council and Boards.

Mayor Jordan adjourned into Executive Session at 7:13 p.m. for the below list item.

EXECUTIVE SESSION

24. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:

A. Texas Government Code §551.071(2) and §551.072: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act (Section 551.071(2)) and Deliberation regarding real property, to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person (Section 551.072) regarding: Lake Kaufman, Kaufman Estates Water Utility and public assets, lease of City property.

RECONVENE INTO OPEN SESSION. In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session.

Mayor Jordan reconvened the City Council meeting into Open Session at 7:27 p.m.

25. Consider and take appropriate action, if any, on matters discussed in Executive Session.

There was no action to be taken on matters discussed in Executive Session.

ADJOURNMENT.

There being no further business, Mayor Jordan adjourned the meeting at 7:30 p.m.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**



**MINUTES OF THE
SPECIAL CITY COUNCIL MEETING
MONDAY, SEPTEMBER 9, 2019 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

	MAYOR	JEFF JORDAN
	MAYOR PRO-TEM	PATTY PATTERSON
ABSENT	COUNCILMEMBER	CAROLE AGA
	COUNCILMEMBER	JEFF COUNCIL
	COUNCILMEMBER	CHARLES GILLENWATER
	COUNCILMEMBER	MATT PHILLIPS
	COUNCILMEMBER	BARRY RATCLIFFE

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Jordan called the City Council meeting to order at 5:39 p.m. Councilmembers present were Jeff Jordan, Patty Patterson, Jeff Council, Carole Aga, Charles Gillenwater, and Barry Ratcliffe. Councilmember Matt Phillips arrived at 5:44 p.m. Mayor Jordan declared a quorum present. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Attorney Patricia Adams, City Secretary Jessie Hanks, Finance Director Mary Wennerstrom, Public Works Director Richard Underwood, Police Chief Dana Whitaker, and Police Captain Les Edwards.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

No comments were given.

PROCLAMATION- Constitution Week- September 17 through 23

Mayor Jordan read the Proclamation and declared the week of September 17 through September 23 as Constitution Week.

RECOGNITION- Distinguished Budget Presentation Award

Mr. Slye announced the City of Kaufman had received the Distinguished Budget Presentation Award for FY19 from Government Finance Officers Association. He thanked Council, staff, and Finance Director Mary Wennerstrom for all their hard work on accomplishing this goal he set.

CONSENT AGENDA

- 1. Consider and take appropriate action on an engagement letter with Bracewell for the purposes of Bond Counsel and authorize the Mayor or his designee to execute necessary documents.**

2. Consider and take appropriate action on the award of bid and contract for the Motor Fuel and Oil for Fiscal Year 2020 and authorizing the Mayor or his designee to execute necessary documents.
3. Consider and take appropriate action on the award of bid and contract for the Street Maintenance Materials for Fiscal Year 2020 and authorizing the Mayor or his designee to execute necessary documents.
4. Consider and take appropriate action on the potable water supply contract with Oak Grove Water Supply and authorizing the Mayor or his designee to execute necessary documents.
5. Consider and take appropriate action on Ordinance O-20-19, an ordinance of the City Council of the City of Kaufman, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable rate making expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

END OF CONSENT AGENDA

Councilmember Aga made a motion to approve all the Consent Agenda items as presented. The motion was seconded by Councilmember Council and passed 7/0.

PUBLIC HEARING

6. Conduct the second Public Hearing on a proposal to adopt a Property Tax Rate of \$.848651 Per \$100 Of Assessed Valuation. (Vote on the tax rate will be Monday, September 23, 2019, to be held at 6:00 P.M. at City Hall, 209 S. Washington St.)

Mayor Jordan opened the public hearing for the Proposed Property Tax Rate at 6:24 p.m. There were no speakers present to speak on this matter. Mayor Jordan closed the public hearing at 6:24 p.m.

Mr. Slye gave a presentation reviewing the proposed reduction to the property tax rate, the various services the tax dollars' fund, and the average monthly cost to the residents for these services. He outlined the history of the tax rate and the proposed tax rate. He discussed the tax revenue comparison and highlighted the proposed budget.

DISCUSSION/ACTION ITEMS

7. Consider and take appropriate action on the Storm Drainage Fee Analysis.

Mr. Slye introduced Tom Rutledge and Phillip Verge with Teague, Nall, and Perkins. Mr. Rutledge presented the Storm Drainage Fee Analysis and the six proposed areas of improvement. He reviewed each drainage area in-depth, including the problems occurring, the proposed solution, and the estimated construction costs. There were discussions about other areas of concern, the potential financing options, and the Council's priority list of the proposed projects.

Mayor Jordan made a motion to direct the City Manager to move forward exploring funding options for the drainage project on 10th, Clay, and Austin. The motion was seconded by Councilmember Council and passed 7/0.

8. Receive public input and consider and take appropriate action on Ordinance O-19-19, an ordinance of the City Council of the City of Kaufman, Texas, repealing Ordinance O-26-14, and adopting a new Water Conservation Plan and Water Resource and Emergency Management Plan for the City of Kaufman to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation Plan; providing a penalty clause, and an effective date.

Mr. Underwood outlined the purpose and obligation of having the Water Conservation Plan and Water Resource Emergency Management Plan.

Councilmember Ratcliffe made a motion to approve Ordinance O-19-19 as presented. The motion was seconded by Councilmember Aga and passed 7/0.

9. Consider and take appropriate action on Ordinance O-21-19, an ordinance of the City Council of the City of Kaufman, Texas, amending the Code of Ordinances, Chapter 106 Utilities, Section 106-7 Water Rates, paragraph (f) (g) (h) and Section 106.8 Sewer Rates, paragraph (e) and (f) (1) to adopt increased rates for water and sewer services in order to account for increased rates from NTMWD and other costs of service, to increase the monthly rate reduction for seniors, to provide for manual adjustments as authorized by ordinance, policy or action of City Council; containing a severability clause; providing a penalty clause; and providing for publication and an effective date.

Ms. Wennerstrom presented the proposed water and sewer rate increases and outlined the cause. She highlighted the impact it would have on residents.

Councilmember Gillenwater made a motion to approve Ordinance O-21-19 as presented. The motion was seconded by Councilmember Phillips and passed 7/0.

APPOINTMENT

10. Consider and take appropriate action on the appointment of nine (9) members to the Impact Fee Advisory Committee.

Mr. Holder stated it is time to review the City's Impact Fee schedule. He informed the Council about the process for implementing an impact fee and the selection of members to serve on the Advisory Committee.

Councilmember Council made a motion to appoint Burton Brown, Patrick Cardoza, Richard Dunn, Curtis Snow, Gail Godwin-Mason, Colton Brantley, Gladis Saldana, Wade Hebb, and Ray Raymond to the Impact Fee Advisory Committee. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

11. Receive an update and discussion regarding the following:

A. Important Dates

- **September 14- Kaufman Chamber of Commerce Auction- Kaufman County Fair Grounds**
- **October 12- N.E.A.T Neighborhoods- Area 3**
- **November 7- Volunteer Banquet**

Mr. Slye gave an update on the above-listed items.

Mayor Jordan adjourned into Executive Session at 7:17 p.m. for the below list item.

EXECUTIVE SESSION

12. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:

- A. Texas Government Code 551.074, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary

RECONVENE INTO OPEN SESSION. In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session.

Mayor Jordan reconvened the City Council meeting into Open Session at 7:31 p.m.

13. Consider and take appropriate action, if any, on matters discussed in Executive Session.

Mayor Jordan made a motion to amend the City Secretary's Employment Contract as discussed in Executive Session. The motion was seconded by Mayor Pro Tem Patterson and passed 7/0.

ADJOURNMENT.

There being no further business, Mayor Jordan adjourned the meeting at 7:32 p.m.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**



**MINUTES OF THE
SPECIAL CITY COUNCIL MEETING
MONDAY, SEPTEMBER 9, 2019 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	JEFF JORDAN
MAYOR PRO-TEM	PATTY PATTERSON
COUNCILMEMBER	CAROLE AGA
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	CHARLES GILLENWATER
COUNCILMEMBER	MATT PHILLIPS
COUNCILMEMBER	BARRY RATCLIFFE

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Jordan called the City Council meeting to order at 5:39 p.m. Councilmembers present were Jeff Jordan, Patty Patterson, Jeff Council, Carole Aga, Charles Gillenwater, and Barry Ratcliffe. Councilmember Matt Phillips arrived at 5:44 p.m. Mayor Jordan declared a quorum present. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Attorney Patricia Adams, City Secretary Jessie Hanks, Finance Director Mary Wennerstrom, Public Works Director Richard Underwood, Police Chief Dana Whitaker, and Police Captain Les Edwards.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

No comments were given.

PROCLAMATION: National Night Out - 2019

Mayor Jordan read the Proclamation and declared October 1, 2019, as National Night Out. Mayor Jordan presented the proclamation to the Kaufman Police Department.

RECOGNITION: Business of the Month - Rowden, Hendrickson, Shipley, Rymer Insurance

Mayor Jordan, Mr. Holder, and Ms. Glasscock presented an award to Betty Henderickson recognizing Rowden, Hendrickson, Shipley, Rymer Insurance as the September's Business of the Month. Ms. Hendrickson expressed her appreciation to the Council, the Kaufman Chamber of Commerce, and the Economic Development Corporation for the recognition. She gave a brief history of the business and its growth.

DISCUSSION/ACTION ITEMS

- 1. Consider and take appropriate action regarding Ordinance O-22-19, an ordinance of the City Council of the City of Kaufman, amending the 2018-2019 Fiscal Year Budget to balance Revenue Surplus, Expense Surplus, and Shortfall.**

Ms. Wennerstrom stated last year, the City Council approved a \$13,677,425.00 budget for the fiscal year 2018-2019. Upon a recent review, staff indicated the need to amend several significant and unexpected revenue and expense line items within the budget that were incurred throughout year. She outlined the amendments and outlined the causes of each.

Councilmember Council made a motion to approve Ordinance O-22-19 as presented. The motion was seconded by Councilmember Aga and passed 7/0.

- 2. Consider and take appropriate action regarding Ordinance O-23-19, an ordinance of the City Council of the City of Kaufman, making appropriations for the support of the city, appropriating money to a sinking fund to pay interest and principal on the city's indebtedness; approving and adopting the annual budget of the City of Kaufman, Texas, for the 2019-2020 Fiscal Year; providing for emergency expenditures and expenditures as otherwise allowed by law; providing for repealing, savings and severability clauses; providing for the filing of the budget in the office of the City Secretary; and providing for an effective date of this ordinance.**

Ms. Wennerstrom reviewed the budget process and outlined the proposed budget. She stated This Budget will raise more total property taxes than last year's budget by \$494,000.17 or 2.05%, and of that amount, \$62,517.48 is tax revenue to be raised from new property added to the tax roll this year.

Councilmember Ratcliffe made a motion to approve Ordinance O-23-19, approving the 2019-202 Budget of the City of Kaufman and the 2019 Kaufman County Certified Tax Roll. The Budget will raise more total property taxes than last year's budget by \$494,000.17 or 2.05%, and of that amount, \$62,517.48 is tax revenue to be raised from new property added to the tax roll this year. The motion was seconded by Mayor Pro Tem Patterson. Ms. Hanks called for a record vote, at which point Councilmember Ratcliffe, Councilmember Gillenwater, Councilmember Phillips, Mayor Jordan, Councilmember Aga, Councilmember Council, and Mayor Pro-Tem Patterson voted AYE, and passed 7/0.

- 3. Consider and take appropriate action regarding Ordinance O-24-19, an ordinance of the City Council of the City of Kaufman, levying taxes and fixing and adopting the tax rate on all taxable property for the year 2019 at the rate of \$0.8486505 per one hundred dollars (\$100.00) assessed value on all taxable property within the corporate limits of the City of Kaufman, Texas as of January 1, 2019; the said tax rate having a maintenance and operations**

component and a debt service component; providing when taxes shall become due and when same shall become delinquent if not paid together with penalties and interest thereon; providing for repealing, savings and severability clauses; and providing for an effective date.

Ms. Wennerstrom presented the property tax rate of \$0.8486505 per \$100 valuation, which is effectively a .93% decrease in the tax rate. She informed Council that State law requires three record votes when the budget will raise more property tax revenue than was generated in the previous year. The first record vote adopts the budget, the second record vote sets the tax rate, and the third, additional, record vote ratifies the property tax revenue increase reflected in the budget. The property tax rate must be approved and adopted by the governing body of the City by September 30, 2019.

Councilmember Gillenwater made a motion that the property tax rate be decreased by the adoption of a tax rate of \$0.8486505 per \$100 valuation, which is effectively a .93% decrease in the tax rate and approve Ordinance O-24-19, fixing and levying municipal ad valorem taxes for the fiscal year beginning October 1, 2019, and ending on September 30, 2020, and for each fiscal year thereafter until otherwise provided. The motion was seconded by Mayor Pro Tem Patterson. Ms. Hanks called for a record vote, at which point Councilmember Ratcliffe, Councilmember Gillenwater, Councilmember Phillips, Mayor Jordan, Councilmember Aga, Councilmember Council, and Mayor Pro-Tem Patterson voted AYE, and passed 7/0.

4. Consider and take appropriate action to ratify the Property Tax Revenue Increase reflected in the 2019-2020 Fiscal Year Budget.

Ms. Wennerstrom stated this is the third and final vote for the Tax Rate which is reflected in the FY20 budget. This Budget will raise more total property taxes than last year's budget by \$494,000.17 or 2.05% and of that amount, \$62,517.48 is tax revenue to be raised from new property added to the tax roll this year.

Councilmember Aga made a motion to ratify the property tax increase reflected in the 2019-202 (FY20) budget. The motion was seconded by Councilmember Ratcliffe. Ms. Hanks called for a record vote, at which point Councilmember Ratcliffe, Councilmember Gillenwater, Councilmember Phillips, Mayor Jordan, Councilmember Aga, Councilmember Council, and Mayor Pro-Tem Patterson voted AYE, and passed 7/0.

Mayor Jordan stated the motions for the previous items are required by state law. He then asked Mr. Slye to inform the audience in lamens terms the actions Council just approved. Mr. Slye outlined the budget and tax rate that was approved. He also thanked Ms. Wennerstrom, City Staff, and Council for all their hard work during the budget process.

5. **Consider and take appropriate action regarding Ordinance O-25-19, an ordinance of the City Council of the City of Kaufman, adopting the Annual Program of Services (Budget) for the City of Kaufman Economic Development Corporation ("KEDC") for the Fiscal Year beginning on October 1, 2019, and ending on September 30, 2020, (FY 2019-2020); providing for the incorporation of premises, providing for the adoption of the KEDC Budget for FY 2019-2020; and providing an effective date.**

Ms. Wennerstrom presented the KEDC budget that was approved by the board on August 13, 2019.

Councilmember Aga made a motion to approve Ordinance O-25-19 adopting the budget for the Kaufman Economic Development Corporation. The motion was seconded by Mayor Pro Tem Patterson and passed 7/0.

6. **Consider and take appropriate action on the transfer of aged utility bills to collection of Delinquent Utility Billing Accounts Receivable Balances.**

Ms. Wennerstrom stated the last date delinquent utility billing receivables were submitted to collections was 9/30/2018. The report sent to collections included delinquent accounts for the quarter ending 9/30/17. Staff is requesting Council to approve the transfer of aged utility bills to the collection of delinquent utility billing accounts receivable balances (annual write-off of aged utility bills) for the period of 9/30/2017 to 9/30/2018, in the amount of \$28,330.73. Mr. Slye clarified this action would not write off the amounts but send the delinquent accounts to collections.

Councilmember Council made a motion to approve the transfer of aged utility bills to collection of Delinquent Utility Billing Accounts Receivable Balances. The motion was seconded by Mayor Pro Tem Patterson and passed 7/0.

7. **Consider and take appropriate action regarding Ordinance O-26-19, an ordinance of the City Council of the City of Kaufman, amending Article II, "Collection and Disposal" of Chapter 86, "Solid Waste" of the Kaufman Code of Ordinances by adopting a new Section 86-44, "Recycling Services Fees" providing fees for recycling services, including a service initiation fee, a monthly service fee, an annually recycling bag fee and an additional recycling bag fee, and authorizing the City Manager to establish policies and procedures for administering the recycling services program, and providing an effective date.**

Mr. Slye outlined the purpose of the amendment and the fees associated with the recycling services. He reviewed the process for signing up for recycling and the push by staff to get residents involved. He announced there were already 40 residents enrolled in the recycling program.

Councilmember Gillenwater made a motion to approve Ordinance O-26-19. The motion was seconded by Councilmember Phillips and passed 7/0.

8. **Consider and take appropriate action regarding Ordinance O-27-19, an ordinance of the City Council of the City of Kaufman, amending Section 2-62 Personnel Policies; Job Classification”, of Article II, “Officers And Employees”, of Chapter 2, “Administration” of the Code of Ordinances of the City of Kaufman, Texas; providing for amendments to add Section 3.19, “Probationary Period” and to amend Section 7.01, “Medical and Life Insurance” of the Personnel Policies Manual (Exhibit “A”), to ratify and reaffirm the Personnel Policies Manual as set forth in Exhibit “A”, as amended, and to adopt the Job Grade Classification and Compensation Plan as set forth in Exhibit “B”; providing for cumulative repealer, savings and severability clauses; and providing an effective date.**

Mr. Holder informed the Council about the review process for the Personnel Policy and the Job Classification. He outlined the purpose of the amendments to the policy, including the addition of a probationary policy, and the changes to the benefits section. He reviewed the changes to the Job Classifications.

Councilmember Ratcliffe made a motion to approve Ordinance O-27-19. The motion was seconded by Mayor Pro Tem Patterson and passed 7/0.

9. **Consider and take appropriate action on a contract between the City and Teague, Nall, Perkins, Inc. for surveying services of S. Washington Street and authorizing the City Manager to sign necessary documents**

Mr. Slye explained the contract for surveying services in/around Washington Street that is required for the design of utility line relocation efforts necessary prior to TxDOT upsizing the storm drainage and repairing Washington Street from the Downtown Square south to the intersection of HWY 175. The contract price for all Topographic services is \$80,000.

Councilmember Aga made a motion to approve the contract between the City and Teague, Nall, Perkins, Inc. for surveying services of S. Washington Street and authorizing the City Manager to sign necessary documents. The motion was seconded by Mayor Pro Tem Patterson and passed 7/0.

10. **Consider and take appropriate action on Resolution R-20-19, a resolution of the City Council of the City of Kaufman, expressing its support of the County bond proposition on the November 2019 ballot.**

Mr. Slye announced the Kaufman County Commissioners ordered a Special Bond Election for November 5, 2019, for two propositions. Proposition A would be for transportation enhancements throughout the County including several roads in Kaufman and Proposition B would be for Kaufman County Facility Improvements. He expressed the importance of the measures and the city's support on the matters.

Mayor Jordan voiced his support on the Proposition and believed the items on the ballot are things that need to be resolved. He outlined the financing options for the propositions and the additional taxpayer money that would be contributed by TxDOT.

Mayor Jordan made a motion to approve Resolution R-20-19 expressing the City's support of the Kaufman County Bond Propositions. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

- 11. Consider and take appropriate action on Resolution R-21-19, a resolution of the City Council of the City of Kaufman, directing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation; and resolve other matters relating to the subject.**

Mr. Slye informed Council the Notice of Intention to issue debt would be for the construction costs of the Civic and Community Center and Park Improvements. He pointed out the effects the debt would have on the tax rate throughout the years.

Councilmember Aga made a motion to approve Resolution R-21-19. The motion was seconded by Councilmember Council and passed 7/0.

- 12. Consider and take appropriate action on a Lease Agreement between the City and the Kaufman Chamber of Commerce for office space in the future Kaufman Civic Center and authorizing the City Manager to finalize negotiations and execute necessary documents.**

Mr. Slye stated he attended to September 19th Chamber of Commerce Board meeting to present the agreement which was approved. He outlined the contract and the additional Chamber funding.

Councilmember Gillenwater made a motion to approve a lease agreement between the City and the Kaufman Chamber of Commerce for office space in the future Kaufman Civic Center and authorizing the Mayor or his designee to execute necessary documents. The motion was seconded by Mayor Pro Tem Patterson and passed 7/0.

- 13. Consider and take appropriate action to approve the First Amendment to Interlocal Cooperation Agreement between Kaufman County, Texas and the City of Kaufman for the construction of C.R. 151 (Tabor Parkway); and authorizing the Mayor or his designee to execute necessary documents.**

Mr. Slye explained the requested amendment to an Interlocal Cooperation Agreement between Kaufman County, Texas and the City of Kaufman for the construction of C.R. 151 (Tabor Parkway). The amendment of the dollar amount of the completed project would allow the City to be reimbursed for the additional \$390,154.52 that was fronted by the city for the project.

Councilmember Gillenwater made a motion to approve the First Amendment to Interlocal Cooperation Agreement between Kaufman County, Texas and the City of Kaufman for the construction of C.R. 151 (Tabor Parkway); and authorizing the Mayor or his designee to execute necessary documents. The motion was seconded by Councilmember Aga and passed 7/0.

APPOINTMENT

- 14. Consider and take appropriate action on the appointment of two (2) members to the Board of Adjustment for a two (2) year terms expiring September 2021.**

Mayor Jordan made a motion to appoint Kathy Burt and Jimmy Reed to the Board of Adjustment for a two (2) year terms expiring September 2021. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

- 15. Receive update and discussion regarding the following:**
- A. Discussion Items Report (DIR)**
 - B. Utility Services Partners, Inc. Update**
 - C. Star Transit Monthly Report**
 - D. TML Health Board- September 25-27**
 - E. Important Dates**
 - **October 1- National Night Out**
 - **October 12- N.E.A.T Neighborhoods- Area 3**
 - **October 26- Scarecrow Festival**
 - **October 31- Halloween on Houston**
 - **November 7- Volunteer Banquet**
 - F. Monthly calendars attached.**

Mr. Slye gave an update on the above-listed items.

ADJOURNMENT.

There being no further business, Mayor Jordan adjourned the meeting at 6:57 p.m.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY



Meeting
Date: 10/28/2019

Date: 9/30/2019

Item #: 5.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action regarding Resolution R-22-19, a resolution of the City Council of the City of Kaufman, for Texas Department of Transportation to Temporarily Close SH 34 (South Washington Street) for the purpose of a Lighted Christmas Parade on Saturday, December 14, 2019 at 6:00 P.M.

BACKGROUND:

The City of Kaufman will be hosting their 9th Annual Lighted Christmas Parade on Saturday, December 14, 2019, beginning at 6:00 p.m. The Christmas Tree Lighting will immediately follow at Kaufman City Hall. The parade will begin at Washington Square and will disperse on Grove St.

Author:
Jessie Hanks, City Secretary

Reviewed:
Mike Slye, City Manager

Cost: \$0

Funds Available: N/A

Source: N/A

Recommendation: Staff recommends approval of Resolution R-22-19.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☒	☒	☐	☐

RESOLUTION R-22-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO TEMPORARILY CLOSE STATE HIGHWAY 34 FROM WASHINGTON STREET TO GROVE STREET FOR THE PURPOSE OF THE LIGHTED CHRISTMAS PARADE ON SATURDAY, DECEMBER 14, 2019 FROM 6:00 P.M. UNTIL 8:00 P.M.

WHEREAS, the City Council desires to formally enter into an agreement with the Texas Department of Transportation to close SH-34 one-way traffic operation around the Kaufman County Courthouse and Washington Street in Kaufman, Texas; and

WHEREAS, the event will be located within the City of Kaufman's incorporated area; and

WHEREAS, this event serves a public purpose to the City of Kaufman, its citizens and visitors to our City.

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

SECTION 1. The City Council does hereby authorize the City Manager to enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of State Right of Way.

SECTION 2. The Agreement of the Temporary Closure of State Right of Way is attached hereto and incorporated herein as "Exhibit A".

SECTION 3. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED on this the 28th day of October, 2019.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

**PATRICIA ADAMS
CITY ATTORNEY**



October 28, 2019

Mr. Lane Selman, District Engineer
Texas Department of Transportation
2750 South Washington Street
Kaufman, TX 75142

Re: Lighted Christmas Parade 2019

Dear Mr. Selman:

On behalf of the City of Kaufman, I am requesting approval from the Texas Department of Transportation (TxDOT) to incorporate State Highway 34 (Washington Street) as part of the parade route in accordance with 43 T.A.C. § 22.12 (g) (4). The parade will be held on **Saturday, December 14, 2019**, beginning at 6:00 p.m. This year the anticipated parade route will be as follows:

1. Begin at Washington Square, located at 2005 S. Washington St.,
2. Travel north on Washington Street to the Courthouse Square,
3. Travel east on Grove Street and
4. Disperse on Grove Street.

The Kaufman Police Department will be stationed along the parade route to direct traffic as needed. The Police Department will utilize authorized law enforcement personnel for this routine traffic control event and assumes responsibility for traffic control to protect and direct all parties involved.

If you have any questions, please do not hesitate to contact me at the City of Kaufman at (972) 932-2216. I look forward to hearing from you.

Respectfully,

Jessie Hanks
City Secretary

Enclosure: Parade Route Map

cc: Chief of Police Dana Whitaker





Meeting
Date: 10/28/2019

Date: 9/30/2019

Item #: 6.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action regarding Resolution R-23-19, a resolution of the City Council of the City of Kaufman, authorizing the City Manager to enter into an Agreement with the Texas Department of Transportation to close the Kaufman County Courthouse Square on December 14, 2019, from 9:00 A.M. to 10:00 P.M. for the Kaufman "Christmas On The Square."

BACKGROUND:

The City of Kaufman will be hosting the Christmas on the Square. Saturday's events will begin at Noon and conclude at approximately 9:00 p.m. We anticipate +/- 5,000 people to be in attendance at the festival. This year there will be vendors including arts/crafts vendors, food vendors, business exhibits, demonstration booths, games, movie viewing, a small stage with local entertainment around the Courthouse Square. The Lighted Christmas Parade will take place at 6:00 p.m.

Author:
Jessie Hanks, City Secretary

Reviewed:
Mike Slye, City Manager

Cost: \$0

Funds Available: N/A

Source: N/A

Recommendation: Staff recommends approval of Resolution R-23-29.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☒	☒	☐	☐

RESOLUTION R-23-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO TEMPORARILY CLOSE STATE HIGHWAY 243 FROM JEFFERSON STREET TO WASHINGTON STREET ON SATURDAY, DECEMBER 14, 2019 FROM 8 A.M. UNTIL 11 P.M. FOR THE KAUFMAN "CHRISTMAS ON THE SQUARE."

WHEREAS, the City Council desires to formally enter into an agreement with the Texas Department of Transportation to close SH-243 one-way traffic operation around the Kaufman County Courthouse in Kaufman, Texas; and

WHEREAS, the event will be located within the City of Kaufman's incorporated area; and

WHEREAS, this event serves a public purpose to the City of Kaufman, its citizens and visitors to our City.

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

SECTION 1. The City Council does hereby authorize the City Manager to enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of State Right of Way.

SECTION 2. The Agreement of the Temporary Closure of State Right of Way is attached hereto and incorporated herein as "Exhibit A".

SECTION 3. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED on this the 28th day of October, 2019.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA ADAMS
CITY ATTORNEY**

STATE OF TEXAS §
COUNTY OF KAUFMAN §

**AGREEMENT FOR THE TEMPORARY CLOSURE
OF STATE RIGHT OF WAY**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the “State,” and the City of Kaufman, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the “local government.”

W I T N E S S E T H

WHEREAS, the State owns and operates a system of highways for public use and benefit, including SH 243, in Kaufman, County; and

WHEREAS, the local government has requested the temporary closure of SH 243 (One way traffic operation around the Kaufman County Courthouse) for the purpose of the Christmas On the Square, from Jefferson St. to Washington St. as described in the attached “Exhibit A,” hereinafter identified as the “Event;” and

WHEREAS, the Event will be located within the local government’s incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State’s right of way will be performed within the State’s requirements; and

WHEREAS, on the 28th day of October, 2019, the Kaufman City Council passed Resolution No. R-23-19, attached hereto and identified as “Exhibit B,” establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

WHEREAS, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

A G R E E M E N T

Article 1. CONTRACT PERIOD

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

Article 2. EVENT

DESCRIPTION

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned physical modifications of any man-made or natural features in or adjacent to the right of way involved shall be attached hereto along with a location map and identified as "Exhibit C."

Article 3. OPERATIONS

OF

THE

EVENT

A. The local government shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

B. The local government shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right of way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State. The State may require that any traffic control plans of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

C. The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

D. The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

E. The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

F. The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

G. The local government hereby assures the State that there will be appropriate passage

allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

H. The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

Article 4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 5. TERMINATION

A. This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

B. The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

Article 6. DISPUTES

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

Article 7. RESPONSIBILITIES OF THE PARTIES

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

Article 8. INSURANCE

A. Prior to beginning any work upon the State's right of way, the local government and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period

that the local government and/or its contractors are encroaching upon the State right of way.
B. In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

Article 9. AMENDMENTS

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

Article 10. COMPLIANCE WITH LAWS

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right of way.

Article 11. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Article 12. NOTICES

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following _____ respective _____ addresses:

Local Government:	State:
<u>City of Kaufman</u>	<u>Texas Department of Transportation</u>
<u>Jessie Hanks - City Secretary</u>	<u>4777 E. Highway 80</u>
<u>P.O. Box 1168</u>	<u>Mesquite, TX 75150</u>
<u>Kaufman, Texas 75142</u>	

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

Article 13. SOLE AGREEMENT

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

Agreement No. _____

THE CITY OF KAUFMAN

Executed on behalf of the local government by:

By _____ Date _____
City Official

Typed or Printed Name and Title Mike Slye
City Manager

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

Exhibit A

October 28, 2019

Mr. Lane Selman, P.E., Area Engineer
Texas Dept. of Transportation
2750 South Washington Street
Kaufman, TX 75142

Re: Formal Request for Closure of the Kaufman County Courthouse Square for an event on
December 14, 2019

Dear Mr. Selman:

The City of Kaufman is formally requesting permission and/or a permit to close the Kaufman Courthouse Square Saturday, December 14, 2019, beginning at 9:00 a.m. and ending at 10:00 p.m. the same day for this year's **Kaufman Christmas On the Square**. Food vendors will be stationed around the courthouse and arts/crafts, exhibits, demonstrations, stage performances, etc. will be utilizing the parking spaces in front of the businesses as well as along the feeder streets leading into the square. The following is a brief description of traffic control measures to be taken:

- The entire square shall be securely barricaded off to through traffic with Kaufman Police Department officers controlling traffic at the intersections of (1) Washington & Mulberry and (2) State Highway 243 and Jefferson.
- A State approved, temporary, electronic, message board shall be placed approximately 500 feet west of the State Highway 243 and U.S. Highway 175 split stating, "SH 243 CLOSED TO TRUCK TRAFFIC OCTOBER 23rd - DETOUR TO SH 34," or more appropriate wording per your request.
- Detour Ahead signs shall be placed 500 feet from each detour location and detour signs with directional arrows shall be placed at each State Highway detour location along with officers from the Kaufman Police Department.

If you have any questions or need more information, please feel free to contact me at (972) 932-2216.

Respectfully,

Jessie Hanks
City Secretary

Attachments

Exhibit B

Resolution R-23-19

Exhibit C

October 28, 2019

Lane Selman, P.E., Area Engineer
Texas Dept. of Transportation
2750 South Washington Street
Kaufman, TX 75142

Re: Kaufman Christmas On the Square 2019 - Description of Events

Dear Mr. Selman:

The City of Kaufman, along with the Kaufman Chamber of Commerce, will host the **Christmas on the Square** on the Kaufman Courthouse Square (See attached maps and parade route details). We anticipate +/- 5,000 people to be in attendance at the festival. This year the crowds will be entertained by the performances of several local groups. There will be arts/crafts vendors, food vendors, business exhibits, demonstration booths, and games, all around the Courthouse Square.

The festival will kick-off with at approximately Noon, Saturday, December 14th and is expected to end at 9:00 p.m. The lighted parade will begin at 6:00 p.m. The route is attached.

- The Parade will utilize ALL lanes of each highway during the event.
- Festival Vendors will begin setting up around the Square at approximately 9:00 a.m. The Festival will begin at noon and will last until 9 p.m.

If you have any questions or need more information, please feel free to contact me at (972) 932-2216.

Respectfully,

Jessie Hanks
City Secretary

Attachments



Meeting
Date: 10/28/2019

Date: 9/30/2019

Item #: 7.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action to reschedule the Regular City Council Meeting set on Monday, December 23, 2019, to Monday, December 16, 2019.

BACKGROUND:

Due to possible conflicts with the holidays, staff recommends that the regularly scheduled City Council Meeting on Monday, December 23, 2019, be rescheduled to Monday, December 16, 2019.

Author:

Jessie Hanks, City Secretary

Reviewed:

Mike Slye, City Manager

Cost: \$0

Funds Available: N/A

Source: N/A

Recommendation: Staff recommends Council reschedule the December 23rd meeting to December 16th.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☐



Meeting
Date: 10/28/2019

Date: 10/7/2019

Item #: 8.

Dept.: Administration

Action Item

SUBJECT:

Conduct a Public Hearing, consider and take appropriate action on Ordinance O-29-19, an ordinance of the City Council of the City of Kaufman, amending Chapter 106 Utilities, Article VI Municipal Storm Water (Drainage) Utility System of Kaufman's Code of Ordinances, to amend Section 106.256 adopting the Municipal Stormwater Utility System Fee Schedule by amending Drainage Fees assessed on property within the City based upon the property's contribution of drainage into the Municipal Stormwater Utility System established and maintained by the City; establishing exemptions and fee credits and providing an effective date of January 1, 2020 for the assessment of the amended fees.

BACKGROUND:

Appropriate public notices and Public Hearing have been published and conducted in accordance with state statute. The recommendation is to increase the Storm Drainage Fee (ERU) to \$4 effective Nov 1, 2019. This will provide necessary resources to issue self-supporting debt to make significant storm drainage improvements in Kaufman as has been previously outlined.

Author:

Mike Slye, City Manager

Reviewed:

Mike Slye, City Manager

Cost: Approx \$100,000 of new

Storm Drainage Revenue
annually

Funds Available:

Source:

Recommendation: Recommend approval of O-29-19 increasing the Storm Drainage Fee to \$4/Equivalent Residential Unit (ERU).

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☒	☐	☒	☒

ORDINANCE NO. O-29-19

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING SECTION 106.256 “MUNICIPAL STORMWATER UTILITY SYSTEM FEE SCHEDULE” OF ARTICLE VI “MUNICIPAL STORMWATER (DRAINAGE) UTILITY SYSTEM” OF CHAPTER 106 “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN; AMENDING THE MUNICIPAL STORMWATER UTILITY SYSTEM FEE, EXEMPTIONS AND CREDITS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING FOR SEVERABILITY AND CUMULATIVE REPEALER/SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Kaufman, Texas (“City Council”) has previously investigated and determined that it would be advantageous and beneficial to the citizens of the City of Kaufman, Texas (“City”) to promote the public health, safety and welfare of the citizens to adopt a Municipal Stormwater Utility System; and

WHEREAS, the City Council previously adopted a Municipal Stormwater Utility System pursuant to the Municipal Drainage Utility Systems Act, Chapter 552, Subchapter C, Texas Local Government Code, as amended, (the “Act”) and codified as Section 106-254 of the Code of Ordinances of the City of Kaufman; and

WHEREAS, pursuant to the Act, the City Council has investigated and determined that a schedule of drainage fees shall be applied against all real property in the proposed service area(s) (the “Drainage Fees”); and

WHEREAS, in accordance with the Act, the City has published notice of a public hearing to be held on October 28, 2019 for the purpose of considering the proposed amendment to the schedule of Drainage Fees on September 26, 2019, on October 3, 2019, and on October 10, 2019, which notices contained the time, date and location of the public hearing and the proposed schedule of drainage charges to be considered at the public hearing (hereinafter “Public Hearing Notice”); and

WHEREAS, the Public Hearing Notice was published three (3) times before the hearing with the first publication occurring on or before the 30th day before October 28, 2019; and

WHEREAS, having held the required public hearing and reviewed the proposed amendments to the Municipal Stormwater Utility System Fee Schedule, the City Council further finds that the proposed Drainage Fees are not based upon value of property, rather, the Drainage Fees directly relate to providing drainage for all real properties in the service area, the calculations for determining the Drainage Fees are based upon an inventory of the lots within the service area, the rates are equitable for similar services in all areas of the City’s service area, and the classification of properties are nondiscriminatory, equitable and reasonable; and

WHEREAS, based upon the foregoing, the City Council has determined that it would be in the best interest of its citizens to amend Section 106.256 “Municipal Stormwater Utility System Fee Schedule” of Article VI “Municipal Stormwater (Drainage) Utility System” of Chapter 106 “Utilities” of the City of Kaufman Code of Ordinances, as set forth below.

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

Section 1. Findings Incorporated. The premises set forth above constitute findings of the Kaufman City Council, are hereby adopted, and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendment. Section 106.256 “Municipal Stormwater Utility System Fee Schedule” of Article VI “Municipal Stormwater (Drainage) Utility System” of Chapter 106 “Utilities” of the Code of Ordinances of the City of Kaufman is hereby amended Is hereby repealed in its entirety and a new Section 106.256, “Municipal Stormwater Utility System Fee Schedule” is hereby adopted to be and read in its entirety as follows with all other sections and subsections of Chapter 106 not expressly amended hereby to remain in full force and effect:

Sec. 106.25 Municipal Stormwater Utility System Fee Schedule.

(a) The following fees are hereby established and shall be collected through the City’s bill for public utilities pursuant to the Act and other applicable law.

(b) Impervious Area.

(1) Rates shall be charged based on a property’s contribution to the public stormwater utility system. The contribution shall be based on the impervious area for the property.

(2) The stormwater utility fee shall be established according to the following schedule on a monthly basis:

Property Type	Rate
Single-Family Residential	\$4.00
All Other Non-Exempt Property	\$4.00 per ERU*

*ERU (Equivalent Residential Unit) = 3500 square feet impervious area

(3) A minimum charge of 1 ERU shall be applied to each non-exempt developed property.

(c) Exemptions. The following shall not be assessed a Municipal Stormwater Utility System Fee:

(1) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City in which the property is located for maintenance.

(2) A subdivided lot, until a structure has been built on the lot and a Certificate of Occupancy has been issued by the City.

(3) Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system.

(4) State property.

(5) Public or private institutions of higher education property.

(6) City property.

(d) Fee Credits.

(1) A property owner may petition to the City to reduce the Stormwater Utility Fee for an individual property to account for on-site storm water management controls that reduce the property's impact to the stormwater utility system.

(2) The petition shall be evaluated and the fee adjustment decision determined by the City Engineer or the City Engineer's designated representative. The City Engineer's evaluation and determination shall be based on nondiscriminatory, reasonable and equitable terms in accordance with the Act, the City's Municipal Stormwater Utility System Ordinance and this Ordinance.

(e) The rates established above apply to the accounts maintained by the City for public utility services.

(f) All billings, credits, exemptions and other procedures relating to this fee shall be subject to the provisions of the Act.

Section 3. Severability. It is hereby declared to be the intention of the City Council of Kaufman, Texas that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such constitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance, since they would have been entered by the City Council

without the incorporation of this Ordinance of unconstitutional or invalid sections, paragraphs, sentences, clauses or phrases.

Section 4. Cumulative Repealer/Savings. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

Section 5. Publication. The City Secretary of the City of Kaufman is hereby directed to publish the Caption of this Ordinance in the official newspaper of the City of Kaufman, Texas.

Section 6. Effective Date. This ordinance shall be in full force and effect from and after January 1, 2020 and its passage and publication as required by law and Charter, and it so ordained.

PASSED AND APPROVED this 28th day of October, 2019.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA ADAMS
CITY ATTORNEY**



Meeting
Date: 10/28/2019

Date: 10/7/2019

Item #: 9.

Dept.: Development
Services

Action Item

SUBJECT:

Consider and take appropriate action on Ordinance O-28-19, an ordinance of the City Council of the City of Kaufman, to amend Chapter 22, "Buildings And Building Regulations" and Chapter 46, "Fire Prevention And Protection" by amending and repealing the following: Amending Section 22-481, "Code Adopted" of Article XIII "Technical Codes", and Repealing Sections 22-31 Through Section 22-34 (Property Maintenance Code Local Amendments) of Article II "Property Maintenance Code, Amending Section 22-121, "Adopted" of Article IV, "Electricity" of Chapter 22 "Building And Building Regulations", and Amending Section 46-161, "Adoption" of Article IV, "Fire Codes", Repealing Section 46-181 "Adoption Of NFPA Standard 101" And Section 46-182 "Automatic Sprinkler Systems Of Article IV, "Fire Codes" Chapter 46 "Fire Prevention And Protection" of the Code Of Ordinances, Replacing And Repealing All Of Ordinance O-01-14 (Adoption Of 2009 IBC Codes And 2008 NEC Code); Repealing All Of Ordinance O-17-14 (Property Maintenance Code Local Amendments) And Adopting And Incorporating into the Code Of Ordinances by reference the 2014 National Electrical Code; the 2015 International Building Code; the 2015 International Residential Code; the 2015 International Fire Code; the 2015 International Plumbing Code; the 2015 International Mechanical Code; the 2015 International Fuel Gas Code; the 2015 International Energy Conservation Code; The 2015 International Property Maintenance Code; the 2015 International Existing Building Code; and the 2015 International Swimming Pool and Spa Code; Providing for adoption of Certain Local Amendments including amendments as recommended by The North Central Texas Council Of Governments (NCTCOG) to the Codes as enumerated; providing for the incorporation of premises; providing for an amendment; providing a cumulative repealer clause; providing for severability; providing a penalty in an amount not to exceed two thousand dollars (\$2,000.00); providing an effective date.

BACKGROUND:

The City of Kaufman adopted the 2009 editions of the International Code Council's (ICC) Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Existing Building, Property Maintenance and the 2008 National Electric Code (NEC) in 2014. These codes have become dated and do not provide the needed standardized rules and regulations relative to current building practices. Additionally, the City's ISO rating is affected, because the adopted codes are more than five years past the most current cycle of ICC codes. The ICC has the 2012, 2015 and 2018 editions available for cities to adopt.

Development Services and the Fire Department have discussed the merits of adopting the 2015 editions versus the 2018 editions. Staff is recommending adoption of the 2015 ICC editions and the 2014 National Electric Code, because there has been time for the building industry and the ICC to resolve any major code issues before Kaufman adopts the codes. Staff proposes to include the Swimming Pool and Spa Code, because it is a recently developed code book that was not available for adoption in 2009. Kaufman has historically adopted the North Central Texas Council of

Governments (NCTCOG) regional code amendments, so the codes are similar from one city to another. The cities of Forney, Terrell, and Crandall have adopted the 2015 ICC editions and the 2014 NEC Codes.

Author: Marcy Ratcliff, Development Services Director

Reviewed: Mike Slye, City Manager

Cost: NA

Funds Available: NA

Source: NA

Recommendation: Staff recommends adoption of the 2015 ICC codes, which includes the Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Existing Building, Property Maintenance and the Swimming Pool and Sap Code and the 2014 National Electric Code along with the North Central Texas Council of Governments (NCTCOG) regional amendments, option B, which are included in the proposed Ordinance O-28-19.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☒	☒	☐	☒	☐

ORDINANCE O-28-19

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING VARIOUS PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN , SPECIFICALLY AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS" AND CHAPTER 46, "FIRE PREVENTION AND PROTECTION" BY AMENDING AND REPEALING THE FOLLOWING: AMENDING SECTION 22-481, "CODE ADOPTED" OF ARTICLE XIII "TECHNICAL CODES", AND REPEALING SECTIONS 22-31 THROUGH SECTION 22-34 (PROPERTY MAINTENANCE CODE LOCAL AMENDMENTS) OF ARTICLE II "PROPERTY MAINTENANCE CODE, AMENDING SECTION 22-121, "ADOPTED" OF ARTICLE IV, "ELECTRICITY" OF CHAPTER 22 "BUILDING AND BUILDING REGULATIONS", AND AMENDING SECTION 46-161, "ADOPTION" OF ARTICLE IV, "FIRE CODES", REPEALING SECTION 46-181 "ADOPTION OF NFPA STANDARD 101" AND SECTION 46-182 "AUTOMATIC SPRINKLER SYSTEMS OF ARTICLE IV, "FIRE CODES" CHAPTER 46 "FIRE PREVENTION AND PROTECTION" OF THE CODE OF ORDINANCES, REPLACING AND REPEALING ALL OF ORDINANCE O-01-14 (ADOPTION OF 2009 IBC CODES AND 2008 NEC CODE); REPEALING ALL OF ORDINANCE O-17-14 (PROPERTY MAINTENANCE CODE LOCAL AMENDMENTS) AND ADOPTING AND INCORPORATING INTO THE CODE OF ORDINANCES BY REFERENCE THE 2014 NATIONAL ELECTRICAL CODE; THE 2015 INTERNATIONAL BUILDING CODE; THE 2015 INTERNATIONAL RESIDENTIAL CODE; THE 2015 INTERNATIONAL FIRE CODE; THE 2015 INTERNATIONAL PLUMBING CODE; THE 2015 INTERNATIONAL MECHANICAL CODE; THE 2015 INTERNATIONAL FUEL GAS CODE; THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE; THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND THE 2015 INTERNATIONAL EXISTING BUILDING CODE; AND THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING FOR ADOPTION OF CERTAIN LOCAL AMENDMENTS INCLUDING AMENDMENTS AS RECOMMENDED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO THE CODES AS ENUMERATED; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas has adopted the International Building Codes as the official building codes to be used in the State of Texas in order to establish the minimum requirements to safeguard the public health, safety, and welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and

WHEREAS, the City Council of the City of Kaufman has determined that the Technical Codes adopted in the Code Ordinances of the City as amended by this

Ordinance serve the best interest of the City and its' citizens and that it is necessary to require that appropriate building standards and codes be applied to all persons who construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system in order to eliminate detrimental and negative impacts upon the public health, safety, or welfare; and

WHEREAS, the Council has reviewed the provisions set forth below for repeal and amendment and has determined that the proposed amendments serve the interest of public health, safety and welfare, and having reviewed the amendments set forth herein have determined that the regulations adopted are reasonable and prudent and further the goal of public health, safety and welfare;

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT. The following sections are amended or repealed as follows:

Section 2.1. Article XIII "Technical Codes" of Chapter 22, "Building and Building Regulations", Section 22-481(a)[Codes adopted.](1)-(11), "Code Adopted" of the Code of Ordinances of the City of Kaufman, is hereby amended and shall be an read in its entirety as follows:

The City of Kaufman, Texas hereby adopts the following standardized rules and regulations propounded by the National Fire Protection Association (NFPA) and International Code Council (ICC) more specifically as follows:

- (1) National Electric Code, 2008 2014 edition, (NEC);
- (2) International Building Code, 2009 2015 edition, (IBC) ;
- (3) International Residential Code, 2009 2015 edition, (IRC);
- (4) International Fire Code, 2009 2015 edition, (IFC)
- (5) International Plumbing Code, 2009 2015 edition, (IPC);
- (6) International Mechanical Code, 2009 2015 edition, (IMC);
- (7) International Fuel Gas Code, 2009 2015 edition, (IFGC);
- (8) International Energy Conservation Code, 2009 2015 edition, (IECC);
- (9) ~~International Property Maintenance Code, 2009 edition~~ International Existing Building Code, 2015 edition, (IEBC);
- (10) ~~International Existing Building Code, 2009 edition (IEBC)~~ International Swimming Pool and Spa Code, 2015 edition, (ISPSC);;
- (11) ~~International Private Sewage Disposal Code, 2009 edition~~ International Property Maintenance, 2015 edition.

Section 2.2. Article XIII "Technical Codes" of Chapter 22, "Building and Building Regulations", Section 22-481(b)[Codes repealed.](1)-(11), "Code Adopted" of the Code

of Ordinances of the City of Kaufman, is hereby amended and shall be and read in its entirety as follows:

The following enumerated codes and appendices are being replaced or repealed by the ~~above-cited codes listed in Section 22-481(a)[Codes adopted]~~ (1) – (11):

- (1) National Electric Code, 2005 2008 edition, (NEC);
- (2) International Building Code, 2003 2009 edition, (IBC);
- (3) International Residential Code, 2003 2009 edition, (IRC);
- (4) International Fire Code, 2003 2009 edition, (IFC);
- (5) International Plumbing Code, 2003 2009 edition, (IPC);
- (6) International Mechanical Code, 2003 2009 edition, (IMC);
- (7) International Fuel Gas Code, 2003 2009 edition, (IFGC);
- (8) International Energy Conservation Code, 2003 2009 edition, (IECC);
- (9) International ~~Existing Building Property Maintenance~~ Code, 2003 2009 edition, (IEBC);
- (10) International ~~Property Maintenance Existing Building~~ Code, 2003 2009 edition, (IPMC);
- (11) International Private Sewage Disposal Code, 2003 2009 edition, IPSDC;

Section 2.3. Article XIII “Technical Codes” of Chapter 22, “Building and Building Regulations”, Section 22-481(c)[Amendments.](1)-(10), “Code Adopted” of the Code of Ordinances of the City of Kaufman, is hereby amended and shall be and read in its entirety as follows:

The following North Central Texas Council of Governments (NCTCOG) Amendments with Option B are adopted with their respective codes in accordance with the needs of the City of Kaufman, Texas and are attached hereto:

- (1) NCTCOG amendments ~~recommendations~~ attached hereto relating to National Electrical Code, 2008 2014 edition (NEC). These amendments as shown in Exhibit “A” shall be attached to each enumerated Code as indicated.
- (2) NCTCOG amendments ~~recommendations~~ attached hereto relating to International Building Code, 2009 2015 edition (IBC). These amendments as shown in Exhibit “B” shall be attached to each enumerated Code as indicated.
- (3) NCTCOG amendments ~~recommendations~~ attached hereto relating to International Residential Code, 2009 2015 edition (IRC). These amendments **as shown in Exhibit “C”** shall be attached to each enumerated Code as indicated.
- (4) NCTCOG amendments ~~recommendations~~ attached hereto relating to International Fire Code, 2009 2015 edition (IFC). These amendments as shown in Exhibit “D” shall be attached to each enumerated Code as indicated.
- (5) NCTCOG amendments ~~recommendations~~ attached hereto relating to International Plumbing Code, 2009 2015 edition (IPC). These amendments as shown in Exhibit “E” shall be attached to each enumerated Code as indicated.

- (6) NCTCOG amendments ~~recommendations~~ attached hereto relating to International Mechanical Code, 2009 2015 edition (IMC). These amendments as shown in Exhibit "F" shall be attached to each enumerated Code as indicated.
- (7) NCTCOG amendments ~~recommendations~~ attached hereto relating to International Fuel Gas Code, 2009 2015 edition (IFGC). These amendments as shown in Exhibit "G" shall be attached to each enumerated Code as indicated.
- (8) NCTCOG amendments ~~recommendations~~ attached hereto relating to International Energy Conservation Code, 2009 2015 edition (IECC). These amendments as shown in Exhibit "H" shall be attached to each enumerated Code as indicated.
- (9) NCTCOG amendments attached hereto relating to International Existing Building Code, 2015 edition (IECC). These amendments as shown in Exhibit "I" shall be attached to each enumerated Code as indicated.
- (10) NCTCOG amendments attached hereto relating to International Swimming Pool and Spa Code, 2015 edition (ISPSC). These amendments as shown in Exhibit "J" shall be attached to each enumerated Code as indicated.

Section 2.4. Article XIII "Technical Codes" of Chapter 22 "Building and Building Regulations", Section 22-481(d) [Local Amendments] (1), "Code Adopted" of the Code of Ordinances of the City of Kaufman, is hereby amended as follows:

- (1) Local amendments attached hereto relating to International Property Maintenance Code, 2015 edition (IPMC) are hereby adopted. These amendments as shown in **Exhibit "K"** shall be attached to each enumerated Code as indicated and incorporated into each respective Code.

Section 2.5. The following sections of Article II "Property Maintenance Code" of Chapter 22, "Building and Building Regulations", Section 22-31, "Scope and Administration" of the Code of Ordinances of the City of Kaufman, are hereby repealed in their entirety as follows:

~~The City of Kaufman hereby amends Chapter 1, Scope and Administration, of the 2009 International Property Maintenance code as follows:~~

- ~~1. Section 101.1 Title, is amended to read as follows:~~

~~101.1 Title. These regulations shall be known as the Property Maintenance Code of The City of Kaufman, TX, hereinafter referred to as "this code".~~

- ~~2. Section 101.3, Intent, is amended to read as follows:~~

~~101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of the structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required. Repairs, alterations, additions to, and change of occupancy, in existing buildings shall comply with the Building Codes as adopted by the City of Kaufman.~~

- ~~3. Section 102.3, Application of other codes, is amended to read as follows:~~

~~102.3 Application of other codes. Repairs, additions or alternations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Building Codes as adopted by the City of Kaufman. Nothing in the Code shall be construed to cancel, modify or set aside any provision of the City of Kaufman Zoning Ordinance as adopted.~~

~~4. Section 104.1, General, is amended to read as follows:~~

~~104.1 General. The code official, or the City Manager's designee(s), is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirement specifically provided for in this code.~~

~~5. Section 107.3, Method of service shall be amended to read as follows:~~

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

- ~~1. Delivered personally; or~~
- ~~2. Post a notice of violation in a conspicuous place in or about the structure, or if the property contains no building, post a placard attached to a stake driven into the ground on the property to which the violation relates, or~~
- ~~3. Sent by certified or first-class mail addressed to the last known address; or~~
- ~~4. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.~~

~~6. Section 108.1.1, Unsafe structures, is changed to read as follows:~~

~~108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, limb, health, property, safety or welfare of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. Notwithstanding anything in this Section to the contrary, the City expressly retains all statutory powers and right to address unsafe structures.~~

~~7. Section 110.1, General, is amended to read as follows:~~

~~110.1 General. The code official, building official, or Building Standard Commission, may order the owner of any structure, which is his, her, or its judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official, building official, or Building Standards Commission, may order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall~~

~~not extend beyond one year, unless approved by the building official, code official, or Building Standards Commission. Notwithstanding anything in this Section to the contrary, the City and its Building Standards Commission expressly retain all statutory powers and rights to pursue demolition.~~

~~8. Section 111.1, Application for appeal, is amended to read as follows:~~

~~111.1, Application for appeal. Any person directly affected by a decision of the code official or a notice, or order issued under this code, shall have the right to appeal to the Building Standards Commission, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted, thereunder have been incorrectly interpreted, the provision of this code do not fully apply or the requirements of this code are adequately satisfied by other means. A person's exercise of an appeal does not preclude or abate criminal enforcement for a violation of this code.~~

~~9. Sections 111.2, Membership of board through Section 111.8, Stays of enforcement are deleted and shall make reference to Section 22, Article XI. Unsafe Buildings of the Code of Ordinances.~~

Section 2.6. The following sections of Article II “Property Maintenance Code” of Chapter 22, “Building and Building Regulations”, Section 22-32, “Definitions” of the Code of Ordinances of the City of Kaufman, are hereby repealed in their entirety as follows:

~~The City of Kaufman hereby amends Chapter 2, Definitions, of the 2009 International Property Maintenance code as follows:~~

~~1. Section 202, General Definitions, is amended as follows:~~

~~*GARBAGE.* The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and all decayable waste or rubbish.~~

~~*NOXIOUS WEED.* Any plant designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property.~~

Section 2.7. The following sections of Article II “Property Maintenance Code” of Chapter 22, “Building and Building Regulations”, Section 22-33, “General Requirements Definitions” of the Code of Ordinances of the City of Kaufman, are hereby repealed in their entirety as follows:

~~The City of Kaufman hereby amends Chapter 3, General Requirements, of the 2009 International Property Maintenance code as follows:~~

~~1. Section 302.4 Weeds, is amended as follows:~~

~~302.4 Weeds, All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12") in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Dead trees, shrubs, or ground cover must be removed and replaced as required. Landscaping shall be maintained to minimize property damage and eliminate public safety hazards.~~

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

2. Add Section 302.10 Trees, shrubs and plants to read as follows:

~~302.10 Trees, shrubs and plants. Trees, shrubs, and plants shall not obstruct the access to or from any door or window of any structure that is used, or is required by city code and ordinances to be used, for ingress or egress. Trees, shrubs, or plants that are dead and/or which are hazardous to persons or property shall be removed. Foliage of hedges, trees, and shrubs in public rights-of-way shall be maintained by the property owner adjacent to the right-of-way, such that the minimum overhang above a sidewalk shall be seven (7) feet. The minimum overhang above a street, alley, or public driveway shall be fourteen (14) feet.~~

3. Add Section 302.11 Erosion control to read as follows:

~~Section 302.11 Erosion control. The unpaved areas of the property shall be maintained with grass, ground cover, or other type of landscaping to such an extent that the soil, when wet, will not be picked up and spread to sidewalks or adjacent private or public property and is not subject to erosion during rains.~~

Section 2.8. The following sections of Article II “Property Maintenance Code” of Chapter 22, “Building and Building Regulations”, Section 22-34, “Mechanical and Electrical Requirements” of the Code of Ordinances of the City of Kaufman, are hereby repealed in their entirety as follows:

The City of Kaufman hereby amends Chapter 6, Mechanical and Electrical Requirements, of the 2009 International Property Maintenance code as follows:

1. Section 602.4, Occupiable work spaces, is changed to insert the following dates:

~~602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65° F (18°C) during the period the spaces are occupied.~~

~~Exceptions:~~

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

2. Section 604.2 Service is amended as follows:

~~604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code (NEC) as adopted. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.~~

Section 2.9. Article IV “Electricity”, Division 2. “Electrical Code” of Chapter 22, “Building and Building Regulations”, Section 22-121, “Adopted” of the Code of Ordinances of the City of Kaufman, is hereby repealed, and the following new section 22-121 “Adopted” is hereby adopted to be and read as follows:

22-121. Adopted. In the installation, construction, erection, repair and maintenance of all electrical wiring and apparatus, except as hereafter provided in this article, the rules and requirements of the National Electrical Code, 2008 edition as adopted in Section 22-481(a)(1) and as amended by Section 22-481(c)(1), as approved by the National Fire Protection Association, is adopted, including penalty provisions and all amendments or supplements thereto presently in existence or prepared in the future, thereby being revised periodically, and shall be in force and effect in the city, together with such requirements and rules as are provided in this article, and shall be complied with and become a part of this Code. At least one copy of such code is on file in the office of the building official or his designee.

Section 2.10. Article IV, “Fire Codes” Division 2, “Fire Prevention Code” of Chapter 46 “Fire Prevention and Protection”, Section 46.-161. “Adoption” is hereby repealed, and the following new section 22-121 “Adopted” is hereby adopted to be and read as follows:

46-161. Adopted. There is hereby adopted by the city council for the purposes of public safety, health, and general welfare, through safety to life and property from fire, explosion and other hazards incidental to the use and occupancy of buildings, structure or premises, that certain code known as the International Fire Codes, 2009 Edition as adopted in Section 22-481(a)(4) and as amended by Section 22-481(c)(4) and as hereafter amended, and the whole thereof, including penalty provisions and all amendments or supplements to the code presently in existence or prepared in the future, being revised periodically, save and except such portions as are deleted, modified or amended in this division, or are in conflict with this Code of Ordinances. One copy of the code is on file in the office of the fire chief or his designee, and is adopted and incorporated as fully as if set out in length in this section, and the provisions thereof shall be controlling within the city.

Section 2.11. Article IV, “Fire Codes” Division 3, “Life Safety Code” of Chapter 46 “Fire Prevention and Protection”, Section 46.-181. “Adoption of NFPA Standard 101” is hereby repealed in its entirety as follows:

~~46-181. Adoption of NFPA Standard 101.~~ ~~There is hereby adopted by the city council for the purpose of providing minimum requirements, with due regard to function, for the design, operation, and maintenance of buildings and structures for safety to life from fire and similar emergencies, that certain code known as the Life Safety Code, NFPA Standard 101, 1997 edition, and the whole thereof, including penalty provisions and all amendments or supplements to the code presently in existence or prepared in the future, thereby being revised periodically, save and except such portions as are in this division deleted, modified or amended, if any, or are in conflict with this Code of Ordinances. One copy of the life safety code is on file in the office of the fire chief or his designee, and is adopted and incorporated as fully as if set out in length in this section, and the provisions thereof shall be controlling within the city.~~

SECTION 4. CUMULATIVE REPEALER. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6. PENALTY. Any person who violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication as required by law and Charter.

PASSED AND APPROVED this 28th day of October, 2019.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

“EXHIBIT A”
2014 National Electrical Code
North Central Texas Council of Governments Amendments

The following articles, paragraphs, and sentences of the *2014 National Electrical Code (NEC)* are hereby amended as follows: Standard type is text from the NEC. Highlighted with gray shading is text inserted. Lined through type is deleted text from NEC. A double asterisk (**) at the beginning of an article identifies an amendment carried over from the 2011 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2014 code.

*****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.

(REASON FOR CHANGE: To better define the qualifications for engineering supervision. This term is used twenty four times in the National Electrical Code.)

*****Article 100; amend the following definition:**

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.

(REASON FOR CHANGE: To allow for a termination point for other bonding conductors in addition to communication systems that are required by the various model codes. 6 AWG was chosen to coincide with the minimum size of bonding conductor required to the intersystem bonding jumper.)

*****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.

(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval of unlisted equipment.)

“EXHIBIT A”
2014 National Electrical Code
North Central Texas Council of Governments Amendments

*****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.

(REASON FOR CHANGE: Installations in compliance with this Code are not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use.)

****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.

(REASON FOR CHANGE: This is currently the accepted installation practice of the region. No noteworthy complaints have surfaced. It is more reasonable than the current NEC requirements. It allows more than six disconnects grouped at one location. This also allows designers more flexibility in the placement of electrical meters and main service disconnects.)

*****Article 240.91; delete the Article.**

(REASON FOR CHANGE: Present day equipment is not listed and has not been evaluated for the use. Removing this article may prevent both installers and AHJ's from misapplying the Code.

****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”).

(REASON FOR CHANGE: To provide limited support of raceways and cables by ceiling grid support wire.)

****Article 310.15(B) (7); change to read as follows:**

(7) This Article shall not be used in conjunction with 220.82.

(REASON FOR CHANGE: 310.15(B) (7) has been revised and the table has been deleted.)

*****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.

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2014 National Electrical Code

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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.

(REASON FOR CHANGE: Carry over from previous amendment with change to better define the qualifications for an engineering judgment.)

*****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.**

(REASON FOR CHANGE: Carry over from previous amendment with change to better define the qualifications for an engineering judgment.)

*****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.

“EXHIBIT A”
2014 National Electrical Code
North Central Texas Council of Governments Amendments

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.

(REASON FOR CHANGE: Changes made by deleting the definition of emergency systems in Article 517 Health Care Facilities and removing emergency systems as “Essential Electrical Systems for Hospitals in 517.30(B) (2), plus the new addition of section 517.30(G) for “Coordination” instead of using selective coordination, has diminished the reliability of the “Life Safety and Critical Branches of the Essential Electrical System” to deliver power to vital loads. By providing only “coordination,” the instantaneous portion of the time-current curve has been eliminated from the overcurrent device settings.)

*****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 within its outer sheath. The equipment-grounding conductor shall comply with 250.24(A) (5).~~

(REASON FOR CHANGE: Carry over from previous amendments. Text changed to reflect 2014 National Electrical Code. Exception deleted per Errata No.70-14-2)

END

EXHIBIT "B"
2015 International Building Code
North Central Texas Council of Governments Amendments

The following sections, paragraphs, and sentences of the *2015 International Building Code* are hereby amended as follows: Standard type is text from the IBC. Underlined type is text inserted. ~~Lined through type is deleted text from IBC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2015 code.

Explanation of Options A and B:

Please note that as there is a wide range in fire fighting philosophies / capabilities of cities across the region, OPTION "A" and OPTION "B" are provided in the Fire and Building Code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies / capabilities when adopting code amendments.

****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.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes. The former ICC Electrical Code is now Appendix K of this code but no longer called by that name.)

****Section 101.4.8; add the following:**

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.

(Reason: This was dropped when ICC quit publishing the ICC Electrical Code, but the Electrical Code still should be referenced regardless of how it is adopted.)

**** Section 103 and 103.1 amend to insert the Department Name**

~~DEPARTMENT OF BUILDING SAFETY~~ [INSERT OFFICIAL BUILDING DEPARTMENT NAME OF JURISDICTION]

103.1 Creation of enforcement agency. ~~The Department of Building Safety~~ [City of Kaufman Development Services Department] is hereby created and the official in charge thereof shall be known as the *building official*.

(Reason: Reminder to be sure ordinance reads the same as designated by the city.)

*****Section [A] 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas;** *(jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

****Section 104.10.1; Flood hazard areas.** *(jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

EXHIBIT "B"
2015 International Building Code
North Central Texas Council of Governments Amendments

****Section 105.2 Work exempt from permit; under sub-title entitled "Building" delete items 1, 2, 10 and 11 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. ~~2. (Unchanged)~~
5. ~~3. (Unchanged)~~
6. ~~4. (Unchanged)~~
7. ~~5. (Unchanged)~~
8. ~~6. (Unchanged)~~
9. ~~7. (Unchanged)~~
10. ~~Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~
11. ~~8. (Unchanged)~~
12. ~~9. (Unchanged)~~
13. ~~10. (Unchanged)~~

(Reason: Items deleted are for one- and two-family dwellings regulated by the International Residential Code. Accessory structures, fences and shade cloth structures would require a permit for commercial properties to ensure compliance with local ordinance, egress, accessibility, flame spread of fabric, wind/snow design load, etc.).

****Section 109; add Section 109.7 to read as follows:**

109.7 Re-inspection Fee. A fee as established by city council resolution 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.

(Reason: This fee is not a fine or penalty but is designed to compensate for time and trips when inspections are called for when not ready.)

****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.

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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.

(Reason: This fee is not a fine or penalty but is designed to compensate for time and to remove incentive to attempt to evade permits and code compliance. Text taken from former Uniform Administrative Code.)

****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.~~

(Reason: Lath or gypsum board inspections are performed in this area.)

****Section 202; amend definition of Ambulatory Care Facility as follows:**

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

*(Reason: To clarify the range of uses included in the definition. [Explanatory note related to **Ambulatory Care Facilities**: This group of uses includes medical or dental offices where persons are put under for dental surgery or other services. Section 903.2.2 will now require such uses to be sprinklered if on other than the floor of exit discharge or if four or more persons are put under on the level of exit discharge. Recommend (1.) jurisdictions document any pre-existing non-conforming conditions prior to issuing a new C of O for a change of tenant and, (2.) On any medical or dental office specify on C of O the maximum number of persons permitted to be put under general anesthesia. It is recommended that before a Certificate of Occupancy is issued, a letter of intended use from the business owner shall be included and a C of O documenting the maximum number of care recipients incapable of self preservation allowed.]*

****Section 202; add definition of Assisting Living Facilities to read as follows.**

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.

(Reason: The code references Assisted Living facilities and definition was deleted)

****Section 202; change definition of "Atrium" as follows:**

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

(Reason: Accepted practice in the region based on legacy codes. Section 1019 permits unenclosed two story stairways under certain circumstances.)

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****Section 202; add definition of "Repair Garage" as follows:**

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.

(Reason: The code references aligns with fire code)

*****Section 202; amend definition of SPECIAL INSPECTOR to read as follows:**

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.

(Reason: The registered design professional in responsible charge should be included.)

Option A

****Section 202; {No amendment necessary}**

Option B

****Section 202; amend definition to read as follows:**

HIGH-RISE BUILDING. A building with an occupied floor located more than ~~75~~ 55 feet (~~22-860 mm~~) (16 764 mm) above the lowest level of fire department vehicle access.

(Reason: To define high-rise, as it influences sprinkler requirement thresholds based on the fire fighting capabilities of a jurisdiction.)

****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.

(Reason: To clarify that egress and accessibility requirements are applicable for assembly areas, i.e. cafeteria, auditoriums, etc.)

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

Fire stations

Police stations with detention facilities for 5 or less

(Reason: Consistent with regional practice dating back to the legacy codes.)

****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.

(Reason: To call attention to detailed requirements in the Fire Code.)

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

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

(Reason: To clarify enclosed portions are not exempt.)

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****Section 403.3, Exception; delete item 2.**

(Reason: To provide adequate fire protection to enclosed areas.)

*****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.

Exception: {No change to exception.}

(Reason: The 2009 edition of the IFC added this requirement based on a need for redundancy of the water supply similar to the redundancy of the power supply to the fire pumps required for such tall buildings, partially due to the fact that these buildings are rarely fully evacuated in a fire event. More commonly, the alarm activates on the floor of the event, the floor above and the floor below. Back-up power to the fire pump becomes critical for this reason. Certainly, the power is pointless if the water supply is impaired for any reason, so a similar requirement is provided here for redundant water supplies. The 2015 edition changes the requirement to only apply to very tall buildings over 420 ft. This amendment modifies/lowers the requirement to 120 ft., based on this same height requirement for fire service access elevators. Again, the language from the 2009 and 2012 editions of the code applied to any high-rise building. This compromise at 120 ft. is based on the above technical justification of defend-in-place scenarios in fire incidents in such tall structures.)

****Section 404.5; delete Exception.**

(Reason: Consistent with amended atrium definition.)

****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).

(Reason: Simplifies the fire separation distance and eliminates the need to obtain opening information on existing buildings when adding carports in existing apartment complexes. Consistent with legacy codes in effect in region for years and no record of problems with car fires spreading to apartments as a result.)

****Section 506.2.2; add sentence to read as follows:**

506.3.2.1 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.

(Reason: To define what is considered accessible. Consistent with regional amendment to IFC 504.1.)

****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.

(Reason: To be consistent with amended definition of an atrium.)

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****Section 901.6.1; add Section 901.6.1.1 to read as follows:**

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:

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.
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*.

(Reason: Increases the reliability of the fire protection system and re-emphasizes the requirements of NFPA 25 relative to standpipe systems, as well as ensuring that FDC connections are similarly tested/maintained to ensure operation in an emergency incident.)

****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*.

(Reason: Such alternative systems do not provide the reliability of automatic sprinkler protection in general. An applicant could pursue an Alternate Method request to help mitigate the reliability issues with these alternative systems with the fire code official if so desired, or there may be circumstances in which the fire

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code official is acceptable to allowing an alternate system in lieu of sprinklers, such as kitchen hoods or paint booths. This also meets with local practices in the region.)

****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."*

(Reason: Firefighter and public safety. This amendment eliminates the shunt trip requirement of the International Building Code Section 3006.5 for the purpose of elevator passenger and firefighter safety. This amendment is contingent on the Building Code amendment eliminating the Exceptions to Section 3006.4, such that passive fire barriers for these areas are maintained. This also meets with local practices in the region.)

[F] **Section 903.2; delete the exception.

(Reason: The exception deletion is due to the fact that such telecom areas pose an undue fire risk to the structural integrity of the building. This also meets with local practices in the region.)

****Section 903.2.9; add Section 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.*

(Reason: Fire departments are unable to inspect these commercial occupancies and are unaware of the contents being stored. Previous allowance to separate units by fire barriers is difficult to enforce maintenance after opening.)

Option A

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7 and 903.2.11.8, as follows:

903.2.11.3 Buildings 55 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 55 feet (16 764 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.~~*

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.*

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.*

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Option B

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

903.2.11.3 Buildings ~~55~~ 35 ~~50~~ 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 ~~55~~ 35 feet (~~46-764~~ 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.

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.

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.

903.2.11.9 Buildings Over ~~6,000~~ 7,500 sq.ft. An automatic sprinkler system shall be installed throughout all buildings with a building area ~~6,000~~ 7,500 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*.

(Reason: Provides jurisdictions options as to their desired level of sprinkler protection based on multiple factors including firefighting philosophies/capabilities.)

****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 ...*{text unchanged}*... 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. ~~Rooms or areas that are of noncombustible construction with wholly noncombustible contents.~~
5. ~~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.
6. ~~{Delete.}~~

(Reason: Gives more direction to code official. Exception 4 deleted to provide protection where fire risks are poorly addressed. Amendment 903.2 addresses Exception 5. above relative to the elimination of sprinkler protection in these areas to avoid the shunt trip requirement.)

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****Section 903.3.1.2.3; add section 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.

(Reason: Attic protection is required due to issues with fire exposure via soffit vents, as well as firefighter safety. Several jurisdictions indicated experience with un-protected attic fires resulting in displacement of all building occupants. NFPA 13 provides for applicable attic sprinkler protection requirements, as well as exemptions to such, based on noncombustible construction, etc. Attached garages already require sprinklers via NFPA 13R – this amendment just re-emphasizes the requirement.)

****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.

(Reason: To allow the use of the Plumbing section of the IRC and recognize current state stipulations in this regard.)

*****Section 903.3.1.4; add 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.

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.

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.

(Reason: In the last few years, severe winters brought to light several issues with current practices for sprinklering attics, not the least of which was wet-pipe sprinklers in ventilated attics provided with space heaters, etc. for freeze protection of such piping. This practice is not acceptable for the protection of water-filled piping in a ventilated attic space as it does not provide a reliable means of maintaining the minimum 40 degrees required by NFPA, wastes energy, and presents a potential ignition source to the attic space. Listed antifreeze is specifically included because NFPA currently allows such even though there is no currently listed antifreeze at the time of development of these amendments. The intent of this amendment is to help reduce the large number of freeze breaks that have occurred in the past with water-filled wet-pipe sprinkler systems in the future, most specifically in attic spaces.)

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****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.

(Reason: To define uniform safety factor.)

****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.

(Reason: To avoid significant water losses. Consistent with amendment to IFC 905.9.)

****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/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

(Reason: Fire department connections are not always located at the riser; this allows the fire department faster access.)

****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/low alarm.

(Reason: To define manual dry standpipe supervision requirements. Helps ensure the integrity of the standpipe system via supervision, such that open hose valves will result in a supervisory low air alarm.)

****Section 905.3; add Section 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.

(Reason: Allows for the rapid deployment of hose lines to the body of the fire.)

*****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.}

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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.

(Reason: Item 1., 3., and 5. amendments to remove 'interior' will help to clarify that such connections are required for all 'exit' stairways, to ensure firefighter capabilities are not diminished in these tall buildings, simply because the stair is on the exterior of the building. Item 5. reduces the amount of pressure required to facilitate testing, and provides backup protection for fire fighter safety. Item 7. allows for the rapid deployment of hose lines to the body of the fire.)

****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.

(Reason: To avoid significant water losses. Consistent with amendment to IFC 903.4.)

****Section 907.1; add Section 907.1.4 and 907.1.4.1 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.

(Reason: Provides for the ability of descriptive identification of alarms, and reduces need for panel replacement in the future. Updated wording to match the language of the new requirement at 907.5.2.3. Change of terminology allows for reference back to definitions of NFPA 72)

****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.

(Reason: Increases the requirement to be consistent with Group B requirement. Also addresses issue found in Group A occupancies of reduced lighting levels and other A/V equipment that distracts from fire alarm notification devices or reduces ability of fire alarm system to notify occupants of the emergency condition.)

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****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/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.}

(Reason: To distinguish educational from day care occupancy minimum protection requirements. Further, to define threshold at which portable buildings are considered a separate building for the purposes of alarm systems. Exceptions provide consistency with State law concerning such occupancies.)

****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.

(Reason: To indicate that enclosed areas within open air seating type occupancies are not exempted from automatic fire alarm system requirements.)

****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.

(Reason: Helps to reduce false alarms.)

****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.

(Reason: To provide uniformity in system specifications and guidance to design engineers. Improves reliability of fire alarm devices and systems.)

*****Section 907.6.3; delete all four Exceptions.**

(Reason: To assist responding personnel in locating the emergency event for all fire alarm systems.)

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*****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.

(Reason: To assist responding personnel in locating the emergency event for all fire alarm systems. This was moved from 907.6.5.3 in the 2012 IFC and reworded to match new code language and sections.)

*****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.

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(Reason: To assist with enforcement of such as a smoke control system, as per Section 909.6.3, especially since a permit is now specifically required for such systems in the Fire Code. Also ensures that a firefighter's override panel is provided as per 909.16 for such systems. The above amendment copies the applicable requirements for such systems from Section 909.20 of the Building Code into the Fire Code. Although the published code did copy the elevator pressurization requirements into the Fire Code, it did not copy over the stair pressurization requirements.)

***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.
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 $50(m^2S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

(Reason: Allows the fire department to control the smoke and heat during and after a fire event, while still prohibiting such systems from being automatically activated, which is a potential detriment to the particular sprinkler systems indicated.)

***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.

(Reason: Maintains a fire protection device utilized in such occupancies where it is sometimes necessary to allow chemicals to burn out, rather than extinguish.)

**Section 910.3; add section 910.3.4 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.

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(Reason: Amendment continues to keep applicable wording from prior to the 2012 edition of the IFC. Specifically, automatic activation criteria is no longer specifically required in the published code. Specifying a temperature range at which smoke and heat vents should activate in sprinklered buildings helps to ensure that the sprinkler system has an opportunity to activate and control the fire prior to vent operation.)

****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.

(Reason: Makeup air has been required to be automatic for several years now in this region when mechanical smoke exhaust systems are proposed. This allows such systems to be activated from the smoke control panel by first responders without having to physically go around the exterior of the building opening doors manually. Such requires a significant number of first responders on scene to conduct this operation and significantly delays activation and/or capability of the smoke exhaust system.)

****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.

(Reason: The provision of a manual only mechanical smoke removal system does not provide equivalency with automatic smoke and heat vents. This amendment clarifies that the primary intent is for automatic systems, unless exceptions are provided as in 910.2 – consistent with the charging statements of the section.)

****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.

(Reason: To accommodate limited hose lengths, improve response times where the FDC is needed to achieve fire control, and improve ease of locating a fire hydrant in those situations also. Also, consistent with NFPA 14 criteria.)

****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.

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.

(Reason: This requirement allows fire fighters safer access to the fire pump room. The requirement allows access without being required to enter the building and locate the fire pump room interior access door during a fire event. The exception recognizes that this will not always be a feasible design scenario for some buildings, and as such, provides an acceptable alternative to protect the pathway to the fire pump room.)

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****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.

(Reason: Cross reference necessary for coordination with the NEC which has exiting requirements as well.)

****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.

(Reason: To accommodate buildings regulated under Texas State Law and to be consistent with amendments to Chapter 11.)

****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}*

(Reason: Application to M occupancies reflects regional practice; No. 4 expanded to Group A due to it being a similar scenario to other uses; No. 4 was regional practice.)

*****Section 1015.8 Window Openings. No amendment necessary:**

Option A

*****Section 1015.8 Window Openings. REVISE text as follows:**

Option B

1. Operable windows where the top of the sill of the opening is located more than ~~75 feet (22 860 mm)~~ 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.

(Reason: In Option B jurisdictions, change "75 feet" to "55 feet".)

****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.

(Reason: Revise the 2012 published NCTCOG amendment to this section to now read closer to that of the City of Dallas 2012 amendment.)

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

(Reason: Unenforceable.)

*****Section 1101.1 Scope. add exception to Section 1101.1 as follows:**

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

(Reason: To accommodate buildings regulated under state law. Further clarified in 2015 to mean components that are specifically addressed by TDLR shall be exempt.)

*****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 air infiltration rate in a *dwelling unit* is ~~less than~~ 5 air changes or less per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the *International Energy Conservation Code*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the *International Mechanical Code*.

(Reason: See IECC change to performance testing. Whole-house ventilation is recognized as necessary).

****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]

(Reason: Conforms to regional practice affording increased fire protection.)

****Section 1505.7; delete the section**

(Reason: Conforms to regional practice.)

****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}

(Reason: Relocated the text to more appropriate place. Previously was footnote "b" to Table 1505.1)

*****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

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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.

(Reason: The RDPRC should be included in the documentation.)

***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]

(Reason: The RDPRC should be included in the documentation.)

***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]

(Reason: The RDPRC should be included in the documentation and building official can choose to request reports as required.)

***Section 1704.2.5.2, *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.

(Reason: The RDPRC should be included in the documentation and fabricators can be accepted or approved.)

**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.

(Reason: Gives building official discretion.)

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****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.

(Reason: To allow flexibility for designer to consider specific occupancy needs.)

****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.

(Reason: Adjustment meets the needs of specific occupancy types.)

****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 **<Jurisdiction's>** health department.

(Reason: Coordinates Health law requirements with code language for consistent regional practice.)

*****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.

(Reason: Provides specific Code recognition that elevators within atriums and within parking garages do not require hoistway enclosure protection.)

*****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.

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[Remainder unchanged]

(Reason: This amendment eliminates code language so as to be consistent with the regional goal to require passive enclosures of these areas unless a hoistway enclosure is not required by other Code provisions. See companion change to eliminate fire sprinklers thereby eliminating shunt trip.)

*****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.

(Reason: Firefighter and public safety. This amendment eliminates the shunt trip requirement of the International Building Code Section 3005.5 for the purpose of elevator passenger and firefighter safety. The new section above is intended to be identical to Sections 3007.2, 3007.3, and 3007.4 for Fire Service Access Elevators and Sections 3008.2, 3008.3 and 3008.4 for Occupant Evacuation Elevators.)

*****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. Provide approved signage at each entry to the above listed locations stating: "No Storage Allowed."

(Reason: Reinforces the need to maintain space clean and free of combustibles. See companion change to eliminate fire sprinklers therein, to always require an enclosure - with IBC 3005.4 exceptions deleted - resulting in the limited need for a shunt trip system.)

Option A

*****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) 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.

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Option B

*****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.

(Reason: 2015 IBC text does not address hoistways that are > 75' in height that are both below grade and above grade but not located above the high rise classification nor does the IBC address hoistways wholly located above grade such as those that serve above sky lobbies.)

****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.

(Reason: To recognize "state requirements".)

END

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The following sections, paragraphs, and sentences of the *2012 International Residential Code* are hereby amended as follows: Standard type is text from the IRC. Underlined type is text inserted. ~~Lined through type is deleted text from IRC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk identifies a new or revised amendment with the 2015 code.

In 2009, **the State Legislature enacted SB 1410 prohibiting cities from enacting fire sprinkler mandates in residential dwellings.** However, jurisdictions with ordinances that required sprinklers for residential dwellings prior to and enforced before January 1, 2009, may remain in place. Reference; Section R313 Automatic Fire Sprinkler Systems.

The energy provisions in Chapter 11 of the International Residential Code (IRC) mirror the requirements of the International Energy Conservation Code (IECC). IRC Chapter 11 is deleted in its entirety. **Reference the 2015 IECC for energy code provisions and recommended amendments.**

****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.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes. Note: the former ICC Electrical Code is now Appendix K of the IBC, but no longer called by that name. If adopting in that location, be sure to include language that includes structures under IRC and IBC.)

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

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

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

(Reason: Floodplain provisions are addressed locally.)

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

(Reason: Issuing CO's for residences is not a common practice in the area.)

****Section R202; change definition of "Townhouse" to read as follows:**

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.

(Reason: To distinguish Townhouses on separate lots.)

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

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDER- LAYMENT ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	SPEED ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
5 lb/ft	115 (3 sec- gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22° F	No	Local Code	150	64.9° F

(Reason: To promote regional uniformity.)

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

Exceptions: {previous exceptions unchanged}

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

(Reason: Refers to other ordinances, such as zoning ordinances.)

****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.

(Reason: Provide guidance for a common construction method in this area. Correlates with amendment to IRC Section R202 Townhouse definition.)

*****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 13/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors ~~equipped with a self-closing device.~~

(Reason: Absence of data linking self-closing devices to increased safety. Self-closing devices often fail to close the door entirely.)

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

Exception: {existing text unchanged} Exhaust air from the space shall be exhaust 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.

(Reason: Consistent with common local practice as recirculating fans are recognized as acceptable air movement.)

Section R313 Automatic Fire Sprinkler Systems. Delete subsections in their entirety.

(Reason: In 2009, the State Legislature enacted SB 1410 prohibiting cities from enacting fire sprinkler mandates in residential dwellings. However, jurisdictions with ordinances that required sprinklers for residential dwellings prior to and enforced before January 1, 2009, may remain in place.)

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

Exception:

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

(Reason: Code intent is to protect against the products of combustion.)

****Section R322 Flood Resistant Construction. Deleted Section.**

(Reason: Floodplain hazard ordinances may be administered by other departments within the city.)

*****Section R326 Swimming Pools, Spas and Hot Tubs. Amended to read as follows:**

R326.1 General. The design and construction of pools and spas shall comply with the International Swimming Pool and Spa Code 2015 IRC Appendix Q. Swimming Pools, Spas and Hot Tubs.

(Reason: New Pool and Spa code not under review. In lieu of adoption of new pool code, previous edition of 2012 Appendix G is proposed for continued use but renamed 2015 Appendix Q.)

****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.

(Amendment to 2012 IRC carried forward to 2015 IRC.)

****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 4 ½ inches (38) mm 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38

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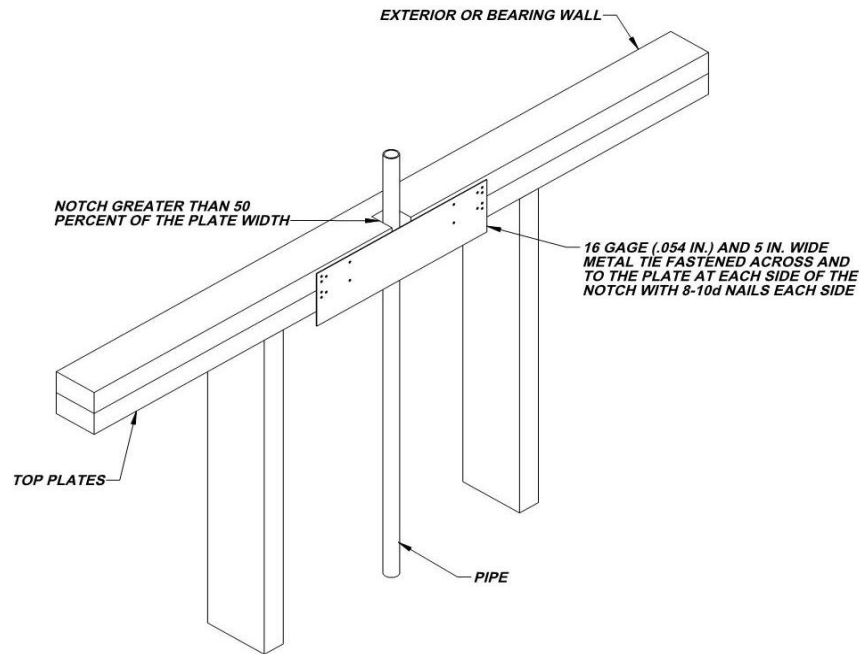
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mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {remainder unchanged}

(Amendment to 2012 IRC carried forward to 2015 IRC.)

****Figure R602.6.1; delete the figure and insert the following figure:**



(Amendment to 2012 IRC carried forward to 2015 IRC also provides additional assurance of maintaining the integrity of the framing by spreading the nailing pattern.)

****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.

(Reason: (Amendment to 2012 IRC carried forward to 2015 IRC. Provide easy to install and inspect dimensions to clarify how to anchor and to distinguish "studs" from other types of construction.)

****Section R902.1; Amend and add exception #3 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}

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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 (area defined by jurisdiction).

(Reason: to address accessory structures Group U exempt from permits per Section R105.2)

***** 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.

(Reason: The text of the residential provisions of the 2015 IRC is extracted from the 2015 edition of the International Energy Conservation Code—Residential Provisions and has been editorially revised to conform to the scope and application of this code. The section numbers appearing in parenthesis after each section number are the section numbers of the corresponding text in the International Energy Conservation Code—Residential Provisions. This approach simply minimizes the number of amendments to the IRC)

****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}

(Reason: To provide a safe means of accessibility to appliances in attics and to allow for different types of construction limitations. Consistent with regional amendment to IFGC and IMC 306.3.)

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****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}*

(Reason: Reflects regional practice and to reduce excessive runoff into storm drains.)

****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*.

(Reason: Reflects standard practice in this area.)

****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*.

(Reason: Reflects standard practice in this area.)

****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 a makeup air at a rate approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute.

(Reason: Exception requires makeup air equaling the amount above and beyond 400 cfm for larger fan which will address concerns related to "fresh" air from the outdoors in hot humid climates creating a burden on HVAC equipment and negative efficiency impacts from back-drafting and wasted energy.

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****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

(Reason: Corresponds with the provisions of IFGC Section 303, exception #5.)

****Section G2408.3 (305.5); delete.**

(Reason: This provision does not reflect standard practice in this area.)

****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"

(Reason: To protect homeowners and plumbers.)

****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).

(Reason: Pipe less than 1/2" has a history in this region of causing whistling.)

****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 12-inches (305-mm) 18 inches (457 mm) below grade, except as provided for in Section G2415.12.1.

(Reason: To provide increased protection to piping systems.)

****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.

(Reason: To utilize language used in the IPC regarding who is responsible for testing procedures.)

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****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.

(Reason: To require the use of more accurate diaphragm gauges. Spring gauges do not provide accurate measurement below approximately 17 psig.)

****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 ½"), 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 ½"), 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

(Reason: To provide for lesser pressures to coordinate with the use of more accurate diaphragm gauges.)

****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.

(Reason: To comply with accepted regional practices.)

****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.

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(Reason: To provide proper security to CSST valves. These standards were established in this region in 1999 when CSST was an emerging technology.)

****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.

(Reason: Reflects regional practice and provides an additional measure of safety.)

****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.

(Reason: To require adequate access to regulators.)

****Section G2422.1.2.3 (411.1.3.3); delete Exception 1 and Exception 4.**

(Reason: To comply with accepted regional practices.)

****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.

(Reason: Gives code official discretion.)

****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.

(Reason: To clarify installation requirements. Also corresponds with amendments regarding water heater access.)

***** 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 1/2 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 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.

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Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

*** 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 manufactures installation instructions and installed with those instructions.

5. Discharge ~~to the floor~~, to an indirect waste receptor or to the outdoors.

[remainder unchanged]

(Reason: To ensure the T&P is ran to the exterior.)

**Section P2801.7; add Exception to read as follows:

Exceptions:

1. Electric Water Heater.

(Reason: To coordinate with Section 2408.2 of the IRC, which recognizes this exception.)

**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.

(Reason: To provide clarity.)

***Section P3009.9; change to read as follows:

P3003.9. 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:

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- ~~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.~~

(Reasoning: to keep the "process of joining PVC pipe)

****Section P3111; delete.**

(Reason: A combination waste and vent system is not approved for use in residential construction.)

****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.

(Reason: To clarify the installation of island venting and to provide a regional guideline on a standard installation method for this region.)

*****Appendix Q Reserved. Amended to read as follows:**

Appendix Q. Swimming Pools, Spas and Hot Tubs.

SECTION AQ101 GENERAL

AQ101.1 General.

The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

AQ101.2 Pools in flood hazard areas.

Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AQ101.2.1 or AQ101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AQ101.2.1 Pools located in designated floodways.

Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

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AQ101.2.2 Pools located where floodways have not been designated.

Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

SECTION AQ102 DEFINITIONS

AQ102.1 General.

For the purposes of these requirements, the terms used shall be defined as follows and as set forth in [Chapter 2](#).

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AQ103.1 In-ground pools.

In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

AQ103.2 Above-ground and on-ground pools.

Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

AQ103.3 Pools in flood hazard areas.

In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

SECTION AQ104 SPAS AND HOT TUBS

AQ104.1 Permanently installed spas and hot tubs.

Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

AQ104.2 Portable spas and hot tubs.

Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

SECTION AQ105 BARRIER REQUIREMENTS

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AQ105.1 Application.

The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AQ105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219mm) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102mm).

2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102mm) sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of Section AQ105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and

8.2. The gate and barrier shall have not opening greater than 0.5 inch (13 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves a part of the barrier one of the following conditions shall be met:

9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or

9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch (es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded

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is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AQ105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

AQ105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AQ105.2, Item 9.

AQ105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb them.

AQ105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AQ107, shall be exempt from the provisions of this appendix

SECTION AQ106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AQ106.1 General.

Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

SECTION AQ107 ABBREVIATIONS

AQ107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036

APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700

ASTM—ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

SECTION AQ108 REFERENCED STANDARDS

AQ108.1 General.

ANSI/NSP

<u>ANSI/NSPI-</u>	<u>Standard for Permanently Installed</u>	
<u>3—99</u>	<u>Residential Spas</u>	<u>AQ104.1</u>
<u>ANSI/NSPI-</u>	<u>Standard for Above-ground/</u>	
<u>4—99</u>	<u>On-ground Residential</u>	
	<u>Swimming Pools</u>	<u>AQ103.2</u>

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<u>ANSI/NSPI- 5—03</u>	<u>Standard for Residential In-ground Swimming Pools</u>	<u>AQ103.1</u>
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<u>ANSI/NSPI- 6—99</u>	<u>Standard for Residential Portable Spas</u>	<u>AQ104.2</u>
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ANSI/APSP

<u>ANSI/APSP- 7—06</u>	<u>Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins</u>	<u>AQ106.1</u>
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ASCE

<u>ASCE/SEI-24— 05</u>	<u>Flood-resistant Design and Construction</u>	<u>AQ103.3</u>
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ASTM

<u>ASTM F 1346—91 (2003)</u>	<u>Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs</u>	<u>AQ105.2, AQ105.5</u>
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UL

<u>UL 2017— 2000</u>	<u>Standard for General-purpose Signaling Devices and Systems—with revisions through June 2004</u>	<u>AQ105.2</u>
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(Reason: New Pool and Spa code not under review. In lieu of adoption of new pool code, previous edition of 2012 Appendix G is proposed for continued use but renamed 2015 Appendix Q.)

END

EXHIBIT "D"
2015 International Fire Code
North Central Texas Council of Governments Amendments

The following sections, paragraphs, and sentences of the *2015 International Fire Code* (IFC) are hereby amended as follows: Standard type is text from the IFC. Underlined type is text inserted. ~~Lined through type is deleted text from IFC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2015 code.

Note: Historically, the North Central Texas Council of Governments (NCTCOG) has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.** Note that Appendices must be specifically adopted by Ordinance. See Sample Ordinance on Page xii of 2015 IFC. Also, note that several sections of the code, as indicated in the Sample Ordinance, require jurisdictional specificity as to dollar amounts, geographic limits, etc.

Explanation of Options A and B:

Please note that as there is a wide range in fire fighting philosophies/capabilities of cities across the region, OPTIONS "A" and "B" are provided in the Fire and Building Code amendments. Jurisdictions should choose one of these based on their fire-fighting philosophies/capabilities when adopting code amendments.

****Section 102.1; change #3 to read as follows:**

3. Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code.

(Reason: To clarify that there are other provisions in the fire code applicable to existing buildings that are not located in Chapter 11, such as Section 505 Premises Identification.)

****Section 105.3.3; change to read as follows:**

105.3.3 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.

(Reason: For clarity to allow for better understanding in areas not requiring such permits, such as unincorporated areas of counties. This amendment may be struck by a city.)

****Section 105.7; add Section 105.7.19 to read as follows:**

105.7.19 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.

(Reason: Adds construction permit requirements for electronic access control systems affecting access and/or egress to ensure proper design and installation of such systems. These changes reflect local practices of municipalities in this region.)

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****Section 202; amend and add definitions to read as follows:**

**** [B] 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

(Reason: to clarify the range of uses included in the definition)

**** [B] ATRIUM.** An opening connecting ~~two~~ three or more stories... *{remaining text unchanged}*

(Reason: Accepted practice in the region based on legacy codes. IBC Section 1009 permits unenclosed two story stairways under certain circumstances.)

***** [B] 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.

(Reason: Added from International Building Code (IBC) definitions for consistency in interpretation of the subject requirements pertaining to such occupancies.)

****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.

(Reason: Clearly defines options to the fire department for providing a fire watch.)

****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. ... *{remainder of text unchanged}*...

(Reason: Increased safety from fireworks related injuries.)

****Option A**

HIGH-PILED COMBUSTIBLE STORAGE: add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 12,000 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.

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****Option B**

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.

(Reason: To provide protection for worst-case scenario in flexible or unknown situations.)

****Option A**

HIGH-RISE BUILDING. {No Change Required}

****Option B**

HIGH-RISE BUILDING. A building with an occupied floor located more than ~~75~~ 55 feet (22-860 16 764 mm) above the lowest level of fire department vehicle access.

(Reason: Allows for additional construction safety features to be provided, based on firefighting response capabilities.)

****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.

(Reason: To further clarify types of service work allowed in a repair garage, as well as to correspond with definition in the IBC.)

****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.**

(Reason: To provide a definition that does not exist in the code.)

****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

(Reason: This is referenced in several places, but the wording of "upgraded or replaced" is somewhat ambiguous and open to interpretation. Defining it here allows for consistent application across the region.)

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****Section 307.1.1; change to read as follows:**

307.1.1 Prohibited Open Burning. ~~Open burning shall be prohibited that is offensive or objectionable because of smoke emissions or~~ when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Exception: {No change.}

(Reason: To further protect adjacent property owners/occupants from open burning and/or smoke emissions from open burning.)

****Section 307.2; change to read as follows:**

307.2 Permit Required. 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, or ~~open burning-a bonfire~~. 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*.

(Reason: Amendments to 307.2, 307.4, 307.4.3, and 307.5 better explain current requirements and recognize that jurisdictions have local established policies that best fit their environments.)

****Section 307.3; change to read as follows:**

307.3 Extinguishment Authority. ~~When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.~~

(Reason: Provides direction as to responsible parties relative to extinguishment of the subject open burning.)

****Section 307.4; change to read as follows:**

307.4 Location. The location for open burning shall not be less than ~~50~~ 300 feet (~~15-240~~ 91 440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within ~~50~~ 300 feet (~~15-240~~ 91 440 mm) of any structure.

Exceptions: {No change.}

(Reason: To increase the separation distance thereby increasing the safety to adjacent properties, as per applicable TCEQ rules and regulations regarding outdoor burning.)

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****Section 307.4.3, Exceptions: add exception #2 to read as follows:**

Exceptions:

2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system.

(Reason: To reflect similar allowances for open-flame cooking in these same locations.)

****Section 307.4.4 and 5; add section 307.4.4 and 307.4.5 to read as follows:**

307.4.4 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 International Building Code.

307.4.5 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

*(Reason: To provide a greater level of safety for this potentially hazardous fire exposure condition. Decrease in separation distance allowed for outdoor firepits due to permanent nature of construction having substantial securement.
)*

****Section 307.5; change to read as follows:**

307.5 Attendance. Open burning, trench burns, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the... {Remainder of section unchanged}

(Reason: Adds attendance for trench burns based on previous amendment provision for such.)

****Section 308.1.4; change to read as follows:**

308.1.4 Open-flame Cooking Devices. ~~Charcoal burners and other~~ Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be operated 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. {No change.}

(Reason: Decrease fire risk in multi-family dwellings and minimizes ignition sources and clarify allowable limits for 1 & 2 family dwellings, and allow an expansion for sprinklered multi-family uses. This amendment adds clarification and defines the container size allowed for residences.)

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****Section 308.1.6.2, Exception #3; change to read as follows:**

Exceptions:

3. Torches or flame-producing devices in accordance with Section 308.4 308.1.3.

(Reason: Section identified in published code is inappropriate.)

*****Section 308.1.6.3; change to read as follows:**

308.1.6.3 Sky Lanterns. A person shall not release or cause to be released an ~~untethered~~ unmanned free-floating devices containing an open flame or other heat source, such as but not limited to a sky lantern.

(Reason: Eliminates the potential fire hazard presented by utilization of such devices and the potential accidental release of such devices.)

****Section 311.5; change to read as follows:**

311.5 Placards. ~~Any~~ 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, ~~shall be marked~~ as required by Section 311.5.1 through 311.5.5.

(Reason: There may be situations where placarding is not desired or necessary; also clarifies intent that it is not the fire code official's responsibility to provide the placard.)

*****{Note that prior amendment to Section 401.9 in the 2012 IFC recommended amendments has been relocated to Section 901.6.3 as a more appropriate location for the requirement.}**

*****Section 403.5; change Section 403.5 to read as follows:**

403.5 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.

(Reason: The diagrams are intended to assist with egress in such occupancies – specifically, the primary teacher is not always present to assist children with egress. Also, such will help reinforce evacuation drill requirements.)

*****Section 404.2.2; add Number 4.10 to read as follows:**

- 4.10 Fire extinguishing system controls.

(Reason: The committee believed this information could be of great help to such plans to facilitate locating sprinkler valves to minimize water damage, for instance.)

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*****Section 405.4; change Section 405.4 to read as follows:**

405.4 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.

(Reason: This change clarifies who may require a fire or evacuation drill).

****Section 501.4; change to read as follows:**

501.4 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. ~~such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.~~

(Reason: Reflects current practice in the region relative to ensuring fire department and EMS access during construction, which can be a time of increased frequency for emergency incidents.)

****Section 503.1.1; add sentence to read as follows:**

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.

(Reason: Recognizes that the hose lay provision can only be measured along a pathway that is wide enough for fire fighter access.)

****Section 503.2.1; change to read as follows:**

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm ~~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 ~~13 feet 6 inches (4115 mm)~~ 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.

(Reason: Amendments to 503.2.1 and 503.2.2 recognize that the equipment now used in firefighting is increasing in size. The code already recognizes that larger dimensions may be required under Section 503.2.2. The amendments are to standardize the dimensions for this area. With the increase in fire apparatus size, this will allow for the passage of two fire apparatus during a fire or EMS emergency.)

****Section 503.2.2; change to read as follows:**

503.2.2 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.

(Reason: Amendments to 503.2.1 and 503.2.2 recognize that the equipment now used in firefighting is increasing in size. The code already recognizes that larger dimensions may be required under Section

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503.2.2. *The amendments are to standardize the dimensions for this area. With the increase in fire apparatus size, this will allow for the passage of two fire apparatus during a fire or EMS emergency.)*

*****Section 503.2.3; change Section 503.2.3 to read as follows:**

503.2.3 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.

(Reason: To address the current size of fire trucks in use – figure derived from DOT requirements for waiver of vehicle exceeding such weight.)

****Section 503.3; change to read as follows:**

503.3 Marking. ~~Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated 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.

(Reason: Establishes a standard method of marking and reflects local long-standing practices.)

****Section 503.4; change to read as follows:**

503.4 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.

(Reason: As originally worded, the section implied that vehicles could be parked in the marked fire lane and not be in violation if the minimum width is still maintained. Current accepted enforcement practice is to require the entire marked fire lane to be maintained clear and unobstructed.)

****Section 505.1; change to read as follows:**

505.1 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 4 inches (102 mm) 6 inches (152.4 mm) high with a minimum stroke width

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of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers 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, and/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.

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.

(Reason: To increase the minimum addressing requirements for commercial properties and establish a minimum for single-family residential properties. Such improves legibility of these signs which are critical to emergency response in a more timely manner.)

****Section 507.4; change to read as follows:**

507.4 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, as required or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. 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 hard copy of the waterflow test report, or 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.

(Reason: Clarifies intent of the test to ensure contractor accounts for water supply fluctuations.)

****Section 507.5.4; change to read as follows:**

507.5.4 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.

(Reason: Maintains wording from 2006 Code to ensure these critical devices are available in an emergency incident.)

****Section 509.1.2; add new Section 509.1.2 to read as follows:**

509.1.2 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.

(Reason: Provides direction as to appropriate sign criteria to develop consistency in this regard.)

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****Section 603.3.2.1, Exception; change exception to read as follows:**

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, of Class II or III liquid for storage in protected above-ground tanks... *{Delete remainder of Exception}*

(Reason: Change to Section 5704.2.9.5 is included in this amendment package.)

****Section 603.3.2.2; change to read as follows:**

603.3.2.2 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.

(Reason: Relocate the exception to Chapter 57 for applicability to generator sets, due to contradictory charging statement in 603.1 to not apply to internal combustion engines. Further, such large quantities of combustible liquid are more thoroughly addressed in Chapter 57 relative to such tanks.)

*****Section 604; change and add to read as follows:**

604.1.1 Stationary Generators. Stationary emergency and standby power generators required by this code shall be *listed* in accordance with UL 2200.

604.1.2 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.

604.1.3 through 604.1.8 {No changes to these sections.}

604.1.9 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.

604.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 604.2.1 through ~~604.2.16~~ 604.2.24 or elsewhere identified in this code or any other referenced code.

604.2.1 through 604.2.3 {No change.}

604.2.4 Group A Occupancies. 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

604.2.5 through 604.2.11 {No change.}

604.2.12 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)

604.2.13 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.

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604.2.14 {No change.}

604.2.15 Smoke Control Systems. 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

604.2.17 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.3.

604.2.18 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.

604.2.19 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.

604.2.20 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

604.2.21 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.

604.2.22 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.

604.2.23 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.

604.2.24 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.)

604.3 through 604.7 {No change.}

604.8 Energy Time Duration. 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.

(Reason: These provisions provide a list to complete and match that throughout the codes. The only new items are the reference to COPS in NFPA 70, and the specified Energy time duration. Other changes are a reference to a code provision that already exists.)

***Section 609.2; change to read as follows:

609.2 Where Required. 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.}

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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.

(Reason: To require fire protection and prevention for mobile food trucks and other mobile commercial cooking operations for the protection of occupants and first responders, including the fuel gas utilized for the cooking operation.)

****Section 704.1; change to read as follows:**

704.1 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*.

(Reason: Provides standard minimum protection retroactively, but clarifies that this section is not to be used to reduce higher protection levels that were required when originally constructed.)

*****Section 807.3; change to read as follows:**

807.3 Combustible Decorative Materials. ~~In other than Group I-3~~ 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.

(Reason: Section 807 was re-arranged and modified from the 2012 IFC: previously, curtains were required to be NFPA 701 compliant and limited to 10 percent of the applicable wall in A, E, I, R-1, and R-2 dormitory occupancies, but now, per the published 2015 IFC, Section 807.3 would apply to all occupancies, except I-3 (non-combustible only). Such a change is a tremendous expansion of the requirement, and no justification was provided in the proposed code change at the code hearings as to the reasons for such an expansion of the requirement, especially considering that it also applies to existing buildings. The board believes that this change is an over-reach for such a stringent requirement and that maintenance of the legacy language is appropriate at this time.)

****Section 807.5.2.2 and 807.5.2.3; change to read as follows:**

807.5.2.2 Artwork in Corridors. Artwork and teaching 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.

807.5.2.3 Artwork in Classrooms. 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.

(Reason: This change allows an increase in wall coverage due to the presence of sprinklers. Also provides additional guidance relative to fire resistance requirements in these areas.)

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****Section 807.5.5.2 and 807.5.5.3; change to read as follows:**

807.5.5.2 Artwork in Corridors. Artwork and teaching 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.

807.5.5.3 Artwork in Classrooms. 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.

(Reason: This change allows an increase in wall coverage due to the presence of sprinklers. Also provides additional guidance relative to fire resistance requirements in these areas.)

****Section 901.6.1; add Section 901.6.1.1 to read as follows:**

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:

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. 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.
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 contractor 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 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 State Rules mentioned above and NFPA 25.

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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.

(Reason: Increases the reliability of the fire protection system and re-emphasizes the requirements of NFPA 25 relative to standpipe systems, as well as ensuring that FDC connections are similarly tested/maintained to ensure operation in an emergency incident.)

****Section 901.6.3; add Section 901.6.3 to read as follows:**

901.6.3 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.

(Reason: Places the responsibility on the business or property owner to maintain their fire alarm systems in approved condition. Allows the enforcement of "prohibition of false alarms". Replaces text lost from the legacy codes that helps to ensure the maintenance of life safety systems.)

****Section 901.7; change to read as follows:**

901.7 Systems Out of Service. Where a required *fire protection system* is out of service or in the event of an excessive number of 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. ... {remaining text unchanged}

(Reason: Gives fire code official more discretion with regards to enforcement of facilities experiencing nuisance alarm or fire protection system activations necessitating correction/repair/replacement. The intent of the amendment is to allow local jurisdictions to enforce fire watches, etc., where needed to ensure safety of occupants where fire protection systems are experiencing multiple nuisance activations.

*****Section 901.8.2; change to read as follows:**

901.8.2 Removal of existing Occupant-use Hose Lines. The *fire code official* is authorized to permit the removal of existing occupant-use hose lines and hose valves where all of the following conditions exist:

1. ~~Installation is not required by this code or the International Building Code.~~
2. The hose line(s) would not be utilized by trained personnel or the fire department.
3. ~~† If the remaining outlets~~ occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such shall be are compatible with local fire department fittings.

(Reason: Occupant-use hose lines have been an issue of concern that fire code officials have struggled with for many years now, primarily in that they are required by the published code, even though occupants are rarely properly trained in their use or provided with the OSHA-required protective gear for such use, such as with an industrial fire brigade. The allowance for these hose lines to remain only promotes the possibility of an occupant attempting to fight fire for an unknown duration, rather than evacuate, and potentially injure themselves or others through such action. They present greater risk than benefit to the occupants, and as such, the above gives the fire code official the authorization to allow removal of such at his or her discretion.)

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****Section 903.1.1; change to read as follows:**

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.

(Reason: Such alternative systems do not provide the reliability of automatic sprinkler protection. Most gaseous type systems are highly susceptible to open doors, ceiling or floor tile removal, etc. However, an applicant could pursue an Alternate Method request to help mitigate the reliability issues with these alternative systems with the fire code official if so desired, or there may be circumstances in which the fire code official is acceptable to allowing an alternate system in lieu of sprinklers, such as kitchen hoods or paint booths.)

****Section 903.2; add paragraph to read as follows:**

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."

(Reason: Firefighter and public safety. This amendment eliminates the shunt trip requirement of the International Building Code Section 3006.5 for the purpose of elevator passenger and firefighter safety. This amendment is contingent on the Building Code amendment eliminating the Exceptions to Section 3006.4, such that passive fire barriers for these areas are maintained.)

****Section 903.2; delete the exception.**

(Reason: The exception deletion is due to the fact that such telecom areas pose an undue fire risk to the structural integrity of the building.)

*****Section 903.2.9; add Section 903.2.9.3 to read as follows:**

903.2.9.3 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

(Reason: Fire departments are unable to inspect these commercial occupancies and are unaware of the contents being stored. Previous allowance to separate units by fire barriers is difficult to enforce maintenance after opening.)

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****Option A**

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7 and 903.2.11.8, as follows:

903.2.11.3 Buildings 55 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 55 feet (16 764 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.

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.

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.

****Option B**

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

903.2.11.3 Buildings 55 ~~35~~ 50 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 55 ~~35~~ feet (46 764 ~~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.

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.

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.

903.2.11.9 Buildings Over ~~6,000~~ 7,500 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 7,500 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*.

(Reason: Provides jurisdictions options as to their desired level of sprinkler protection based on multiple factors including firefighting philosophies/capabilities.)

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****Section 903.3.1.1.1; change to read as follows:**

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 ...*{text unchanged}*... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

7. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
8. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.
9. 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.
10. ~~In rooms or areas that are of noncombustible construction with wholly noncombustible contents.~~
11. ~~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.
12. {Delete.}

(Reason: Gives more direction to code official. Exception 4 deleted to provide protection where fire risks are poorly addressed. Amendment 903.2 addresses Exception 5 above relative to the elimination of sprinkler protection in these areas to avoid the shunt trip requirement.)

****Section 903.3.1.2.3; add section 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.

(Reason: Attic protection is required due to issues with fire exposure via soffit vents, as well as firefighter safety. Several jurisdictions indicated experience with un-protected attic fires resulting in displacement of all building occupants. NFPA 13 provides for applicable attic sprinkler protection requirements, as well as exemptions to such, based on noncombustible construction, etc. Attached garages already require sprinklers via NFPA 13R – this amendment just re-emphasizes the requirement.)

*****Section 903.3.1.3; change to read as follows:**

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.

(Reason: To allow the use of the Plumbing section of the International Residential Code (IRC) and recognize current state stipulations in this regard.)

*****Section 903.3.1.4; add 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.

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:

4. 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

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5. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
6. 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.

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.

(Reason: In the last few years, severe winters brought to light several issues with current practices for sprinklering attics, not the least of which was wet-pipe sprinklers in ventilated attics provided with space heaters, etc. for freeze protection of such piping. This practice is not acceptable for the protection of water-filled piping in a ventilated attic space as it does not provide a reliable means of maintaining the minimum 40 degrees required by NFPA, wastes energy, and presents a potential ignition source to the attic space. Listed antifreeze is specifically included because NFPA currently allows such even though there is no currently listed antifreeze at the time of development of these amendments. The intent of this amendment is to help reduce the large number of freeze breaks that have occurred in the past with water-filled wet-pipe sprinkler systems in the future, most specifically in attic spaces.)

****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.

(Reason: To define uniform safety factor.)

****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.

(Reason: To avoid significant water losses. Consistent with amendment to IFC 905.9.)

****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/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

(Reason: Fire department connections are not always located at the riser; this allows the fire department faster access.)

****Section 905.2; change to read as follows:**

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/low alarm.

(Reason: To define manual dry standpipe supervision requirements. Helps ensure the integrity of the standpipe system via supervision, such that open hose valves will result in a supervisory low air alarm.)

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*****Section 905.3; add Section 905.3.9 and exception to read as follows:**

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:

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

(Reason: Allows for the rapid deployment of hose lines to the body of the fire.)

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

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.

(Reason: Item 1, 3, and 5 amendments to remove 'interior' will help to clarify that such connections are required for all 'exit' stairways, to ensure firefighter capabilities are not diminished in these tall buildings, simply because the stair is on the exterior of the building. Item 5 reduces the amount of pressure required to facilitate testing, and provides backup protection for fire fighter safety. Item 7 allows for the rapid deployment of hose lines to the body of the fire.)

****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.

(Reason: To avoid significant water losses. Consistent with amendment to IFC 903.4.)

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****Section 907.1; add Section 907.1.4 and 907.1.4.1 to read as follows:**

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.

(Reason: Provides for the ability of descriptive identification of alarms, and reduces need for panel replacement in the future. Updated wording to match the language of the new requirement at 907.5.2.3. Change of terminology allows for reference back to definitions of NFPA 72)

****Section 907.2.1; change to read as follows:**

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.

(Reason: Increases the requirement to be consistent with Group B requirement. Also addresses issue found in Group A occupancies of reduced lighting levels and other A/V equipment that distracts from fire alarm notification devices or reduces ability of fire alarm system to notify occupants of the emergency condition.)

*****Section 907.2.3; change to read as follows:**

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/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:

2. {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.}

(Reason: To distinguish educational from day care occupancy minimum protection requirements. Further, to define threshold at which portable buildings are considered a separate building for the purposes of alarm systems. Exceptions provide consistency with State law concerning such occupancies.)

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****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.

(Reason: To indicate that enclosed areas within open air seating type occupancies are not exempted from automatic fire alarm system requirements.)

****Section 907.4.2; add Section 907.4.2.7 to read as follows:**

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

(Reason: Helps to reduce false alarms.)

*****Section 907.6.1; add Section 907.6.1.1 to read as follows:**

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.

(Reason: To provide uniformity in system specifications and guidance to design engineers. Improves reliability of fire alarm devices and systems.)

*****Section 907.6.3; delete all four Exceptions.**

(Reason: To assist responding personnel in locating the emergency event for all fire alarm systems. This is moved from 907.6.5.3 in the 2012 IFC and reworded to match new code language and sections.)

*****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.

(Reason: To assist responding personnel in locating the emergency event for all fire alarm systems. This is moved from 907.6.5.3 in the 2012 IFC and reworded to match new code language and sections.)

*****Section 909.22; add to read as follows:**

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.

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[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, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

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.

909.21.1.2 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.

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.

(Reason: To assist with enforcement of such as a smoke control system, as per Section 909.6.3, especially since a permit is now specifically required for such systems in the Fire Code. Also ensures that a firefighter's override panel is provided as per 909.16 for such systems. The above amendment copies the applicable requirements for such systems from Section 909.20 of the Building Code into the Fire Code. Although the published code did copy the elevator pressurization requirements into the Fire Code, it did not copy over the stair pressurization requirements.)

*****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.
- 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 $50(m^2S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

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(Reason: Allows the fire department to control the smoke and heat during and after a fire event, while still prohibiting such systems from being automatically activated, which is a potential detriment to the particular sprinkler systems indicated.)

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

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.

(Reason: Maintains a fire protection device utilized in such occupancies where it is sometimes necessary to allow chemicals to burn out, rather than extinguish.)

*****Section 910.3; add section 910.3.4 to read as follows:**

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 systems per Section 910.2.

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.

(Reason: Amendment continues to keep applicable wording from prior to the 2012 edition of the IFC. Specifically, automatic activation criteria is no longer specifically required in the published code. Specifying a temperature range at which smoke and heat vents should activate in sprinklered buildings helps to ensure that the sprinkler system has an opportunity to activate and control the fire prior to vent operation.)

*****Section 910.4.3.1; change to read as follows:**

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.

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(Reason: Makeup air has been required to be automatic for several years now in this region when mechanical smoke exhaust systems are proposed. This allows such systems to be activated from the smoke control panel by first responders without having to physically go around the exterior of the building opening doors manually. Such requires a significant number of first responders on scene to conduct this operation and significantly delays activation and/or capability of the smoke exhaust system.)

***Section 910.4.4; change to read as follows:

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.

(Reason: The provision of a manual only mechanical smoke removal system does not provide equivalency with automatic smoke and heat vents. This amendment clarifies that the primary intent is for automatic systems, unless exceptions are provided as in 910.2 – consistent with the charging statements of the section.)

**Section 912.2; add Section 912.2.3 to read as follows:

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.

(Reason: To accommodate limited hose lengths, improve response times where the FDC is needed to achieve fire control, and improve ease of locating a fire hydrant in those situations also. Also, consistent with NFPA 14 criteria.)

**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 fire code official. Access keys shall be provided in the key box as required by Section 506.1.

(Reason: This requirement allows fire fighters safer access to the fire pump room. The requirement allows access without being required to enter the building and locate the fire pump room interior access door during a fire event. The exception recognizes that this will not always be a feasible design scenario for some buildings, and as such, provides an acceptable alternative to protect the pathway to the fire pump room.)

***Section 914.3.1.2; change to read as follows:

914.3.1.2 Water Supply to required Fire Pumps. In buildings that are more than 420 120 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.}

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(Reason: The 2009 edition of the IFC added this requirement based on a need for redundancy of the water supply similar to the redundancy of the power supply to the fire pumps required for such tall buildings, partially due to the fact that these buildings are rarely fully evacuated in a fire event. More commonly, the alarm activates on the floor of the event, the floor above and the floor below. Back-up power to the fire pump becomes critical for this reason. Certainly, the power is pointless if the water supply is impaired for any reason, so a similar requirement is provided here for redundant water supplies. The 2015 edition changes the requirement to only apply to very tall buildings over 420 ft. This amendment modifies/lowers the requirement to 120 ft., based on this same height requirement for fire service access elevators. Again, the language from the 2009 and 2012 editions of the code applied to any high-rise building. This compromise at 120 ft. is based on the above technical justification of defend-in-place scenarios in fire incidents in such tall structures.)

****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.

(Reason: Cross reference necessary for coordination with the NEC which has exiting requirements as well.)

****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.

(Reason: To accommodate buildings regulated under Texas State Law and to be consistent with amendments to Chapter 11.)

****Section 1010.1.9.4 Bolt Locks; change Exceptions 3 and 4 to read as follows:**

Exceptions:

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

(Reason: Application to M occupancies reflects regional practice; No. 4 expanded to Group A due to it being a similar scenario to other uses; No. 4 was regional practice.)

*****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 ~~75 feet (22 860 mm)~~ 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.

(Reason: In Option B jurisdictions, change "75 feet" to "55 feet".)

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****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.

(Reason: Revise the 2012 published NCTCOG amendment to this section to clarify intent is not to require automatic fire alarm system or notification throughout the tenant space, but rather, only in the corridor.)

****Section 1029.1.1.1; delete this section. Spaces under Grandstands and Bleachers:**

(Reason: Unenforceable.)

****Section 1031.2; change to read as follows:**

1031.2 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 ~~when the building area served by the means of egress is occupied.~~ An *exit or exit passageway* shall not be used for any purpose that interferes with a means of egress.

(Reason: Maintain legacy levels of protection and long-standing regional practice, and provide firefighter safety.)

****Section 1103.3; add sentence to end of paragraph as follows:**

Provide emergency signage as required by Section 607.3.

(Reason: Coordinates requirements of previous amendment.)

****Section 1103.5; add Section 1103.5.1 to read as follows:**

1103.5.1 Group A-2. ~~An automatic sprinkler system shall be installed in accordance with Section 903.3.1.1 throughout existing buildings or portions thereof used as Group A-2 occupancies with an occupant load of 300 or more.~~ **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.

(Reason: Consistent with amendment to IFC 2404, and long-standing regional requirement. The published 1103.5.1 requiring sprinklers retroactively in A-2 occupancies was deleted by ICC Errata.)

*****Section 1103.7; add Section 1103.7.8 and 1103.7.8.1 to read as follows:**

1103.7.8 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.

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1103.7.8.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

(Reason: To assist responding personnel in locating the emergency event and provide clarity as to percentages of work that results in a requirement to upgrade the entire fire alarm system.)

****Section 2304.1; change to read as follows:**

2304.1 Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be conducted by a qualified attendant or shall be under the supervision of a qualified attendant at all times or shall be in accordance with Section 2204.3. 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.

(Reason: Allows a facility to apply the attended and unattended requirements of the code when both are potentially applicable.)

****Section 2401.2; delete this section.**

(Reason: This section eliminates such booths from all compliance with Chapter 15 including, but not limited to: size, ventilation, fire protection, construction, etc. If the product utilized is changed to a more flammable substance, the lack of compliance with Chapter 15 could result in significant fire or deflagration and subsequent life safety hazard.)

*****Table 3206.2, footnote j; change text to read as follows:**

- j. ~~Not required~~ 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.

(Reason: Allows the fire department to control the smoke and heat during and after a fire event, while ensuring proper operation of the sprinkler protection provided. Also, gives an alternative to smoke and heat vents.)

****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.

(Reason: Reference requirement of Section 501.4.)

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****Section 5601.1.3; change to read as follows:**

5601.1.3 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. ~~Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
3. 2. The use of fireworks for approved fireworks displays as allowed in Section 5608.
4. ~~The possession, storage, sale... {Delete remainder of text.}~~

(Reason: Restricts fireworks to approved displays only, which is consistent with regional practice. Such is intended to help protect property owners and individuals from unintentional fireworks fires within the jurisdiction, as well as to help protect individuals from fireworks injuries. It is noted that there has been a change in the State Law to allow possession of unopened fireworks in certain areas of the vehicle, and it is highly recommended that AHJ's familiarize themselves with the applicable State Laws in this regard.)

****Section 5703.6; add a sentence to read as follows:**

5703.6 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.

(Reason: Increased protection in response to underground leak problems and remediation difficulty in underground applications. Coordinates with TCEQ requirements.)

****Section 5704.2.9.5; change Section 5704.2.9.5 and add Section 5704.2.9.5.3 to read as follows:**

5704.2.9.5 Above-ground Tanks Inside of Buildings. Above-ground tanks inside of buildings shall comply with Section 5704.2.9.5.1 and 5704.2.9.5.2 through 5704.2.9.5.3.

5704.2.9.5.1 {No change.}

5704.2.9.5.2 {No change.}

5704.2.9.5.3 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.

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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.

(Reason: Relocated from exception to 603.3.2.1 as published, as per reason statement for deletion in that section.)

****Section 5704.2.11.4; add a sentence to read as follows:**

5704.2.11.4 Leak Prevention. **Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 and ~~5704.2.11.5.2~~ through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.**

(Reason: Increased protection in response to underground leak problems and remediation difficulty in underground applications.)

****Section 5704.2.11.4.2; change to read as follows:**

5704.2.11.4.2 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.

(Reason: Reference to IFC Section 5704.2.11.4.3 amendment.)

****Section 5704.2.11.4; add Section 5704.2.11.4.3 to read as follows:**

5704.2.11.4.3 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.

(Reason: Provides an economical means of checking potential leaks at each tank site.)

****Section 6103.2.1; add Section 6103.2.1.8 to read as follows:**

6103.2.1.8 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.

(Reason: To provide a consistent and reasonable means of regulating the use of portable LP-Gas containers in these situations. Reduces the hazard presented by portable containers when natural gas is already available. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

Section 6104.2, Exception; add an exception 2 to read as follows:

Exceptions:

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1. *{existing text unchanged}*
2. Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

(Reason: To provide a consistent and reasonable means of regulating the use LP-Gas containers. Reduces the hazard presented by such containers when natural gas is already available. References regional amendment to IFC 6104.3.2. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

****Section 6104.3; add Section 6104.3.2 to read as follows:**

6104.3.2 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.

(Reason: Allows for an alternate fuel source. Dwelling density must be considered and possibly factored into zoning restrictions. Reduces the hazard presented by over-sized LP-Gas containers. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

*****Section 6107.4 and 6109.13; change to read as follows:**

6107.4 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 ~~NFPA-58~~ Section 312.

6109.13 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.

Exception: ~~Vehicle impact protection shall not be required for protection of LP-gas containers where the containers are kept in lockable, ventilated cabinets of metal construction.~~

(Reason: NFPA 58 does not provide substantial physical protection [it allows raised sidewalks, fencing, ditches, parking bumpers as 'vehicle barrier protection'] of the container(s) from vehicular impact as is required and has been required historically, as per Section 312, i.e. bollard protection. Further, the exception to Section 6109.13 would allow for portable containers in ventilated metal cabinets to not require any physical protection whatsoever from vehicular impact, regardless of the location of the containers. Please note that current State Law does not allow for the enforcement of any rules more stringent than that adopted by the State, so this amendment is only applicable as to the extent allowed by that State Law.)

***** {Applicable to those jurisdictions adopting Appendix B}
Table B105.2; change footnote a. to read as follows:**

- a. The reduced fire-flow shall be not less than 1,000 1,500 gallons per minute.

(Reason: The minimum fire-flow of 1,500 gpm for other than one- and two- family dwellings has existed since the 2000 edition of the IFC, as well as the Uniform Fire Code before that. Little to no technical justification was provided for the proposed code change at the code hearings. The board believes that the already-allowed 75 percent reduction in required fire-flow for the provision of sprinkler protection is already a significant trade-off. The minimum 1,500 gpm is not believed to be overly stringent for the vast majority of public water works systems in this region, especially since it has existed as the requirement for

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so many years. Further, the continued progression of trading off more and more requirements in the codes for the provision of sprinkler protection has made these systems extremely operation-critical to the safety of the occupants and properties in question. In other words, should the sprinkler system fail for any reason, the fire-flow requirements drastically increase from that anticipated with a sprinkler-controlled fire scenario.

END

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The following sections, paragraphs, and sentences of the *2015 International Plumbing Code* are hereby amended as follows: Standard type is text from the IPC. Underlined type is text inserted. ~~Lined through type is deleted text from the IPC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk identifies a new or revised amendment with the 2015 edition of the code.

Note: Historically NCTCOG has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.**

****Table of Contents, Chapter 7, Section 714; change to read as follows:**

714 Engineered Computerized Drainage Design 69

(Reason: Editorial change to make compatible with amendment to Section 714.1.)

****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.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes.)

****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 indicated in the following schedule: ~~(JURISDICTION TO INSERT APPROPRIATE SCHEDULE)~~ adopted by resolution of the governing body of the jurisdiction.

106.6.3 Fee Refunds. The code official shall establish a policy for ~~authorize~~ authorizing the refunding of fees ~~as follows.~~ *{Delete balance of section}*

(Reason: This calls to attention of local jurisdictions considering adoption that they need a fee schedule and a refund policy.)

****Section 109; delete entire section and insert the following:**

SECTION 109

MEANS OF APPEAL

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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.

(Reason: Most jurisdictions already have an ordinance establishing and governing an appeals board for this code. This also calls to the attention of jurisdictions not having such a board that it needs to be established.)

****Section 305.4.1; change to read as follows:**

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.

(Reason: Provides sewer depth that is common in this region. Deleted reference to private sewage disposal because a private sewage disposal code is not typically adopted in this region.)

****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 along 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.

(Reason: Provide a common cutoff point to designate a general separation distance at which plumbing systems should be safe for consistency in enforcement.)

****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.

(Reason: Greater specificity in prohibited locations for condensate discharge. It is the intent of this amendment to send condensate discharge into a sanitary sewer drain. Consistent with regional amendment to IMC 307.2.1.)

****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)

(Reason: Domestic dishwashing machines would be difficult to enforce and should already come equipped with backflow preventers. Consistent with regional amendments in IPC Section 608.)

****Section 412.4; change to read as follows:**

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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.

(Reason: To make more compatible with local health code practices.)

****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.

(Reason: Match un-amended IBC 1210.2.2.)

*****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 be not less than 20 inches by 30 inches (508mm by 762mm) where such dimensions are 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... {remainder of section unchanged}

(Reason: To provide a safe means of accessibility to appliances in attics and to allow for different types of construction limitations. Consistent with regional amendment to IMC and IFGC)

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****Section 502.6; add Section 502.6 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.

(Reason: To provide safe access to water heaters. (Consistent with regional amendments to IFGC 306.7 and IMC 306.3. Note reference to amendment above.)

****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 manufactures 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.

(Reason: To provide a higher degree of safety.)

EXHIBIT "E"
2015 International Plumbing Code
North Central Texas Council of Governments Amendments

*****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 11/2 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 3/4 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 manufactures installation instructions and installed with those instructions.

****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.

(Reason: To recognize State standards.)

****Section 606.1; delete items #4 and #5.**

(Reason: The code is too restrictive as written.)

****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 twofamily 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.

(Reason: To provide shut-off valves to every fixture.)

****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.

(Reason: To recognize local requirements.)

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2015 International Plumbing Code
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****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.

(Reason: To recognize regional practices.)

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2015 International Plumbing Code
North Central Texas Council of Governments Amendments

****Section 608.17; change to read as follows:**

608.17 Protection of individual water supplies. An individual water supply shall be located and constructed 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.

(Reason: To allow local requirements to govern.)

****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. by the Code Official.

(Reason: May not always be needed)

Section 703.6; Delete

(Reason: not a standard practice in this region)

*****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.

(Reason: to allow owners, installers, inspectors, and design professionals to ready identify product markers to determine they meet all required standards.)

EXHIBIT "E"
2015 International Plumbing Code
North Central Texas Council of Governments Amendments

*****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.

(Reasoning: to keep the "process of joining PVC pipe)

****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.

(Reason: To address dual pump system. To provide reference for storm drainage systems.)

****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.

(Reason: Code was too restrictive.)

*****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.

(Reason): To clarify the allowable materials which are specifically listed for chemical drainage applications.

****Section 903.1; change to read as follows:**

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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.

(Reason: To provide regional guideline on standard installation method for this area and address reference number correction.)

****Section 917 Single stack vent system. Delete entire section.**

(Reason: Not in conformance with regional practices.)

****Section 1002.10; delete.**

(Reason: Texas State regulations cover plumbing in mental health centers. Consistent with regional amendment to IPC 405.6.)

****Section 1003; see note below:)**

{Until the Health and Water Departments of the area can coordinate a uniform grease interceptor section, each city will have to modify this section individually.}

****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~~

(Reason: To specify that where cleanouts are only required. ~~in the building.~~)

****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.

(Reason: Specify the roof drain size normally used in the area.)

****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~~

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~~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.~~

(Reason: Specify that overflow drainage is to be the same size as the normal roof drains.)

****Section 1109; delete this section...**

****Section 1202.1; delete Exception 2.**

(Reason: State law already specifies that vacuum systems must comply with NFPA 99C.)

END

EXHIBIT "F"
2015 International Mechanical Code
North Central Texas Council of Governments Amendments

The following sections, paragraphs, and sentences of the *2015 International Mechanical Code* (IMC) are hereby amended as follows: Standard type is text from the IMC. Underlined type is text inserted. Lined through type is deleted text from the IMC. A double asterisk at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk identifies a new or revised amendment with the 2015 edition of the code.

Note: Historically the North Central Texas Council of Governments (NCTCOG) has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.**

****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.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes.)

****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:

4. A permanent stair.
5. A pull down stair with a minimum 300 lb. (136 kg) capacity.
6. An access door from an upper floor level.
7. 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}

(Reason: To provide a safe means of accessibility to appliances in attics and to allow for different types of construction limitations. Consistent with regional amendment to International Fuel and gas Code (IFGC) 306.3.)

EXHIBIT "F"
2015 International Mechanical Code
North Central Texas Council of Governments Amendments

****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}.

(Reason: To assure safe access to roof appliances and provide a greater level of security for equipment locate more than 16 feet above grade. Consistent with IFGC amendments.)

****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.

(Reason: To assure safe access to roof appliances. Consistent with IFGC amendments.)

****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.

(Reason: To provide safe access to water heaters and to provide lighting and receptacle for maintenance of equipment. Consistent with regional amendments to IFGC 306.7 and International Plumbing Code (IPC) 502.5.)

****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.

(Reason: Greater specificity in prohibited locations for condensate discharge. Consistent with regional amendment to IPC 314.2.1).

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2015 International Mechanical Code
North Central Texas Council of Governments Amendments

****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.

(Reason: Consistent with common regional practice. Consistent with regional amendment to International Residential Code (IRC) R303.3.)

****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.

(Reason: Provide a reasonable alternative in areas where a large volume of outside air is present.)

****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 705.11 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.

(Reason: Correspond with un-amended IBC 710.7.)

END

EXHIBIT "G"
2015 International Fuel Gas Code
North Central Texas Council of Governments Amendments

The following sections, paragraphs, and sentences of the *2015 International Fuel Gas Code* are hereby amended as follows: Standard type is text from the IFGC. Underlined type is text inserted. ~~Lined through type is deleted text from IFGC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk identifies a new or revised amendment with the 2015 code.

****Section 101.2**

{Local amendments to Section 101.2 may be necessary to correspond with the State Plumbing Licensing Law.}

****Section 102.2; add an exception to read as follows:**

Exception: Existing dwelling units shall comply with Section 621.2.

(Reason: Previous code provisions made unvented heater provisions retroactive except as provided for in local amendment. This amendment and amendment to IFGC 621.2 better clarify what the code already states: existing systems may stay unless considered unsafe.)

****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 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 ICG *Electrical Code* shall mean the *Electrical Code* as adopted.

(Reason: Legal wording to recognize locally adopted codes and amendments adopted with referenced codes.)

****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:

8. A permanent stair.
9. A pull down stair with a minimum 300 lb (136 kg) capacity.
10. An access door from an upper floor level.
11. 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:

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2015 International Fuel Gas Code

North Central Texas Council of Governments Amendments

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}*.

(Reason: To provide a safe means of accessibility to appliances in attics and to allow for different types of construction limitations. Consistent with regional amendment to IMC 306.3.)

****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}*.

(Reason: To assure safe access to roof appliances. Consistent with IMC amendments.)

****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*.

(Reason: To assure safe access to roof appliances. Consistent with IMC amendments.)

****Section 306; add Section 306.7 with exception and subsection 306.7.1 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.

(Reason: To provide more stringent safe access to water heaters. Consistent with regional amendments to IPC 502.5 and IMC 306.6.)

****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

EXHIBIT "G"
2015 International Fuel Gas Code
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Do Not Remove"

(Reason: To protect homeowners and plumbers.)

****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).

(Reason: Pipe less than 1/2" has a history in this region of causing whistling.)

****Section 404.12; change to read as follows:**

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of ~~12~~ **18** inches (305 ~~458~~ mm) top of pipe below grade, except as provided for in Section 404.12.1.

(Reason: To provide increased protection to piping systems and address reference number change.)

****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.

(Reason: To utilize language used in the IPC regarding who is responsible for testing procedures.)

****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.~~

(Reason: To require the use of more accurate diaphragm gauges. Spring gauges do not provide accurate measurement below approximately 17 psig.)

****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 ~~4 1/2 times the proposed maximum working pressure, but no less than 3~~ **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**

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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.

(Reason: To provide for lesser pressures to coordinate with the use of more accurate diaphragm gauges.)

****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.)*

(Reason: To comply with accepted regional practices.)

****Section 409.1; 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.

(Reason: To provide proper security to CSST valves. These standards were established in this region in 1999 when CSST was an emerging technology.)

****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.

(Reason: To require adequate access to regulators.)

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****Section 621.2; add exception 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.

(Reason: Gives code official discretion.)

END

EXHIBIT "H"
2015 International Energy Conservation Code
North Central Texas Council of Governments Amendments
(Climate Zone 3 of the IECC)

The following sections, paragraphs, and sentences of the *2015 International Energy Conservation Code* (IECC) are hereby amended as follows: Standard type is text from the IECC. Underlined type is text inserted. ~~Lined through type is deleted text from IECC.~~ A double (**) asterisk at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple (***) asterisk identifies a new or revised amendment with the 2015 code.

Note: Historically NCTCOG has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.**

The 2015 IECC contains separate provisions for commercial buildings and for residential buildings 3 stories or less. The provisions of the commercial buildings are preceded by "C" for Commercial. The provisions for residential buildings 3 stories or less are preceded by "R" for residential buildings. Each set of provisions are separately applied to buildings within their respective scope. Each set of provisions also contains a Scope and Administration chapter, a Definitions chapter, a General Requirements chapter and a chapter containing energy efficiency requirements applicable to building within their respective scope.

Recommended amendments that match sections in each of the respective provisions ("C" and "R") are written to represent both sections rather than duplicating the recommended amendment in this document.

Sections N1101.2 through N1105 of the 2015 *International Residential Code* (IRC) are noted to be extracted from the 2015 IECC. The Building and Residential Advisory Board (BRAB) recommends amending Chapter 11 [RE] ENERGY EFFICIENCY of the 2015 IRC to refer to the residential provisions of the 2015 IECC.

The Governor signed HB1736 into law on June 16, 2015. HB1736 adopts energy efficiency chapter of the International Residential Code as it existing on May 1, 2015, as the energy code for single-family construction (as defined in Section 388.002 of the Health and Safety Code) effective September 1, 2016. The recommended amendments to the 2015 IECC have been analyzed by the Energy Systems Laboratory of the Texas A&M University for stringency with the current Texas Building Energy Performance Standards (TBEPS) which is the 2009 Edition of the IECC and the energy provisions of the 2009 IRC. Some amendments below are noted that effective September 1, 2016, the proposed amendment would be deemed less stringent than the provisions of the 2015 IECC and therefore would no longer be considered a recommended amendment.

****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.

(Reason: This amendment is added to allow alternative compliance in accordance with Texas HB 1365, 78th Legislature. Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003(i). The last sentence to Section R102.1.2 was added to insure that every house is tested in accordance with the mandatory provisions of the code.)

EXHIBIT "H"
2015 International Energy Conservation Code
North Central Texas Council of Governments Amendments
(Climate Zone 3 of the IECC)

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.

*(Reason: The amendment to **Section 402.3.2 Glazed fenestration SHGC** was proposed by the TAB and ESL determined the proposal to be not less restrictive than the 2009, 2012 and 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)*

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).

(Reason: This term is referenced in Section R402.3.2. This definition of DYNAMIC GLAZING is also found in the Commercial provisions of the code.)

**** 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

(Reason: Retain the values in the 2009 code.)

NOTE: Effective September 1, 2016 this proposed amendment is deemed less stringent than the residential provisions of the 2015 IECC and therefore would not be considered a recommended amendment.

**** Table R402.1.4 EQUIVALENT U-FACTORS; Amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:**

~~0.060~~ 0.082

(Reason: Retain the values in the 2009 code.)

NOTE: Effective September 1, 2016 this proposed amendment is deemed less stringent than the residential provisions of the 2015 IECC and therefore would not be considered a recommended amendment.

*****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.

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North Central Texas Council of Governments Amendments
(Climate Zone 3 of the IECC)

Table R402.3.2 SHGC Multipliers for Permanent Projections ^a

Projection Factor	SHGC Multiplier (all Other Orientation)	SHGC Multiplier (North Oriented)
0 - 0.10	1.00	1.00
>0.10 – 0.20	0.91	0.95
>0.20 – 0.30	0.82	0.91
>0.30 – 0.40	0.74	0.87
>0.40 – 0.50	0.67	0.84
>0.50 – 0.60	0.61	0.81
>0.60 – 0.70	0.56	0.78
>0.70 – 0.80	0.51	0.76
>0.80 – 0.90	0.47	0.75
>0.90 – 1.00	0.44	0.73

^a North oriented means within 45 degrees of true north.

*(Reason: The amendment to **Section 402.3.2 Glazed fenestration SHGC** was proposed by the TAB and ESL determined the proposal to be not less restrictive than the 2009 and 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)*

****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}

(Reason: The 2015 IECC requires mandatory door blower testing on each dwelling unit. The visual inspection is no longer an option to performance testing. This change will give some additional time for those builders not currently using a performance approach to adapt construction practices.)

NOTE: Effective September 1, 2016 this proposed amendment is deemed less stringent than the residential provisions of the 2015 IECC and therefore would not be considered a recommended amendment.

*****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.

(Reason: The 2012/15 International Residential Code (IRC) and International Energy Conservation Code (IECC) includes enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline).

EXHIBIT "H"
2015 International Energy Conservation Code
North Central Texas Council of Governments Amendments
(Climate Zone 3 of the IECC)

***** 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.

(Reason: The 2015 International Residential Code (IRC) and International Energy Conservation Code (IECC) includes enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline).

****Section C402.2.7/R402.2; Add Section C402.2.9 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.

(Reason: This will increase the performance of the insulation by ensuring that the insulation stays in place.)

*****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.

(Reason: These performance software tools are accredited by RESNET at the time of recommendation.)

*****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.

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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.

(Reason: The tables reflect the values and time table set forth in HB1736.)

END

EXHIBIT “I”
2015 International Existing Building Code
North Central Texas Council of Governments Amendments

The following sections, paragraphs, and sentences of the *2015 International Existing Building Code* are hereby amended as follows: Standard type is text from the IEBC. Underlined type is text inserted. ~~Lined through type is deleted text from IEBC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2015 code.

***Section 102.4; change to read as follows:

[A] 102.4 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 102.4.1 and 102.4.2.**

[Reason: To not inadvertently adopt other codes (i.e. Wildland Urban Interface Code etc...) by reference.]

***Section 202; amend definition of Existing Building as follows:

Existing Building - **A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.**

(Reason: To prevent potential abuses in new construction and shell buildings.)

***Section 405.1.2, 405.1.3, 405.1.4; change to read as follows:

405.1.2 Existing fire escapes. Existing fire escapes shall continue to be accepted as a component in the means of egress in existing buildings only. Existing fire escapes shall be permitted to be repaired or replaced.

(Reason: To add clarity and help reduce confusion associated with the amendment preventing new fire escapes.)

***Section 405.1.3; delete entire section:

~~405.1.3 New fire escapes. New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized due to lot lines limiting stairway size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.~~

(Reason: To generally require a higher level of egress protection while still allowing options in the most extreme cases.)

EXHIBIT "I"
2015 International Existing Building Code
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*****Section 406.2; change to read as follows:**

406.2 Replacement window opening control devices. In Group R-2 or R-3 buildings containing dwelling units, window opening control devices complying with ASTM F 2090 shall be installed where an existing window is replaced and where all of the following apply to the replacement window . . .

The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by Section ~~4029.2~~ 1030.2 of the International Building Code.

Remainder unchanged

(Reason: Referenced Section was incorrect)

*****Section 406.3; change to read as follows:**

406.3 Replacement window emergency escape and rescue openings. Where windows are required to provide emergency escape and rescue openings in Group R-2 and R-3 occupancies, replacement windows shall be exempt from the requirements of Sections 1030.2, 1030.3 and 1030.5 of the International Building Code provided the replacement window meets the following conditions:

Remainder unchanged

(Reason: To clarify which code this section was referencing)

*****Section 408.3; to closely follow the amendments for the IBC:**

408.3 Flood hazard areas. *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city)

*****Section 409.1 add an exception to read as follows:**

Exception: Moved historic buildings need not be brought into compliance with the exception of new construction features required as the result of such movement, including but not limited to foundations and/or other structural elements.

(Reason: To maintain the integrity of historic buildings that would otherwise be required to comply with the provisions for new construction.)

*****Section 410.1 adds an exception to read as follows:**

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

(Reason: To coordinate with the IBC and State Law.)

*****Section 410.4.2; Add Number 7 to the list of requirements as follows:**

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

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2015 International Existing Building Code
North Central Texas Council of Governments Amendments
(Reason: Accessible toilet rooms should be available for disabled occupants.)

*****Section 601.3; to closely follow the amendments for the IBC:**

601.3 Flood hazard areas. (Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)

(Reason: Flood hazard ordinances may be administered by other departments within the city)

*****Section 601.3; to closely follow the amendments for the IBC:**

601.3 Flood hazard areas. (Jurisdictions may consider the option **to amend or delete** depending on local enforcement and flood hazard ordinances.)

(Reason: Flood hazard ordinances may be administered by other departments within the city)

*****Section 602.3; add code reference to read as follows:**

602.3 Glazing in hazardous locations. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the *International Building Code*, *International Energy Conservation Code*, or *International Residential Code* as applicable.

(Reason: The Reduces potential confusion/conflicts for glazing replacement regarding applicable codes.)

*****Section 606.2.4; to closely follow the amendments for the IBC:**

606.2.4: Flood hazard areas. (Jurisdictions may consider the option **to amend or delete** depending on local enforcement and flood hazard ordinances.)

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

*****Section 607.1; add a code reference to read as follows:**

607.1 Material. Existing electrical wiring and equipment undergoing *repair* shall be allowed to be **repaired or replaced with like material, in accordance with the requirements of NFPA 70.**

(Reason: To ensure compliance with the NEC relative to any electrical repairs/replacement.)

*****Section 701.3; to closely follow the amendments for the IBC:**

701.3: Flood Hazard areas. (Jurisdictions may consider the option **to amend or delete** depending on local enforcement and flood hazard ordinances.)

(Reason: Flood hazard ordinances may be administered by other departments within the city..)

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*****Section 702.6; add a code reference to read as follows:**

702.6 Materials and methods. All new work shall comply with the materials and methods requirements in the *International Building Code*, *International Energy Conservation Code*, *International Mechanical Code*, *National Electrical Code*, and *International Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(Reason: To provide a more complete list of potentially adopted codes.)

****Section 802.1; add a code reference to read as follows:**

802.1 General. Alteration of buildings classified as special use and occupancy as described in Chapter 4 of the *International Building Code* shall comply with the requirements of Section 801.1 and the scoping provisions of Chapter 1 where applicable.

(Reason: To clearly identify the location of special use and occupancy requirements in the Building Code)

*****Section 803.5.1; Exception; change to read as follows:**

803.5.1 Minimum requirement. ~~Every portion of a floor, such as a balcony or a loading dock, that is more than 30 inches (762 mm) above the floor or grade below open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings that are and is not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.~~

(Reason: To be consistent with Building Code requirements for guards and unsafe conditions.)

*****Section 804.1; add sentence to read as follows:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

(Reason: The intent is to avoid work area protection that would result in partial sprinkler or fire alarm protection. Partial sprinkler protection not delineated by walls would be a clear violation of NFPA 13 and would not allow the sprinkler to perform or function as intended. Also, partial fire alarm coverage is a clear violation of the Fire Code, NFPA 72, and ADA.)

*****Section 804.2.2, Number 2; change Exception to read as follows:**

Exception: ~~If Where the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump, fire sprinkler protection shall not be required work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system in accordance with Sections 907.4, 907.5 and 907.6 of the International Building Code.~~

(Reason: Smoke detection is not an equivalency to sprinkler protection and in general, could result in increased false alarm issues.)

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*****Section 804.2.5; change Exception to read as follows:**

Exception: **Supervision is not required where the Fire Code does not require such for new construction. for the following:**

- 1. ~~Underground gate valve with roadway boxes.~~**
- 2. ~~Halogenated extinguishing systems.~~**
- 3. ~~Carbon dioxide extinguishing systems.~~**
- 4. ~~Dry and wet chemical extinguishing systems.~~**
- 5. ~~Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.~~**

(Reason: The published exceptions are over-reaching and will result in inconsistencies among supervised protection systems and cause confusion for first responders as well.)

*****Section 804.3; change section to read as follows:**

804.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.
{Delete rest of Section 804.3.}

(Reason: The Fire Code already requires standpipes in these buildings (greater than 50 ft.) retroactively in Section 1103.6. This new section would negate/lessen those retroactive provisions already contained in the Fire Code.)

*****Section 805.2; Remove Exception #1**

Exception 1. ~~Where the work area and the means of egress serving it complies with NFPA101.~~

(Reason: NFPA 101 is not a commonly adopted code in the region and enforcement could be problematic)

***** Section 805.3.1.1; delete #4**

~~4. In Group R-4 Occupancies, the maximum occupant load excluding staff is 16.~~

(Reason: Consistency with IBC limit of 10 occupants in R-4 occupancies and committee approved code change for 2018)

EXHIBIT "I"
2015 International Existing Building Code
North Central Texas Council of Governments Amendments

*****Section 805.3.1.2; add change to read as follows:**

805.3.1.2 Fire Escapes required. **For other than Group I-2, where more than one exit is required an existing or newly constructed fire escape complying with section 805.3.1.2.1 shall be accepted as providing one of the required means of egress.**

(Reason: Higher level of safety by not allowing new fire escapes.)

*****Section 805.3.1.2.1; add change to read as follows:**

805.3.1.2.1 Fire Escape access and details - ...

- 2. Access to a new fire escape shall be through a door...**
- 3. Strike whole section**
- 5. In all building of Group E occupancy up to and including the 12th grade, building of Group I occupancy, rooming boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.**

(Reason: Higher level of safety by not allowing new fire escapes. Consistency with language and defined term in IBC.)

*****Section 805.3.1.2.2; delete entire section.**

~~805.3.1.2.2 Construction. The fire escape shall be designed to support a live load of 100 pounds per square foot (4788 Pa) and shall be constructed of steel or other approved noncombustible materials. Fire escapes constructed of wood not less than nominal 2 inches (51mm) thick are permitted on buildings of Type V construction. Walkways and railings located over or supported by combustible roofs in buildings of Types III and IV construction are permitted to be of wood not less than nominal 2 inches (51mm) thick.~~

(Reason: Due to striking out new fire escapes)

*****Section 805.3.1.2.3; delete entire section.**

~~805.3.1.2.3 Dimensions. Stairways shall be at least 22 inches (559 mm) wide with risers not more than, and treads not less than, 8 inches (203 mm). Landings at the foot of stairways shall be not less than 40 inches (1016 mm) wide by 36 inches (914 mm) long and located not more than 8 inches (203 mm) below the door.~~

(Reason: Due to striking out new fire escapes)

*****Section 805.5.2 Transoms Add note to read as follows:**

B and E occupancies are not included in the list and consideration should be given to adding them depending on existing buildings stock.

(Reason: Transom windows were historically a common practice in school buildings and each jurisdiction should evaluate the impact on their stakeholders and their community with regards to section)

EXHIBIT "I"
2015 International Existing Building Code
North Central Texas Council of Governments Amendments

*****Section 806.2; add an exception to read as follows:**

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

(Reason: with COG amendments to Section 1101.2 of IBC)

*****Section 904.1; add sentence to read as follows:**

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

(Reason: The intent is to avoid work area protection that would result in partial sprinkler or fire alarm protection. Partial sprinkler protection not delineated by walls would be a clear violation of NFPA 13 and the Fire Code and would not allow the sprinkler system to perform or function as intended. Also, partial fire alarm coverage is a clear violation of the Fire Code, NFPA 72, and ADA.)

*****Section 904.1; add sentence to read as follows:**

904.1.1 High-rise buildings. ~~An automatic sprinkler system shall be provided in work areas of where the high-rise buildings has a sufficient municipal water supply for the design and installation of an automatic sprinkler system at the site.~~

(Reason: Level 3 alterations are affecting more than 50% of the existing high-rise building, and as such, sprinkler protection is more than justifiable, even when fire pumps, etc., are necessary. It is noted that the work area method is one of three different methods available to the designer/owner in the IEBC.)

*****Section 1103.5 Flood Hazard areas.** *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city)

*****Section 1201.4 Flood hazard areas.** *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

*****Section 1302.7 Flood hazard areas.** *(Jurisdictions may consider the option to amend or delete depending on local enforcement and flood hazard ordinances.)*

(Reason: Flood hazard ordinances may be administered by other departments within the city.)

EXHIBIT “I”
2015 International Existing Building Code
North Central Texas Council of Governments Amendments

*****Section 1401.2; change to read as follows:**

1401.2 Applicability. Structures existing prior to [~~DATE TO BE INSERTED BY THE JURISDICTION.~~
~~Note: it is recommended that this date coincide with the effective date of building codes within the~~
~~jurisdiction]~~ the date of an approved final inspection issued under a code edition which is at least
two published code editions preceding the currently adopted building code; or a change of
occupancy, {rest of section un-changed}.

(Reason: For consistency with amendment in Chapter 2 relative to allowable use of this code for existing building.)

*****Section 1401.3.2; change to read as follows:**

1401.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code* and ~~*International Property Maintenance Code*~~.

(Reason: NCTCOG does not currently review the IPMC for recommended amendments at this time.)

***** Chapter 16 – Referenced Standards; change to read as follows:**

IECC—<u>45 Edition as adopted by the State of Texas</u>	International Energy Conservation Code®. .
	301.2, 702.6, 708.1, 811.1, 908.1

(Reason: For compliance with State Law requirements for Energy Code adoption)

END

EXHIBIT "J"
2015 International Swimming Pool and Spa Code
North Central Texas Council of Governments Amendments

The following sections, paragraphs, and sentences of the *2015 International Swimming Pool and Spa Code* are hereby amended as follows: Standard type is text from the ISPSC. Underlined type is text inserted. Lined through type is deleted text from ISPSC. A triple asterisk (***) identifies a new or revised amendment with the 2015 ISPSC code.

***Section 102.9; Change to read as follows:

Section 102.9 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); *Standards for Public Pools and Spas*; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two family dwellings).
2. Texas Department of Licensing and Regulation (TDLR); *2012 Texas Accessibility Standards (TAS)*, TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with *2012 TAS, Section 242*. (TAS rules do not apply to pools serving one- and two family dwellings).

Exception: Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

(Reason: To clarify specific Texas statutes which regulate public pools and spas.)

***Section 103.1; Change to read as follows:

Section 103.1 Creation of enforcement agency. The Department of Building Safety **[Development Services Department]** is hereby created and the official in charge thereof shall be known as the code official. **[Development Services Department]** is hereby created and the official in charge thereof shall be known as the code official for operation and maintenance of any *public swimming pool* in accordance this code, local and state law.

(Reason: Reminder to be sure ordinance reads the same as designed by the City & the operation of public pools is enforced through the City's appropriate department procedure)

Section 107.4; ***Delete entirely (covered by general provisions in Code of Ordinances):

107.4 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 an aquatic vessel 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 [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.

(Reason: Covered by general provisions of the Code of Ordinances.

EXHIBIT "J"
2015 International Swimming Pool and Spa Code
North Central Texas Council of Governments Amendments

*****107.5; Change to read as follows:**

107.5 Stop work orders. Upon notice from the code official, work on any system that is being done 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 agent, or to the person doing 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 to remove a violation or unsafe condition, shall be in violation of this code. ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

(Reason: Covered by general provisions of the Municipal Code of Ordinances.)

*****Section 202; DEFINITIONS; insert definition; change to read as follows:**

[Development Services Department]: [Development Services Department] regulates the operation of public pools. Routine inspections on pools and spas open to the public are conducted to document compliance with the standards set forth in State law.

(Reason: The operation of public pools is enforced through [Development Services Department] procedures.)

*****Section 305; Change to read as follows:**

305.1 General. The provisions of this section shall apply to the design of *barriers* for all *aquatic vessels*

These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such vessels. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions:

1. In One- and two-family dwellings spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.
2. In One- and two-family dwellings swimming pools with a *powered safety cover* that complies with ASTM F 1346.

(Reason: To clarify specific Texas statutes which regulate public pools and spas.)

*****Section 305.2; Change to read as follows:**

305.2 Outdoor swimming pools and spas. All outdoor *aquatic vessels* and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7 and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.

(Reason: To clarify specific Texas statutes which regulate public pools and spas.)

EXHIBIT "J"
2015 International Swimming Pool and Spa Code
North Central Texas Council of Governments Amendments

***** Add subsection 305.2.7.1: to read as follows:**

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

(Reason: To clarify specific Texas Health and Safety Code Chapter 757.003 (f))

*****Section 305.4 structure wall as a barrier. Changes as follows:**

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure of a one and two family dwelling or its accessory structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Unchanged
2. Unchanged
3. Unchanged

The wall of a building with windows in accordance with 2015 International Building Code, Section 1030 in a Group R2 occupancies shall not be used as part of pool enclosure. Other windows that are part of a pool yard enclosure shall be permanently closed and unable to be opened for public pools.

(Reason: To clarify specific Texas Health and Safety Code Chapter 757.007 & 2015 IBC, Section 1030).

*****Section 305.6: Change to read as follows:**

305.6 Natural barriers used in a one and two family dwelling. In the case where the vessel area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the vessel.

(Reason: Specific Texas statutes do not allow the use of natural barriers in lieu of fencing for public pools per Chapter 757.003).

*****Section 307.9 Accessibility. Add exception to Section to 307.9 as follows:**

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

(Reason: To accommodate buildings regulated under state law. Further clarified in 2015 to mean Components that are specifically addressed by TDLR shall be exempt.)

EXHIBIT "J"
2015 International Swimming Pool and Spa Code
North Central Texas Council of Governments Amendments

*****Section 310: Change to read as follows:**

310.1 General. Suction entrapment avoidance for aquatic vessels shall be provided in accordance with APSP

7 or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190

[Remainder unchanged]

(Reason: To clarify specific Texas statutes which regulate public pools and spas)

*****Section 313.7: Change to read as follows:**

313.7 Emergency shutoff switch for spas and hot tubs. An emergency shutoff switch shall be provided to disconnect all power to recirculation and jet system pumps and air blowers. Emergency shutoff switches shall be: provided with access; located within sight of the aquatic vessel and located not less than 5 feet (5') horizontally from the inside walls of the aquatic vessel. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft.) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to one and two family dwellings.

Exception: Onground storable and permanent inground residential swimming pools.

(Reason: Language is from 2014 NEC Article 680.41.)

EXHIBIT "J"
2015 International Swimming Pool and Spa Code
North Central Texas Council of Governments Amendments

*** Section 402.12; Change to read as follows:

402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with Table 402.12

Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6). (Delete Table 402.12 and Figure 402.12)

ADD: Figure: 25 TAC §265.186 (e) (6)

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.
From Plumbet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plumbet to Adjacent Plumbet	10 ft.	10 ft.	10 ft.

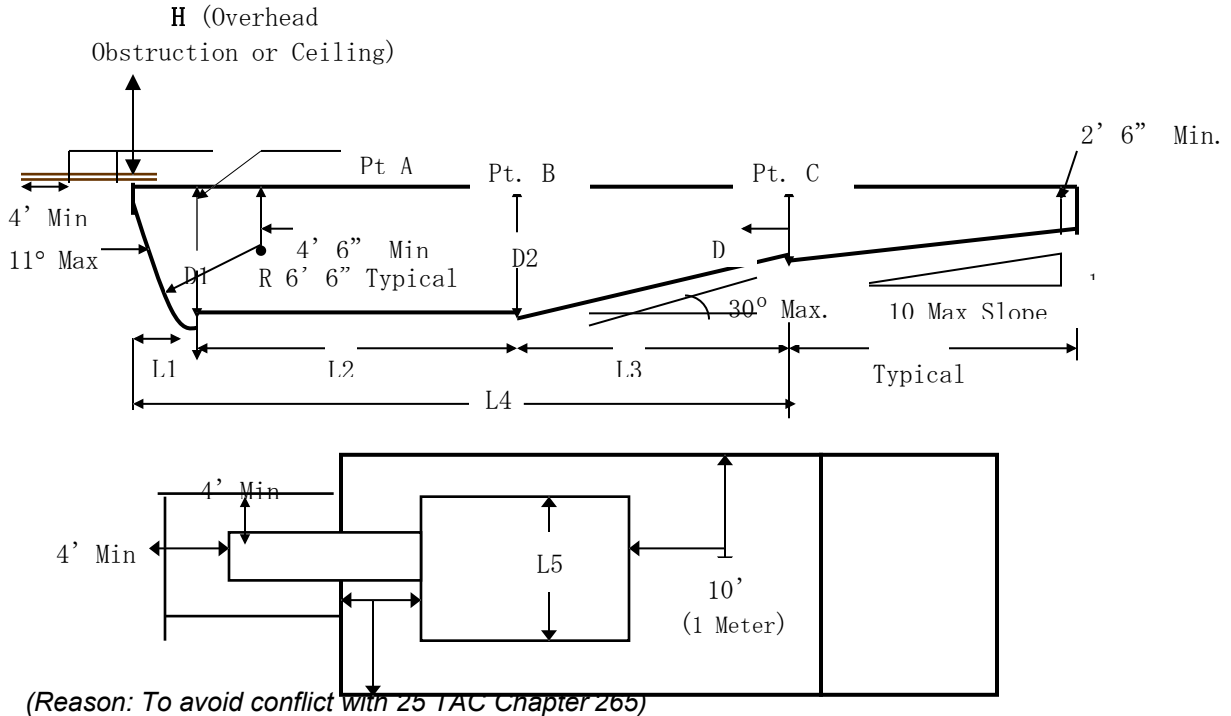


EXHIBIT "J"
2015 International Swimming Pool and Spa Code
North Central Texas Council of Governments Amendments

*****Section 402.13: Change to read as follows:**

402.13 Ladders for diving equipment. Ladders shall be provided with two grab rails or two handrails. There shall be a uniform distance between ladder treads, with a 7 inch (178 mm minimum) distance and 12 inch (305 mm) maximum distance. Supports, platforms, steps, and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be of corrosion-resistant material, easily cleanable and with slip-resistant tread;

Exception: ~~The distance between treads for the top and bottom riser can vary.~~

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(8)(d).

*****Section 411.2.1 & 411.2.2: Change to read as follows:**

411.2.1 Tread dimensions and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches. ~~not be less than 24 inches (607mm) at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (154838mm²) and an unobstructed horizontal depth of not less than 10 inches (254 mm) at the center line.~~

411.2.2 Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero ~~except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm) measured at the center line. The bottom riser height is allowed to vary to the floor.~~

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(7)(A) & (B)

*****Section 411.5.1 & 411.5.2: Change to read as follows:**

411.5.1 Swimouts. Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface

411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.

EXHIBIT "J"
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- 6. Unchanged
- 7. Unchanged

(Reason: To avoid conflict with 25 TAC Chapter 265.184 (u) & 265.186 (c)(10))

*****Section 603.2: Change to read as follows:**

603.2 Class D-2 pools. ~~Where a Class D-2 pool has a bather-accessible depth greater than 4 1/2 feet (1372 mm), the floor shall have a distinctive marking at the 4 1/2 feet (1372 mm) water depth.~~

Class A and B pools: Class A and B pools over 5 feet deep: the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and a rope and float line shall be provided between 1 foot and 2 feet on the shallow side of the 5-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the owner or operator of the pool knows or should have known in the exercise of ordinary care that a rope or float is missing, broken, or defective, the problem shall be promptly remedied

(Reason: To avoid conflict with 25 TAC Chapter 265.199)

*****Section 610.5.1: Change to read:**

610.5.1 Uniform height of 9-10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 9-10 inches (~~229-254~~ mm). The bottom riser height shall be permitted to vary from the other risers.

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(7)(B))

*****Section 804 Diving Water Envelopes: Change to read as follows:**

Section 804.1 General. The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1. ~~Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in table 804.1~~ the manufacturer's specifications.

(Reason: To clarify specific manufactures Specifications of the diving equipment).

END

EXHIBIT “K”
2015 International Property Maintenance Code
Local Amendments

The following sections, paragraphs, and sentences of the *2015 International Property Maintenance Code* are hereby amended as follows: Standard type is text from the IPMC. Underlined type is text inserted. ~~Lined through type is deleted text from IPMC.~~ A double asterisk (**) at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2015 code.

Section 101.1 Title, is amended to insert the Department Name:

101.1 Title. These regulations shall be known as the Property Maintenance Code of The City of Kaufman, TX, hereinafter referred to as “this code”.

****Section 101.3, Intent, is amended to read as follows:**

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of the structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required. Repairs, alterations, additions to, and change of occupancy, in existing buildings shall comply with the Building Codes as adopted by the City of Kaufman.

****Section 102.3, Application of other codes, is amended to read as follows:**

102.3 Application of other codes. Repairs, additions or alternations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and NFPA 70. Nothing in the Code shall be construed to cancel, modify or set aside any provision of the ~~*International Zoning Code*~~ City of Kaufman Zoning Ordinance as adopted.

Section 104.1, General, is amended to read as follows:

104.1 General. The code official, or the City Manager's designee(s), is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirement specifically provided for in this code.

Section 107.3, Method of service shall be amended to read as follows:

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

1. Delivered personally; or
2. Post a notice of violation in a conspicuous place in or about the structure, or if the property contains no building, post a placard attached to a stake driven into the ground on the property to which the violation relates, or

EXHIBIT “K”
2015 International Property Maintenance Code
Local Amendments

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

Section 108.1.1, Unsafe structures, is changed to read as follows:

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, limb, health, property, safety or welfare of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. Notwithstanding anything in this Section to the contrary, the City expressly retains all statutory powers and right to address unsafe structures.

Section 110.1, General, is amended to read as follows:

110.1 General. The code official, building official, or Building Standard Commission, shall order the owner or owner’s authorized agent of any premises upon which is located any structure, which in the code official’s or owner’s authorized agent judgement after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official, building official, or Building Standards Commission, shall order the owner or owner’s authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official, or Building Standards Commission. Notwithstanding anything in this Section to the contrary, the City and its Building Standards Commission expressly retain all statutory powers and rights to pursue demolition.

Section 111.1, Application for appeal, is amended to read as follows:

111.1, Application for appeal. Any person directly affected by a decision of the code official or a notice, or order issued under this code, shall have the right to appeal to the ~~board of appeals~~ Building Standards Commission, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted, thereunder have been incorrectly interpreted, the provision of this code do not fully apply or the requirements of this code are adequately satisfied by other means. A person’s exercise of an appeal does not preclude or abate criminal enforcement for a violation of this code.

Sections 111.2, Membership of board through Section 111.8, Stays of enforcement are deleted and shall make reference to Chapter 22, “Building and Building Regulations”, Section 22, Article XI. “Unsafe Buildings” of the Code of Ordinances.

Section 202, General Definitions, is amended as follows:

EXHIBIT "K"
2015 International Property Maintenance Code
Local Amendments

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

NOXIOUS WEED. Any plant designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property.

Section 302.4 Weeds, is amended as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of nine inches (9") in height. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Dead trees, shrubs, or ground cover must be removed and replaced as required. Landscaping shall be maintained to minimize property damage and eliminate public safety hazards.

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

Add Section 302.10 Trees, shrubs and plants to read as follows:

302.10 Trees, shrubs and plants. Trees, shrubs, and plants shall not obstruct the access to or from any door or window of any structure that is used, or is required by city code and ordinances to be used, for ingress or egress. Trees, shrubs, or plants that are dead and/or which are hazardous to persons or property shall be removed. Foliage of hedges, trees, and shrubs in public rights-of-way shall be maintained by the property owner adjacent to the right-of-way, such that the minimum overhang above a sidewalk shall be seven (7) feet. The minimum overhang above a street, alley, or public driveway shall be fourteen (14) feet.

Add Section 302.11 Erosion control to read as follows:

Section 302.11 Erosion control. The unpaved areas of the property shall be maintained with grass, ground cover, or other type of landscaping to such an extent that the soil, when wet, will not be picked up and spread to sidewalks or adjacent private or public property and is not subject to erosion during rains.

Section 602.4, Occupiable work spaces, is changed to insert the following dates:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65° F (18°C) during the period the spaces are occupied.

Exceptions:

EXHIBIT "K"
2015 International Property Maintenance Code
Local Amendments

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

Section 604.2 Service is amended as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the NFPA 70 and National Electrical Code (NEC) as adopted. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

END



Meeting
Date: 10/28/2019

Date: 10/21/2019

Item #: 10.

Dept.: Development
Services

Resolution

SUBJECT:

Consider and take appropriate action on Resolution R-24-19, a resolution of the City Council of the City of Kaufman, setting a public hearing for December 16, 2019 to receive public input on the advisability of proposed updates and amendments to the City of Kaufman Land Use Assumptions, Water and Street Capital Improvements Plan and the Kaufman Impact Fee Schedule; and providing an effective date.

BACKGROUND:

The Capital Improvements Plan Advisory Committee (CIPAC), on October 1, 2019, recommended approval, by a vote 8-0, to use the existing Kaufman Future Land Use Plan to establish the Land Use Assumptions and the 2019-2029 Capital Improvements Plan for Water and Streets in determining the impact fees. The Land Use Assumptions ascertain how much land area is devoted to residential, commercial, and industrial uses, etc. The Water and Street Capital Improvements Plan maps illustrate new facilities and facilities that are currently in service and have a capacity for future growth within the next ten-year period, 2019-2029. The information was used to determine the maximum allowable impact fee per service unit.

No comments have been received to date from the CIPAC regarding the Land Use Assumptions, the Water and Street Capital Improvements Plan and the Kaufman Impact Fee Schedule. The CIPAC will meet on November 5, 2019 for a last review, before the December 5, 2019 deadline to submit comments to City Council for review at the December 16, 2019 public hearing.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: NA

Funds Available: NA

Source: NA

Recommendation: Staff recommends approval of Resolution R-24-19 setting a public hearing for December 16, 2019 in order to receive public input on the advisability of proposed updates and amendments to the City of Kaufman Land Use Assumptions, Water and Street Capital Improvements Plan and the Kaufman Impact Fee Schedule.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
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Capital Improvements Plan and Impact Fee Update for Water and Streets 2019-2029



**5237 N. Riverside Drive, Suite 100
Fort Worth, Texas 76137 | 817.336.5773 phone**

www.tnpinc.com

TNP Firm Registrations

**Texas Board of Professional Engineers, Firm No. F-230 | Georgia Board of Professional Engineers, Firm No. PEF007431
Texas Board of Professional Land Surveying, Firm No. 10011600 | 10194381 | 10011601**

Capital Improvements Plan and Impact Fee Update for Water and Streets 2019-2029



This document is for interim review and is not intended for construction, bidding or permit purposes.

CHRIS A. EDWARDS, P.E. Date: OCT 2019

Tx. Reg. # 118947

**5237 N. Riverside Drive, Suite 100
Fort Worth, Texas 76137
817.336.5773 phone**

www.tnpinc.com

**TNP Firm Registrations
Texas Board of Professional Engineers, Firm No. F-230
Georgia Board of Professional Engineers, Firm No.
PEF007431
Texas Board of Professional Land Surveying, Firm No.
10011600 | 10194381 | 10011601**

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Appendices

Appendix A – Future Land Use Plan
Appendix B – Water Impact Fee Ordinance O-XX-19
Appendix C – Street Impact Fee Ordinance O-XX-19

Executive Summary

The City of Kaufman currently assesses water and street impact fees. The intent of the Impact Fee Program is to ease the financial burden borne by the City's existing rate payers for the construction of new water and street infrastructure required to support future development. Under the Impact Fee Program, a portion of the costs associated with new water and street infrastructure is paid for by new developments within the City's established service areas. In accordance with Local Government Code Chapter 395, the City must update the Impact Fee Program at least every five (5) years.

Capital Improvements Advisory Committee

For this Impact Fee Program update, the City Council appointed a Capital Improvements Advisory Committee (CIAC) to consider recommendations for updating water and street impact fees. The CIAC made recommendations to the City Council regarding land use assumptions, service area, Water Capital Improvements Plan (CIP), Street Capital Improvements Plan, and assessment rates for setting water and street impact fees. The following individuals graciously donated their time and energies to the Impact Fee Program update:

Planning and Zoning Commission Members

Colten Brantley
Burton Brown
Patrick Cardoza
Richard Dunn
Gail Godwin-Mason
Gladis Saldana
Curtis Snow

Community Representatives

Ray Raymond
Wade Hebb

Land Use Assumptions

The land use assumptions used in the development of the impact fee update are based on the Future Land Use Plan prepared by Tim F. Glendening & Associates, Inc., dated September 2013. Review of this Future Land Use Plan was performed by City staff and the CIAC to verify its relevance for the 2019 Impact Fee Program update. The Future Land Use Plan is included in this program update as **Appendix A**. The Future Thoroughfare Plan, prepared in conjunction with the Future Land Use Plan, is the basis for the CIP for Streets. Estimated existing land use allocations were calculated using the land use information provided in the 2014 update as a starting point and adjusting for the City of Kaufman's population growth between 2014 and 2019. The CIAC approved these land use assumptions for the purposes of identifying water and street impact fee capital improvements projects and forwarded the land use assumption recommendations to the City Council for review and approval.

Water Capital Improvements Plan

As part of this update to the Impact Fee Program, the Water Capital Improvements Plan has been updated. The plan identifies improvements that are anticipated to achieve full buildout of the City's water service area. A percentage of these improvements required to meet the projected demands of new development between 2019 and 2029 were used to calculate the water impact fees. The Water System Capital Improvements Plan for years 2019-2029 identified \$7.4 million in water capital improvements projects eligible for funding with impact fees.

Street Capital Improvements Plan

As part of this update to the Impact Fee Program, the Streets Capital Improvements Plan has been updated. The plan identifies improvements that are anticipated to achieve full buildout of the City's street service area. A percentage of these improvements required to meet the projected demands of new development between 2019 and 2029 were used to calculate the street impact fees. The Street System Capital Improvements Plan for years 2019-2029 identified \$9.6 million in street capital improvements projects eligible for funding with impact fees.



City of Kaufman's Maximum Water and Street Impact Fees

Based on the results of the land use assumptions and the water and street capital improvements plans, the maximum and allowable water and street impact fees that can be assessed for a standard service unit are:

Water CIP Cost per Service Unit:	\$ 7,331
Street CIP Cost per Service Unit:	\$ 7,371

Chapter 395 of the Local Government Code requires that cities provide a 50% credit to impact fees to account for the tax revenues and utility bill revenues generated by new developments. Applying a 50% credit to the Maximum Water Impact Fee and the Maximum Street Impact Fee yields the following allowable water and street impact fees.

Allowable Water Impact Fee per Service Unit after 50% Credit:	\$ 3,666
Allowable Street Impact Fee per Service Unit after 50% Credit:	\$ 3,686

The water impact fees are based on setting a 3/4" water meter as the standard service unit for single family residential properties. American Water Works Association's (AWWA) meter equivalency data is utilized to compare the demand that larger water meters place on the system to the demand that a standard 3/4" meter places on the system.

The street impact fees are based on peak hour trips as the standard service unit. Peak hour trip generation rates for the various land use types were adapted from the *Institute of Transportation Engineers Manual*.

City of Kaufman's Assessed Water and Street Impact Fees

On December 16, 2019 the Kaufman City Council adopted an assessment rate of 30% of the maximum water and 35% of the maximum street impact fees that could be assessed. The resulting water impact fee assessment for the City of Kaufman will be \$1,099.80 per service unit, which is a 3/4" single family residential meter. The amount represents an increase of \$59.32 to the current standard water impact fee, or 5.70%. The resulting street impact fee assessment for the City of Kaufman will be \$1,289.93 per service unit, which is single peak hour trip generation. The amount represents an increase of \$4.69 to the current standard street impact fee, or 0.36%. Street impact fees are assessed at the rate for the various land use types, as shown below.

2019 Assessed Water Impact Fee per Service Unit (3/4" meter):	\$ 1,040.48
2020 Assessed Water Impact Fee per Service Unit (3/4" meter):	\$ 1,099.80
2019 Assessed Street Impact Fee - Residential (per dwelling unit):	\$ 1,156.72
2019 Assessed Street Impact Fee - Pub./Semi Pub. (per 1,000 SF):	\$ 449.83
2019 Assessed Street Impact Fee - General Office (per 1,000 SF):	\$ 1,927.86
2019 Assessed Street Impact Fee - Retail/Comm. (per 1,000 SF):	\$ 3,303.07
2019 Assessed Street Impact Fee - Industrial (per 1,000 SF):	\$ 784.00
2020 Assessed Street Impact Fee - Residential (per dwelling unit):	\$ 1,160.93
2020 Assessed Street Impact Fee - Pub./Semi Pub. (per 1,000 SF):	\$ 451.48
2020 Assessed Street Impact Fee - General Office (per 1,000 SF):	\$ 1,934.89
2020 Assessed Street Impact Fee - Retail/Comm. (per 1,000 SF):	\$ 3,315.11
2020 Assessed Street Impact Fee - Industrial (per 1,000 SF):	\$ 786.86

Introduction

The City of Kaufman is currently assessing impact fees for water and street infrastructure. The impact fees are used to fund or recover the capital costs associated with improving the water and street infrastructure necessary to support new development within the City's service areas. The City of Kaufman water system service area includes the area within the current city limits as well as within the City's 1-mile extraterritorial jurisdiction (ETJ). The City's street impact fee service area is based only on the area within the city limits. This Impact Fee Update covers the 2019-2029 period. Only projects that are identified as fully or partially funded by the City and attributable to future growth are considered impact fee eligible and included in this analysis.

A Capital Improvements Plan (CIP) is developed to determine the infrastructure projects available for impact fees in the 10-year period. City staff has developed Capital Improvement Plans to accommodate growth of the City's water system within the current ETJ, and expansion of the City's street network within the city limits.

Local Government Code, Chapter 395

This impact fee program update adheres to the Texas Local Government Code, Chapter 395 on *Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments*. According to this state legislation, an impact fee is "a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development."

The law also states that impact fees may be used to pay for construction contract price, surveying and engineering fees, land acquisition costs, and consultants preparing or updating the capital improvements plan. Impact fees are not to pay for maintenance, operations or repair to existing or new infrastructure.

The basis for calculating impact fees on new development is the number of *service units* the development generates. Chapter 395 defines *service units* as a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years. The service units to be used for determining impact fees for the water and street infrastructure are defined in the applicable sections of this report.

Population Projections

Based on Census data, the current population of the City of Kaufman is lower than the population projected in the previous Impact Fee Update. The estimated population for 2019 is 7,509. This assumes the yearly growth rate of 1.64% between the last study's estimate of population for 2014 (6,997) and the Census Bureau's estimated population for 2018 (7,467) continued through 2019. The previous study estimated the 2019 population as 7,891, a difference of 382 people.

Using the projected growth rate from the North Central Texas Council of Government's (NCTCOG's) 2016 *Region C Water Plan*, the population projections for the City of Kaufman are provided in **Table 1** below. The projected growth rate for 2019 to 2029 is 2.26% per year.

Table 1: City of Kaufman Population Projections

Year	Population	
2018	7,467	*
2019	7,590	**
2020	7,762	
2021	7,937	
2022	8,116	
2023	8,300	
2024	8,487	
2025	8,679	
2026	8,875	
2027	9,076	
2028	9,281	
2029	9,491	

(Source: Census Bureau Estimate (*), growth rate from 2014 study to 2018 Census Estimate (**), and NCTCOG growth projections for years 2020-2030)

Existing Water System

The City of Kaufman's existing water supply and distribution system consists of a 1 million gallon (MG) capacity ground storage tank; two 0.25 MG capacity elevated storage tanks; a high service pump station consisting of one 1,000-gpm, one 1,100-gpm, and two 1,250-gpm pumps; and the associated pipelines, valves, and other appurtenances necessary to provide service to its customers. The current water distribution system operates as a single pressure plane. Surface water purchased from the North Texas Municipal Water District (NTMWD) supplies the system. The City receives its water via a 20-inch NTMWD pipeline with a maximum capacity of 7 million gallons per day (MGD). The City currently purchases as much as 3 MGD from the NTMWD.

The current system has the capacity to support usage of up to 4 MGD. The system's service area consists of approximately 3,041 service connections. Based on the City's current estimated population of 7,590, there are approximately 2.50 persons per connection.

Texas Commission on Environmental Quality (TCEQ) System Requirements

Per Chapter 290 of the *Texas Administrative Code on Environmental Quality*, a community water system such as the City of Kaufman's must provide a minimum water supply capacity to its customers. Systems utilizing surface water supplies must meet the capacity criteria listed in Section 290.45 (2) of the aforementioned code. The basis of the criteria is the number of service connections to the system, regardless of meter size. **Table 2** below lists the TCEQ minimum capacities based on the City of Kaufman's 3,041 connections, as well as the capacity provided by the existing system.

Table 2: TCEQ Minimum System Requirements

	TCEQ Criteria	TCEQ Minimum Capacities	City of Kaufman Existing Capacity
Total Storage (Ground + Elevated)	200 gallons per connection	608,000 gallons	1,500,000 gallons
Elevated Storage	100 gallons per connection for systems with more than 2,500 connections	304,000 gallons	500,000 gallons
Service Pump	Two or more pumps with 2.0 gpm per connection OR with 1,000 gpm to meet peak hourly demands with the largest pump out of service (whichever is less)	6,100 gpm (2.0 gpm per connection) OR 2,575 gpm (peak hourly demand) Therefore 2,575 gpm governs (2575 < 6100)	3,350 gpm firm capacity

290.45 (2)(E) a total storage capacity of 200 gallons per connection; (F) a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. (G) An elevated storage capacity of 100 gallons per connection is required for systems with more than 2,500 connections.

Table 2 demonstrates that the existing water system meets the minimum capacity criteria established by TCEQ. To meet the needs of future development, however, the water system will be required to meet the needs of additional connections through additional storage facilities and pumping capacity, and the extension of the existing distribution network into the areas of development.

Proposed Water Distribution System

The City of Kaufman's current population of 7,590 utilizes 3,041 meters, according to data provided by City staff. Based on meter data from September 2018 through August 2019, the average daily usage per connection is 271 gallons per day (gpd). This report assumes the average consumption rate will remain unchanged for the duration of the 2019-2029 impact fee period. Based on the population projections, the City's population will increase by 1,901 residents between 2019 and 2029. The resulting population of 9,491, at a density of 2.50 people per meter, will result in approximately 3,796 meter connections, an increase of 755 meters during the impact fee period. At the current average consumption rate of 271 gpd per connection, the 2029 population will place an approximately 1.03 MGD demand on the water system. **Table 3** below compares TCEQ minimum capacity requirements for the projected 2029 system to the current provided capacities.

Table 3: TCEQ Minimum System Requirements for 2029

	TCEQ Criteria	TCEQ Minimum Capacities	City of Kaufman Existing Capacity
Total Storage (Ground + Elevated)	200 gallons per connection	759,000 gallons	1,500,000 gallons
Elevated Storage	100 gallons per connection for systems with more than 2,500 connections	380,000 gallons	500,000 gallons
Service Pump	Two or more pumps with 2.0 gpm per connection OR with 1,000 gpm to meet peak hourly demands with the largest pump out of service (whichever is less)	7,600 gpm (2.0 gpm per connection) OR 3,215 gpm (peak hourly demand) Therefore 3,215 gpm governs (3215 < 7600)	3,350 gpm firm capacity

290.45 (2)(E) a total storage capacity of 200 gallons per connection; (F) a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. (G) An elevated storage capacity of 100 gallons per connection is required for systems with more than 2,500 connections.

TCEQ also requires that a water system maintain minimum pressures throughout the system due to maximum daily demand and fire events. Section 290.45 indicates that the minimum system pressure during a maximum day demand is to be 35 psi throughout the system. For a fire event, the residual pressure is to be no less than 20 psi throughout the system. In the 2009-2019 *Impact Fee Update* by Jacobs Engineering Group, Inc., a computer model created by others was cited as indicating that an increase in development would drop pressures below 35 psi for peak days and 20 psi during a fire event in the south west side of the City if no improvements were made to the existing system.

Water Impact Fee Service Unit

The service unit for the water impact fee is based on the water usage of the single-family residence, served in the City of Kaufman by $\frac{3}{4}$ " meters. Larger meters are converted to Living Unit Equivalents (LUEs) based on the relative flow rates of the larger meter to a $\frac{3}{4}$ " meter. For each meter larger than $\frac{3}{4}$ ", an LUE multiplier is applied to calculate the equivalent number of $\frac{3}{4}$ " meters. The number of projected service units is determined by calculating the total number of LUEs in the City. **Table 4** below shows the conversion factors used for each meter size.

Table 4: Meter Conversion Table

Meter Size (in)	Max. Capacity (gpm)	LUE Multiplier
3/4	30	1.00
1	50	1.67
1-1/2	100	3.33
2	160	5.33
3	350	11.67
4	630	21.00
6	1,400	46.67
8	2,400	80.00
10	3,800	126.67

(Source: Meter Capacities from AWWA C700 for Displacement-Type Meters 3/4"-2",
AWWA C701 for Class II Turbine Meters 3"-10")

Based on the current meter distribution provided by City staff, the existing 3,041 meters are equivalent to 4,308 LUEs. Assuming the same ratio of meter sizes in 2029 as the current distribution, the future increase of 755 meters is equivalent to the addition of 1,010 3/4" residential meters. **Table 5** below outlines the current and 2029 breakdown of meters by size, and their associated LUEs.

Table 5: Living Unit Equivalents

Meter Size (in)	2019		2029	
	# of Meters	Living Unit Equivalent	# of Meters	Living Unit Equivalent
3/4	2,712	2,712	3,385	3,385
1	169	282	211	352
1-1/2	7	23	9	30
2	136	725	170	906
3	4	47	5	58
4	6	126	7	147
6	5	233	6	280
8	2	160	2	160
Total	3,041	4,308	3,796	5,318
2019-2029 Growth in LUEs				1,010

Water Capital Improvements Plan for 2019-2029

Due to the unpredictability of development, it is difficult to determine which future water lines identified in the CIP will be necessary in the next 10 years to support development. Therefore, in order to establish the capital cost eligible for impact fees, a percentage of the total cost of the CIP program was calculated to establish the 10-year total cost. This percentage is based on the projected increase in LUEs over the next 10 years compared to the estimated increase in LUEs to achieve full buildout of the service area.

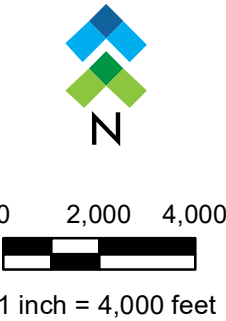
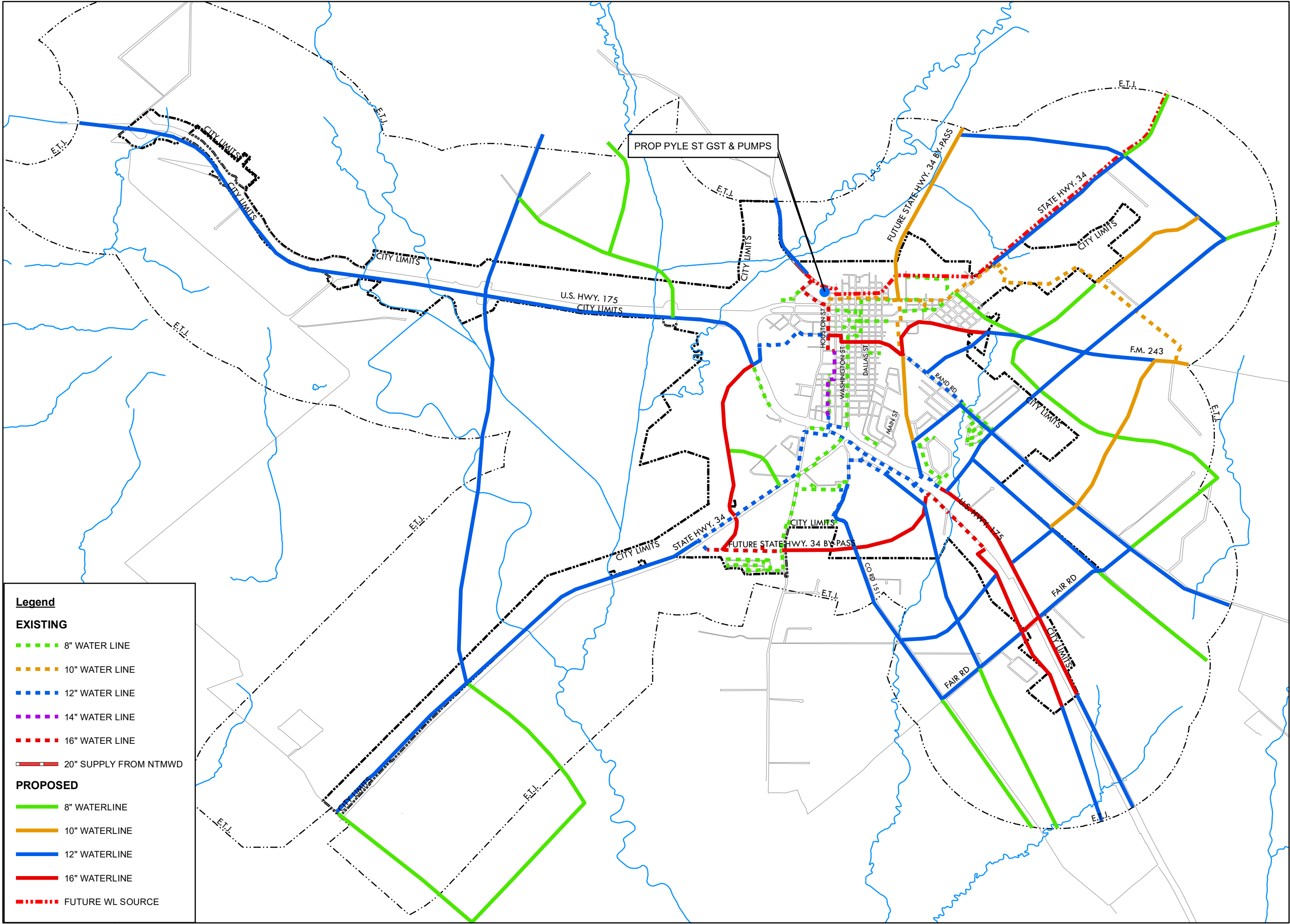
The 2014 study update established a full buildout population for the current 40.1 square mile ETJ area of approximately 30,100 people. Based upon the same assumptions used to project the 2029 LUEs, full buildout growth within the ETJ would equate to approximately 17,079 LUEs, or an increase of approximately 12,771 from the current 2019 estimate. The proposed 1,010 increase in LUEs over the next 10 years represents 7.9% of the full buildout increase. **Table 6** below outlines the current and ultimate buildout breakdown of meters by size, and their associated LUEs.

Table 6: Ultimate Buildout Living Unit Equivalents

Meter Size (in)	2019		Ultimate Buildout	
	# of Meters	Living Unit Equivalent	# of Meters	Living Unit Equivalent
3/4	2,712	2,712	10,737	10,737
1	169	282	669	1,117
1-1/2	7	23	28	93
2	136	725	538	2,868
3	4	47	16	187
4	6	126	24	504
6	5	233	20	933
8	2	160	8	640
Total	3,041	4,308	12,040	17,079
2019-Ultimate Buildout Growth in LUEs				12,771

The proposed water lines generally follow future streets as identified on the Thoroughfare Plan. The 500,000 gallon elevated water storage tank has been previously identified as a capital improvement on past CIP programs. The 2014 study update added the additional ground storage and pump station improvements associated with the addition of a secondary source of water from Terrell. **Figure 1** provides a conceptual layout of the proposed CIP water lines. **Table 7** identifies the costs associated with the proposed water facilities.

The total cost of the proposed water facilities necessary to support full buildout of the system is approximately \$93.7 million (2019 dollars). \$7.4 million (7.9%) of the total cost is attributable to projected growth during the 2019-2029 impact fee period.



Kaufman, Texas
Capital Improvement Plan
Figure 1
Water
2019-2029



Table 7: Impact Fee Capital Improvements Plan - Water Facilities

IMPACT FEE CAPITAL IMPROVEMENTS PLAN - WATER FACILITIES

Line Label	Size (in)	Length (lf)	Street Location	From	To	Eligible Total Cost	10-Year Cost
W1	12	19,000	US HWY 175	ETJ	W3-12"/W4-12"/W2-12"	\$5,225,000	\$412,800
W2	12	6,600	TBD	W1-12"/W3-12"/24-12"	ETJ	\$1,815,000	\$143,400
W3	12	7,800	TBD	ETJ	US HWY 175	\$2,145,000	\$169,500
W4	12	7,400	US HWY 175	W1-12"/W2-12"/W3-12"	TBD/W5-8"	\$2,035,000	\$160,800
W5	8	1,700	City Limit	W1-12"/W3-12"/W4-12"	US HWY 175	\$336,600	\$26,600
W6	12	4,300	US HWY 175	W5-8"/W4-12"	W7-12"/W4-16"	\$1,182,500	\$93,400
W7	12	250	TBD	W Fair St.	W6-12"/W4-16"	\$68,750	\$5,400
W8	12	3,600	Pyle St/FM 987	ETJ	Gorman St.	\$990,000	\$78,200
W9	10	7,300	Future State Highway 34 By-Pass	ETJ	TBD/W5-8"	\$1,730,100	\$136,700
W10	10	1,100	Future State Highway 34 By-Pass	TBD	First North St.	\$260,700	\$20,600
W11	12	6,500	TBD	Future State Highway 34 By-Pass	SH 34	\$1,787,500	\$141,200
W12	8	3,400	SH 34	FM 143	ETJ	\$673,200	\$53,200
W13	12	7,200	SH 34	Murrah Ln.	ETJ	\$1,980,000	\$156,400
W14	12	5,600	County Road 143	SH 34	FM 2727	\$1,540,000	\$121,700
W15	8	2,200	FM 2727	County Road 145	ETJ	\$435,600	\$34,400
W16	12	4,800	FM 2728	County Road 145	Ex. 10" Waterline	\$1,320,000	\$104,300
W17	10	5,000	TBD	County Road 143	Ex. 10" Waterline	\$1,185,000	\$93,600
W18	8	3,600	TBD	City Limit	FM 243	\$712,800	\$56,300
W19	12	2,700	FM 2727	FM 243	Ex. 10" Waterline	\$742,500	\$58,700
W20	12	2,700	FM 243	FM 2727	W21-10"/W23-10"	\$742,500	\$58,700
W21	10	800	FM 243	W20-12"/W23-10"	Crowell Rd.	\$189,600	\$15,000
W22	10	500	FM 243	Crowell Rd.	ETJ	\$118,500	\$9,400
W23	10	3,800	TBD	W29-8"/W30-8"	FM 243	\$900,600	\$71,100
W24	12	2,500	FM 2727	FM 243	W28-8"/W29-8"	\$687,500	\$54,300
W25	12	2,400	FM 243	W18-8"/W26-8"/W27-12"/W28-8"	FM 2727	\$660,000	\$52,100
W26	8	2,000	Ola St.	SH 34	W18-8"/W25-8"/W27-12"/W28-8"	\$396,000	\$31,300
W27	12	1,500	FM 243	City Limit	W18-8"/W25-8"/W26-12"/W28-8"	\$412,500	\$32,600
W28	8	3,000	TBD	FM 243	FM 2727	\$594,000	\$46,900
W29	8	3,700	TBD	FM 2727	W23-10"/W30-8"/W32-10"	\$732,600	\$57,900
W30	8	4,000	TBD	W32-10"/W23-10"	EJT	\$792,000	\$62,600
W31	8	3,800	TBD	Rand Rd. FM 1836	EJT	\$752,400	\$59,400
W32	10	3,600	TBD	Rand Rd. FM 1836	W29-8"/W30-8"/W23-10"	\$853,200	\$67,400
W33	12	2,600	FM 2727	Still Meadow Dr.	W24-12"/W28-8"/W29-8"	\$715,000	\$56,500
W34	12	3,100	TBD	Rand Rd. FM 1836	FM 243	\$852,500	\$67,300
W35	16	4,600	FM 243	Rand Rd. FM 1836	City Limits	\$1,798,600	\$142,100
W36	16	2,300	FM 1836	Washington St./SH 34		\$899,300	\$71,000
W37	16	800	Jackson St./Grove St.	Houston St.	Washington St./SH 34	\$312,800	\$24,700
W38	10	4,000	TBD	Rand Rd. FM 1836	Elizabeth St.	\$948,000	\$74,900
W39	12	2,500	Elizabeth St.	W38-10"/W64-12"	Rand Rd./FM 1836	\$687,500	\$54,300

IMPACT FEE CAPITAL IMPROVEMENTS PLAN - WATER FACILITIES

Line Label	Size (in)	Length (lf)	Street Location	From	To	Eligible Total Cost	10-Year Cost
W40	12	1,500	TBD	Rand Rd. FM 1836	W41-12"/W43-12"	\$412,500	\$32,600
W41	12	1,800	TBD	US HWY 175	W40-12"/W43-12"	\$495,000	\$39,100
W42	12	4,700	Rand Rd. FM 1836	City Limit	W32-10"/W44-10"/W46-12"	\$1,292,500	\$102,100
W43	12	4,300	TBD	City Limit	W44-10"/W45-12"/W51-12"	\$1,182,500	\$93,400
W44	10	1,400	TBD	W42-12"/W32-10"/W46-12"	W43-12"/W45-12"/W51-12"	\$331,800	\$26,200
W45	12	2,700	TBD	W43-12"/W44-10"/W51-12"	W47-12"/W49-8"/W50-12"	\$742,500	\$58,700
W46	12	2,900	Rand Rd. FM 1836	W32-10"/W44-10"	W31-8"/W47-12"/W48-12"	\$797,500	\$63,000
W47	12	1,600	Fair Rd.	FM 161	Rand Rd. FM 1836	\$440,000	\$34,800
W48	12	4,700	Rand Rd. FM 1836	Fair Rd.	ETJ	\$1,292,500	\$102,100
W49	8	5,900	TBD	Fair Rd.	ETJ	\$1,168,200	\$92,300
W50	12	3,300	Fair Rd.	US HWY 175	W45-12"/W47-12"/W49-8"	\$907,500	\$71,700
W51	12	2,200	TBD	US HWY 175	City Limits	\$605,000	\$47,800
W52	16	4,000	US HWY 175	TBD/W41-12"	TBD/W51-12"	\$1,564,000	\$123,600
W53	16	2,700	US HWY 175	TBD/W51-12"	Fair Rd.	\$1,055,700	\$83,400
W54	16	6,500	US HWY 175	Fair Rd.	City Limits	\$2,541,500	\$200,800
W55	16	3,400	US HWY 175	Fair Rd.	City Limits	\$1,329,400	\$105,000
W56	16	1,000	Fair Rd.	City Limit	City Limits	\$391,000	\$30,900
W57	16	2,700	US HWY 175	W58-16"/W59-12"	Fair Rd.	\$1,055,700	\$83,400
W58	16	1,100	US HWY 175	W58-16"	W57-16"/W59-12"	\$430,100	\$34,000
W59	12	800	TBD	City Limit	US HWY 175	\$220,000	\$17,400
W60	12	1,800	TBD	Abandoned Rail Road	City Limits	\$495,000	\$39,100
W61	12	2,300	TBD	W60-12"/W62-12"/W67-12"	Fair Rd.	\$632,500	\$50,000
W62	12	5,500	TBD	City Limit	W60-12"/W61-12"/W67-12"	\$1,512,500	\$119,500
W64	12	1,600	Future State Highway 34 By-Pass	W38-10"/W64-12"	Fair St.	\$440,000	\$34,800
W65	12	3,300	County Road 151	Hampton Dr.	Future State Highway 34 By-Pass	\$907,500	\$71,700
W66	12	2,600	County Road 151	Future State Highway 34 By-Pass	ETJ	\$715,000	\$56,500
W67	12	2,500	TBD	ETJ	Abandoned Rail Road	\$687,500	\$54,300
W68	12	3,200	County Road 151	ETJ	Fair Rd.	\$880,000	\$69,500
W69	16	2,100	Future State Highway 34 By-Pass	County Road 151	W62-12"/W63-12"	\$821,100	\$64,900
W70	16	2,800	Future State Highway 34 By-Pass	FM 1388	County Road 151	\$1,094,800	\$86,500
W71	16	1,700	TBD	Future State Highway 34 By-Pass	Washington St./SH 34	\$664,700	\$52,500
W72	16	3,100	TBD	W73-8"/W74-16"	Washington St./SH 34	\$1,212,100	\$95,800
W73	8	2,900	TBD	W72-16"/W74-16"	Washington St./SH 34	\$574,200	\$45,400
W74	16	4,400	TBD	US HWY 175	W72-16"/W73-8"	\$1,720,400	\$135,900
W75	12	3,600	FM 1388	Washington St./SH 34	Future State Highway 34 By-Pass	\$990,000	\$78,200
W76	12	11,300	Washington St./SH 34	Future State Highway 34 By-Pass	W77-8"/W79-12"/W80-12"	\$3,107,500	\$245,500
W77	8	5,400	TBD	W77-8"/W79-12"/W80-12"	ETJ	\$1,069,200	\$84,500
W78	8	5,500	TBD	TBD/W79-12"	ETJ	\$1,089,000	\$86,000
W79	12	7,800	Washington St./SH 34	W80-12"/W77-8"/W76-12"	ETJ	\$2,145,000	\$169,500



IMPACT FEE CAPITAL IMPROVEMENTS PLAN - WATER FACILITIES

Line Label	Size (in)	Length (lf)	Street Location	From	To	Eligible Total Cost	10-Year Cost
W80	12	8,500	TBD	ETJ	Washington St./SH 34	\$2,337,500	\$184,700
W81	12	21,120	Terrell Water Line	Terrel	Pyle St. Pump Station	\$5,808,000	\$458,800
Total Length (FT)		316,470					

Facility Label			Description	Capacity		Eligible Total Cost	10-Year Cost
ET1			Southside Elevated Tank	500,000 gallons		\$1,942,000	\$153,400
GST1			Pyle St. Ground Storage Tank	4,000,000 gallons		\$3,942,000	\$311,400
HSP1			Pyle St. High Service Pumps	2 @ 2,500 gpm		\$464,000	\$36,700
Total Eligible Improvement Cost						\$93,716,750	
Total Eligible 10-Year Improvement Cost							\$7,404,100
Total City Cost Impact per Service Unit							\$7,331
Maximum Impact Fee (50%) per Service Unit							\$3,666

Water Impact Fee

Water Maximum Impact Fee per Service Unit Calculation

In accordance with Chapter 395 of the Texas Local Government code, the cost per service unit is calculated using the total capital improvement cost divided by “the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions.” The maximum impact fee per service unit is calculated as 50% of the cost per service unit.

The water impact fee cost per service unit is calculated by dividing the total eligible 10-year capital improvement cost by the 10-year increase in LUEs. As previously stated, the proposed 10-year eligible capital improvement cost for proposed water facilities is \$7.4 million. The cost per service unit over the 10-year period is:

$$\text{Cost per Service Unit} = \frac{\$7,404,100}{1,010 \text{ LUEs}} = \$7,331$$

Due to the requirement in Chapter 395.014(7)(B) only 50% of the cost per service unit can be assessed:

$$\text{Maximum Impact Fee per Service Unit} = \$7,331 \times 50\% = \$3,666$$

Assessed Water Impact Fee

On December 16, 2019, the City Council approved an assessment of 30% of the maximum assessable water impact fee per service unit for 2020, via the adoption of Ordinance No. [O-XX-19](#). The ordinance is included in this program update as **Appendix B**. The impact fee will increase by 2% of the maximum assessable fee each year between 2020 and 2024. The resulting water impact fees that will be assessed for the next 5 years by the City of Kaufman against new development in the City are shown below in **Table 8**.

Table 8: Water Impact Fee Rate Schedule

Meter Size (in)	Meter Equivalents	2020 Assessment Rate (30%)	2021 Assessment Rate (32%)	2022 Assessment Rate (34%)	2023 Assessment Rate (36%)	2024 Assessment Rate (38%)
3/4	1.00	\$1,099.80	\$1,173.12	\$1,246.44	\$1,319.76	\$1,393.08
1	1.67	\$1,836.67	\$1,959.11	\$2,081.55	\$2,204.00	\$2,326.44
1-1/2	3.33	\$3,662.33	\$3,906.49	\$4,150.65	\$4,394.80	\$4,638.96
2	5.33	\$5,861.93	\$6,252.73	\$6,643.53	\$7,034.32	\$7,425.12
3	11.67	\$12,834.67	\$13,690.31	\$14,545.95	\$15,401.60	\$16,257.24
4	21.00	\$23,095.80	\$24,635.52	\$26,175.24	\$27,714.96	\$29,254.68
6	46.67	\$51,327.67	\$54,749.51	\$58,171.35	\$61,593.20	\$65,015.04
8	80.00	\$87,984.00	\$93,849.60	\$99,715.20	\$105,580.80	\$111,446.40
10	126.67	\$139,311.67	\$148,599.11	\$157,886.55	\$167,174.00	\$176,461.44

Roadway Facilities

The City of Kaufman assesses impact fees for the widening and extension of existing roadways, and for the construction of new roadways, for the purposes of serving new development. The land use plan and thoroughfare plan are critical in evaluating the roadway facilities as they relate to population growth. The land use assumptions are based on the *Future Land Use Plan* prepared by Tim F. Glendening & Associates, Inc., dated September 2013. Review of this Future Land Use Plan was performed by City staff and the CIAC to verify its relevance for the 2019 Impact Fee Program update. The *Future Thoroughfare Plan*, prepared in conjunction with the *Future Land Use Plan*, is the basis for the CIP for Streets. Estimated existing land use allocations were calculated based on the land use information provided in the 2014 update adjusted for the City of Kaufman's population growth between 2014 and 2019. Future projected land use allocations for 2029 were also calculated.

Table 10 reflects the existing and projected 2029 land use allocations. **Table 11** reflects the existing and projected ultimate buildout land use allocations.

Street Impact Fee Service Unit

An increase in developed land generates an increased number of vehicle trips associated with the development. Each land use type has different traffic patterns and generates a varying number of vehicle trips. These vehicle trips form the basis of the service unit for the street impact fee. The peak hour trip rates from **Table 9** below are used to calculate the peak hour trips generated by the projected increase in developed land, by land use type, in **Table 10** and **Table 11**.

Table 9: Trip Generation Rates for Selected Land Uses

Land Use Type	Unit	Average Coverage/Acre	Peak Hour Trip Rate
Residential	Dwelling Unit	4 units	0.90
Public/Semi-Public	per 1,000 SF GFA	35%	0.35
General Office	per 1,000 SF GFA	25%	1.50
Commercial/Retail	per 1,000 SF GFA	25%	2.57
Industrial	per 1,000 SF GFA	35%	0.61

(Adapted from the Institute of Transportation Engineers Manual)

GFA - Gross Floor Area

Table 10: Land Use and Peak Hour Trips 2019-2029

Land Use Type	2019 Land Use - For 7,590 People				2029 Land Use - For 9,491 People			
	Total Gross Acres per Future Land Use	Percent of Gross	Estimated Developed Acres	Peak Hour Trip Generation	Projected Developed Acres	Percent of Developed	Equivalent Annual Growth Rate from 2019 to 2029	Peak Hour Trip Generation
Residential	2,431	50.1%	676	2,432	845	30.0%	2.26%	3,041
Commercial	1,053	21.7%	150	4,188	169	6.0%	1.20%	4,719
Industrial	77	1.6%	58	537	67	2.4%	1.56%	626
Parks	254	5.2%	254		254	9.0%	0.00%	
Public/Semi Public	447	9.2%	240	1,282	255	9.0%	0.58%	1,359
Streets/Alleys	589	12.1%	561		593	21.1%	0.56%	
Vacant Developed			835		634			
Total	4,850		2,773	8,439	2,817			9,746
Difference from 2019-2029								1,306

Table 11: Land Use and Peak Hour Trips in 2019-Ultimate Buildout

Land Use Type	2019 Land Use - For 7,590 People				Ultimate Buildout Land Use - For 22,380 People*			
	Total Gross Acres per Future Land Use	Percent of Gross	Estimated Developed Acres	Peak Hour Trip Generation	Projected Developed Acres	Percent of Developed	Equivalent Annual Growth Rate	Peak Hour Trip Generation
Residential	2,431	50.1%	676	2,432	1,992	41.1%	n/a	7,172
Commercial	1,053	21.7%	150	4,188	827	17.1%	n/a	23,144
Industrial	77	1.6%	58	537	72	1.5%	n/a	668
Parks	254	5.2%	254		254	5.2%	n/a	
Public/Semi Public	447	9.2%	240	1,282	426	8.8%	n/a	2,275
Streets/Alleys	589	12.1%	561		1,279	26.4%	n/a	
Vacant Developed			835					
Total	4,850		2,773	8,439	4,850			33,259
* Ultimate Buildout based on current city limits. Population projected from ultimate buildout residential acreage at current population density.								Difference from 2019 to Ultimate Buildout
								24,820

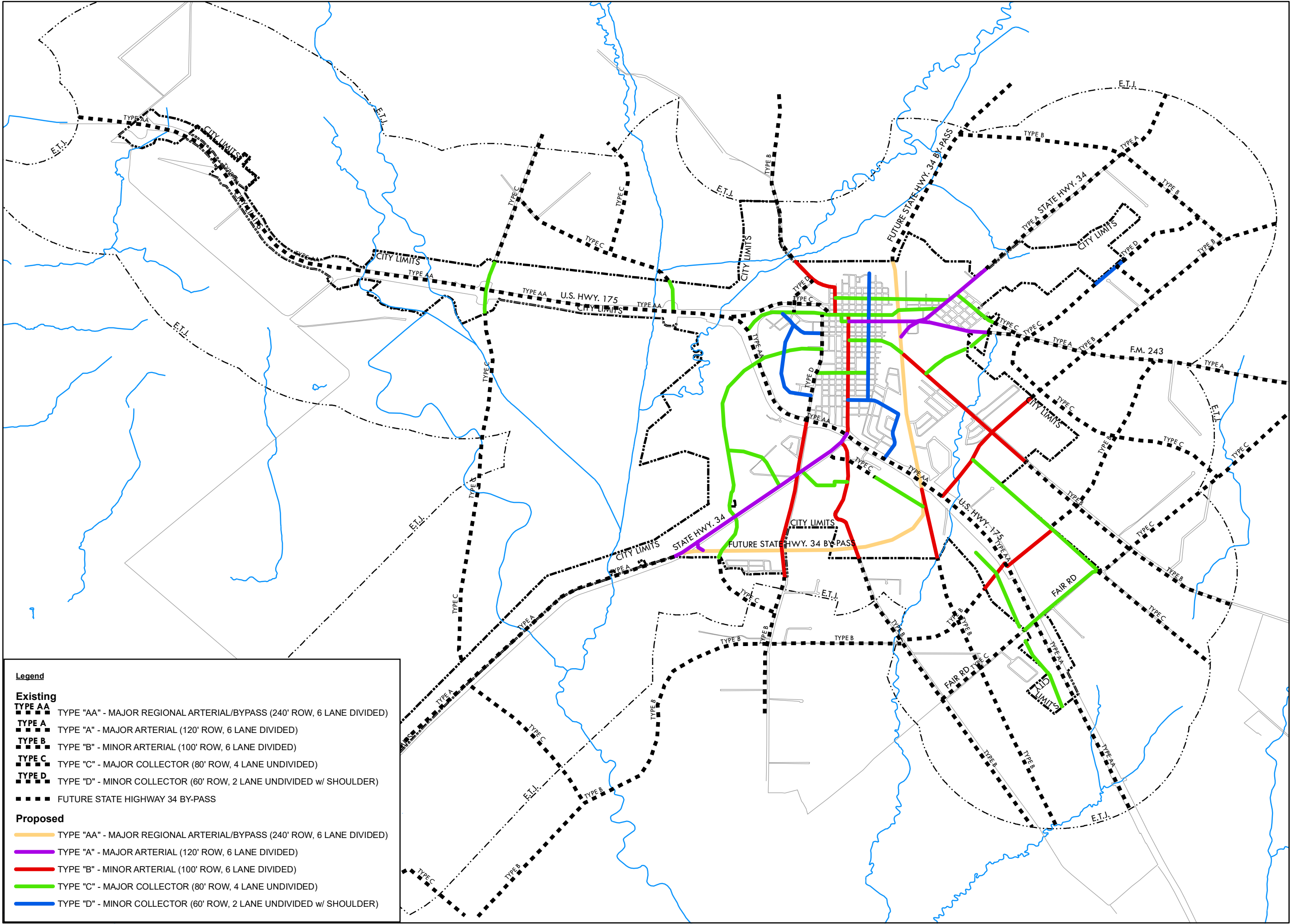
Streets Capital Improvements Plan for 2019-2029

The projected growth of 1,901 people and the development of 44 additional acres of land will require capacity improvements to and expansion of the City's existing roadway system. **Figure 2** shows the Capital Improvement Plan for Streets for the City of Kaufman. The roadway projects identified on the map were originally developed as part of the 2014 study update, in coordination with the update to the land use assumptions. City staff have identified projects which have been partially or fully completed since the 2014 update, and the roster of CIP street projects has been revised accordingly.

The unpredictability of development makes it difficult to determine which future streets identified in the CIP program will become necessary during the 10-year study window. In order to establish the capital costs eligible for impact fees, a percentage of the total cost of the CIP program was calculated to establish the 10-year cost. This percentage is based on the projected increase in peak hour trips over the next 10 years compared to the estimated increase in peak hour trips generated by full buildout of the service area, which consists of the current city limits. Based upon the same assumptions used to project the 2029 peak hour trips, full buildout growth within the city limits would equate to approximately 33,259 peak hour trips, or an increase of approximately 24,820 from the current 2019 estimate. The proposed 1,306 increase in peak hour trips over the next 10 years represents 5.3% of the full buildout increase.

Table 12 lists the streets and highways that will would be constructed to support the complete buildout of the existing city limits. State highways are assumed to receive 50% participation by the City unless otherwise noted. In addition, existing county roads turned over to the City will be included in the fee calculation. Projects with zero City participation, such as US 175, have been excluded from the CIP list.

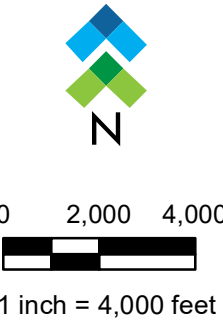
The total cost of the proposed street facilities necessary to support full buildout of the system is approximately \$244.7 million (2019 dollars). Of the total cost, \$181.7 million is impact fee eligible based on the City of Kaufman's participation stake in the projects. \$9.6 million (5.3%) of the total eligible cost is attributable to projected growth during the 2019-2029 impact fee period.



Legend

Existing
TYPE AA TYPE "AA" - MAJOR REGIONAL ARTERIAL/BYPASS (240' ROW, 6 LANE DIVIDED)
TYPE A TYPE "A" - MAJOR ARTERIAL (120' ROW, 6 LANE DIVIDED)
TYPE B TYPE "B" - MINOR ARTERIAL (100' ROW, 6 LANE DIVIDED)
TYPE C TYPE "C" - MAJOR COLLECTOR (80' ROW, 4 LANE UNDIVIDED)
TYPE D TYPE "D" - MINOR COLLECTOR (60' ROW, 2 LANE UNDIVIDED w/ SHOULDER)
FUTURE STATE HIGHWAY 34 BY-PASS

Proposed
TYPE "AA" - MAJOR REGIONAL ARTERIAL/BYPASS (240' ROW, 6 LANE DIVIDED)
TYPE "A" - MAJOR ARTERIAL (120' ROW, 6 LANE DIVIDED)
TYPE "B" - MINOR ARTERIAL (100' ROW, 6 LANE DIVIDED)
TYPE "C" - MAJOR COLLECTOR (80' ROW, 4 LANE UNDIVIDED)
TYPE "D" - MINOR COLLECTOR (60' ROW, 2 LANE UNDIVIDED w/ SHOULDER)



Kaufman, Texas
Capital Improvement Plan
Figure 2
Streets
2019-2029



Table 12: Impact Fee Capital Improvements Plan - Street Facilities

IMPACT FEE CAPITAL IMPROVEMENTS PLAN - STREET FACILITIES

Label	Type	Length (LF)	Street Name	From	To	Total Cost	% City	Eligible Total Cost	10-Year Cost
S3	C	1,100	TBD	US 175/S52	South to Corporate Limits	\$1,549,900	100%	\$1,549,900	\$82,100
S5	C	1,400	TBD	US 175	North to Corporate Limits	\$1,972,600	100%	\$1,972,600	\$104,500
S7	C	2,600	SH 243	US 175	N. Shannon St	\$3,663,400	50%	\$1,831,700	\$97,100
S8	D	1,800	N Shannon St	W. Grove St	W. Pyle St	\$1,533,600	100%	\$1,533,600	\$81,300
S9	B	1,100	W. Pyle St/FM 987	Corporate Limits	Shannon St	\$2,005,300	25%	\$501,325	\$26,600
S10	B	1,400	W. Pyle St/FM 987	Shannon St	First North St	\$2,552,200	25%	\$638,050	\$33,800
S11	B	800	Jefferson St	First North St	Grove St	\$1,458,400	100%	\$1,458,400	\$77,300
S12	C	1,300	First North St	Jefferson St	Dallas St	\$1,831,700	100%	\$1,831,700	\$97,100
S13	C	1,100	First North St	Dallas St	Future State Highway 34 Bypass	\$1,549,900	100%	\$1,549,900	\$82,100
S14	C	2,000	First North St	Future State Highway 34 Bypass	SH 34	\$2,818,000	100%	\$2,818,000	\$149,400
S15	A	400	SH 34	SH 34	Ola St	\$871,200	50%	\$435,600	\$23,100
S16	A	160	SH 34	Ola St	City Limit	\$348,480	50%	\$174,240	\$9,200
S17	C	1,900	Ola St	SH 34	City Limit	\$2,677,100	100%	\$2,677,100	\$141,900
S19	A	600	SH 34	First North St	Grove St	\$1,306,800	50%	\$653,400	\$34,600
S20	A	1,000	SH 34	Hillcrest St	Grove St	\$2,178,000	50%	\$1,089,000	\$57,700
S21	A	1,000	TBD	Future State Highway 34 Bypass	Hillcrest St	\$2,178,000	100%	\$2,178,000	\$115,400
S22	A	800	Mulberry St/ SH 34	Future State Highway 34 Bypass	Hillcrest St	\$1,742,400	50%	\$871,200	\$46,200
S23	A	1,200	Mulberry St/ SH 34	Dallas St	Future State Highway 34 Bypass	\$2,613,600	50%	\$1,306,800	\$69,300
S24	A	800	Mulberry St/ SH 34	Washington St	Dallas St	\$1,742,400	50%	\$871,200	\$46,200
S25	C	600	Jackson St/Mulberry St/ FM 243	Grove St	Washington St	\$845,400	50%	\$422,700	\$22,400
S26	C	1,200	Grove St	Dallas St	Future State Highway 34 Bypass	\$1,690,800	100%	\$1,690,800	\$89,600
S27	C	1,300	Grove St	Jackson St	Dallas St	\$1,831,700	100%	\$1,831,700	\$97,100
S28	C	300	Grove St	Clay St	Jackson St	\$422,700	100%	\$422,700	\$22,400
S29	C	1,200	Grove St	Shannon St	Houston St	\$1,690,800	100%	\$1,690,800	\$89,600
S30	C	500	Grove St	Nash St	Shannon St	\$704,500	100%	\$704,500	\$37,300
S31	C	1,700	Grove St	Fair St	Barnes St	\$2,395,300	100%	\$2,395,300	\$127,000
S33	D	700	Nash Dr	Grove St	Ebo St	\$596,400	100%	\$596,400	\$31,600
S34	D	1,200	Nash Dr	Ebo St	Houston St	\$1,022,400	100%	\$1,022,400	\$54,200
S35	D	1,300	TBD	Nash Dr	Pridmore St	\$1,107,600	100%	\$1,107,600	\$58,700
S36	D	800	Houston St	Nash Dr	Pridmore St	\$681,600	100%	\$681,600	\$36,100
S37	C	1,500	Pridmore St	S35-D	Houston St	\$2,113,500	100%	\$2,113,500	\$112,000
S38	D	1,100	Houston St	Pridmore St	14th St	\$937,200	100%	\$937,200	\$49,700
S39	D	1,100	Houston St	14th St	Bacon St	\$937,200	100%	\$937,200	\$49,700
S40	D	2,800	TBD	Pridmore St	Houston St	\$2,385,600	100%	\$2,385,600	\$126,400
S41	C	1,100	Pridmore St	Fair St	S35-D/S40-D	\$1,549,900	100%	\$1,549,900	\$82,100
S42	C	4,600	TBD	S43-C/S44-C	Fair St	\$6,481,400	100%	\$6,481,400	\$343,500
S43	C	3,100	TBD	S42-C/S44-C	Washington St/SH 34	\$4,367,900	100%	\$4,367,900	\$231,500
S44	C	2,900	TBD	S42-C/S44-C	Washington St/SH 35	\$4,086,100	100%	\$4,086,100	\$216,600
S45	A	800	Washington St/SH 34	S112-A/S91-AA	S92-A	\$1,742,400	50%	\$871,200	\$46,200
S46	A	1,900	Washington St/SH 34	S92-A	S44-C	\$4,138,200	50%	\$2,069,100	\$109,700
S47	A	2,300	Washington St/SH 34	S43-C/S44-C	S44-C	\$5,009,400	50%	\$2,504,700	\$132,700
S48	A	900	Washington St/SH 34	S44-C	S71-B	\$1,960,200	50%	\$980,100	\$51,900
S49	A	200	Washington St/SH 34	FM 1388	Cates Dr	\$435,600	50%	\$217,800	\$11,500

IMPACT FEE CAPITAL IMPROVEMENTS PLAN - STREET FACILITIES

Label	Type	Length (LF)	Street Name	From	To	Total Cost	% City	Eligible Total Cost	10-Year Cost
S50	A	1,300	Washington St/SH 34	Cates Dr	S51-A/S551-C	\$2,831,400	50%	\$1,415,700	\$75,000
S51	A	700	Washington St/SH 34	TBD	Old Kemp HWY	\$1,524,600	50%	\$762,300	\$40,400
S52	A	400	Washington St/SH 34	Old Kemp HWY	Fair St	\$871,200	50%	\$435,600	\$23,100
S53	B	1,600	Washington St/SH 34	Fair St	9th St	\$2,916,800	50%	\$1,458,400	\$77,300
S54	B	1,300	Washington St/SH 34	9th St	4th St	\$2,369,900	50%	\$1,184,950	\$62,800
S55	B	1,500	Washington St/SH 34	4th St	Temple St	\$2,734,500	50%	\$1,367,250	\$72,500
S56	B	1,200	Washington St/SH 34	Temple St	Mulberry St/SH 34	\$2,187,600	50%	\$1,093,800	\$58,000
S57	D	1,200	Dallas St	Silver Trail St	First North St	\$1,022,400	100%	\$1,022,400	\$54,200
S58	D	800	Dallas St	First North St	Grove St	\$681,600	100%	\$681,600	\$36,100
S59	D	300	Dallas St	Grove St	Mulberry St/SH 34	\$255,600	100%	\$255,600	\$13,500
S60	D	900	Dallas St	Mulberry St/SH 34	Temple St	\$766,800	100%	\$766,800	\$40,600
S61	D	1,500	Dallas St	Temple St	4th St	\$1,278,000	100%	\$1,278,000	\$67,700
S62	D	1,300	Dallas St	4th St	9th St	\$1,107,600	100%	\$1,107,600	\$58,700
S63	D	700	9th St	Washington St/SH 34	Dallas St	\$596,400	100%	\$596,400	\$31,600
S64	D	3,500	9th St	Dallas St	Fair St	\$2,982,000	100%	\$2,982,000	\$158,000
S65	B	900	County Rd 151	S51-A/S52-A	TBD/S107-C	\$1,640,700	100%	\$1,640,700	\$87,000
S66	B	1,000	County Rd 151 (2 of 6 Lanes Complete)	TBD/S107-C	Hampton Dr	\$1,221,410	100%	\$1,221,410	\$64,700
S67	B	3,400	County Rd 151 (2 of 6 Lanes Complete)	Hampton Dr	Future State Highway 34 Bypass	\$4,152,794	100%	\$4,152,794	\$220,100
S68	B	500	County Rd 151 (2 of 6 Lanes Complete)	Future State Highway 34 Bypass	City Limits	\$610,705	100%	\$610,705	\$32,400
S69	B	1,200	S. Houston St/ FM 1390	Future State Highway 34 Bypass	City Limits	\$2,187,600	50%	\$1,093,800	\$58,000
S70	B	3,600	S. Houston St/ FM 1388	Future State Highway 34 Bypass	Washington St/SH 34	\$6,562,800	50%	\$3,281,400	\$173,900
S71	B	2,500	S. Houston St/ FM 1389	Washington St/SH 34	Fair St	\$4,557,500	50%	\$2,278,750	\$120,800
S72	C	700	Temple St	Washington St/SH 35	Dallas St	\$986,300	100%	\$986,300	\$52,300
S73	C	2,200	Temple St/Rand Rd/FM 1836	Dallas St	Future State Highway 34 Bypass	\$3,099,800	50%	\$1,549,900	\$82,100
S74	B	1,300	Temple St/Rand Rd/FM 1837	Future State Highway 34 Bypass	TBD/S93-C	\$2,369,900	50%	\$1,184,950	\$62,800
S75	B	3,700	Temple St/Rand Rd/FM 1838	Temple St/Rand Rd/FM 1838	Still Meadow Dr	\$6,745,100	50%	\$3,372,550	\$178,700
S76	B	1,800	Temple St/Rand Rd/FM 1839	Still Meadow Dr	City Limits	\$3,281,400	50%	\$1,640,700	\$87,000
S77	B	2,100	TBD	Fair St	TBD/S94-C	\$3,828,300	100%	\$3,828,300	\$202,900
S78	B	1,500	TBD	TBD/S94-C	Temple St/Rand Rd/FM 1836	\$2,734,500	100%	\$2,734,500	\$144,900
S79	B	2,200	TBD	Temple St/Rand Rd/FM 1838	City Limits	\$4,010,600	100%	\$4,010,600	\$212,600
S80	AA	1,700	State Highway 34 Bypass (North)	City Limit	First North St	\$5,865,000	12%	\$703,800	\$37,300
S81	AA	600	State Highway 34 Bypass (North)	First North St	Grove St	\$2,070,000	12%	\$248,400	\$13,200
S82	AA	500	State Highway 34 Bypass (North)	Grove St	Mulberry St/SH 34	\$1,725,000	12%	\$207,000	\$11,000
S83	AA	700	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	Mulberry St/SH 34	Temple St/Rand Rd/ FM 1836	\$796,950	12%	\$95,634	\$5,100
S84	AA	6,700	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	S21-A	Temple St/Rand Rd/ FM 1836	\$7,627,950	12%	\$915,354	\$48,500
S85	AA	5,900	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	Temple St/Rand Rd?FM 1836	Fair St	\$6,717,150	12%	\$806,058	\$42,700



IMPACT FEE CAPITAL IMPROVEMENTS PLAN - STREET FACILITIES

Label	Type	Length (LF)	Street Name	From	To	Total Cost	% City	Eligible Total Cost	10-Year Cost
S86	AA	1,200	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	Fair St	TBD/S107-C	\$1,366,200	90%	\$1,229,580	\$65,200
S87	AA	3,600	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	TBD/S107-C	County Rd 151	\$4,098,600	90%	\$3,688,740	\$195,500
S88	AA	2,800	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	S. Houston St/FM 1388	County Rd 152	\$3,187,800	90%	\$2,869,020	\$152,100
S89	AA	2,400	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	S45-C/S44-C	S. Houston St/FM 1388	\$2,732,400	90%	\$2,459,160	\$130,300
S90	AA	700	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	TBD/S92-A	S45-C/S44-C	\$796,950	90%	\$717,255	\$38,000
S91	AA	900	State Highway 34 Bypass (North) (4 of 6 Lanes Complete)	S112-A/S45-A	S92-A	\$1,024,650	90%	\$922,185	\$48,900
S92	C	900	TBD	City Limit	Mulberry St/SH 34	\$1,268,100	100%	\$1,268,100	\$67,200
S93	C	1,900	TBD	Temple St/Rand Rd/ FM 1836	City Limit	\$2,677,100	100%	\$2,677,100	\$141,900
S94	C	1,400	TBD	S77-B/S78-B	City Limit	\$1,972,600	100%	\$1,972,600	\$104,500
S95	C	2,900	TBD	City Limit	S103-B/S96-C	\$4,086,100	100%	\$4,086,100	\$216,600
S96	C	2,700	TBD	TBD/S103-B	Fair Rd	\$3,804,300	100%	\$3,804,300	\$201,600
S97	C	3,500	TBD	US HWY 175	City Limit	\$4,931,500	100%	\$4,931,500	\$261,400
S98	C	600	Fair Rd	City Limit	US HWY 175	\$845,400	100%	\$845,400	\$44,800
S99	C	2,600	Fair Rd	S101-B/S102-B	City Limit	\$3,663,400	100%	\$3,663,400	\$194,200
S100	C	1,300	TBD	S101-B/S102-B	TBD	\$1,831,700	100%	\$1,831,700	\$97,100
S101	B	800	TBD	City Limit	S100-C	\$1,458,400	100%	\$1,458,400	\$77,300
S102	B	600	TBD	S100-C	US HWY 175	\$1,093,800	100%	\$1,093,800	\$58,000
S103	B	2,400	County Rd 166	US HWY 175	City Limits	\$4,375,200	100%	\$4,375,200	\$231,900
S104	C	3,400	TBD	Kings Fort PKWY	City Limits	\$4,790,600	100%	\$4,790,600	\$253,900
S105	B	3,200	TBD	US HWY 175	City Limit	\$5,833,600	100%	\$5,833,600	\$309,200
S106	C	1,000	TBD	City Limit	City Limit	\$1,409,000	100%	\$1,409,000	\$74,700
S108	C	1,200	4th St	Houston St	Washington St/ SH 34	\$1,690,800	100%	\$1,690,800	\$89,600
S109	C	800	4th St	Washington St/SH 34	Dallas St	\$1,127,200	100%	\$1,127,200	\$59,700
S110	D	1,200	TBD	City Limit	City Limit	\$1,022,400	100%	\$1,022,400	\$54,200
S111	D	1,100	Houston St	Bacon St	Fair St	\$937,200	100%	\$937,200	\$49,700
Total Projected Cost						\$244,669,639			
Total Eligible Improvement Cost								\$181,686,260	
Total Eligible 10-Year Improvement Cost									\$9,629,400
Total City Cost Impact per Service Unit									\$7,371
Maximum Impact Fee (50%) per Service Unit									\$3,686

Denotes project is partially constructed. Total Cost is for remaining lanes.

Roadway Types	
AA -	Major Regional Arterial/Bypass (240' ROW, 6 Lane Divided)
A -	Major Arterial (120' ROW, 6 Lane Divided)
B -	Minor Arterial (100' ROW, 6 Lane Divided)
C -	Major Collector (80' ROW, 4 Lane Undivided)
D -	Minor Collector (60' ROW, 2 Lane Undivided w/ Shoulders)

Street Impact Fee

Street Maximum Impact Fee per Service Unit Calculation

In accordance with Chapter 395 of the Texas Local Government code, the cost per service unit is calculated using the total capital improvement cost divided by “the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions.” The maximum impact fee per service unit is calculated as 50% of the cost per service unit.

The street impact fee cost per service unit is calculated by dividing the total eligible 10-year capital improvement cost by the 10-year increase in peak hour trips. As previously stated, the proposed 10-year eligible capital improvement cost for proposed street facilities is \$9.6 million. The cost per service unit over the 10-year period is:

$$\text{Cost per Service Unit} = \frac{\$9,629,400}{1,306 \text{ peak hour trips}} = \$7,371$$

Due to the requirement in Chapter 395.014(7)(B) only 50% of the cost per service unit can be assessed:

$$\text{Maximum Impact Fee per Service Unit} = \$7,371 \times 50\% = \$3,686$$

Table 13: City of Kaufman Maximum Street Impact Fees by Land Use Type

Land Use Type	Unit	Peak Hour Trip Rate	Fee by Land Use Type
Residential	Dwelling Unit	0.90	\$3,316.95
Public/Semi-Public	per 1,000 SF GFA	0.35	\$1,289.93
General Office	per 1,000 SF GFA	1.50	\$5,528.25
Commercial/Retail	per 1,000 SF GFA	2.57	\$9,471.74
Industrial	per 1,000 SF GFA	0.61	\$2,248.16

GFA - Gross Floor Area

Assessed Street Impact Fee

On December 16, 2019, the City Council approved an assessment of 35% of the maximum assessable street impact fee per service unit for 2020 via the adoption of Ordinance No. **O-XX-19**. The ordinance is included in this program update as **Appendix C**. The impact fee will increase by 2% of the maximum assessable fee each year between 2020 and 2024. The resulting street impact fees that will be assessed by the City of Kaufman against new development in the City are shown below in **Table 14**.

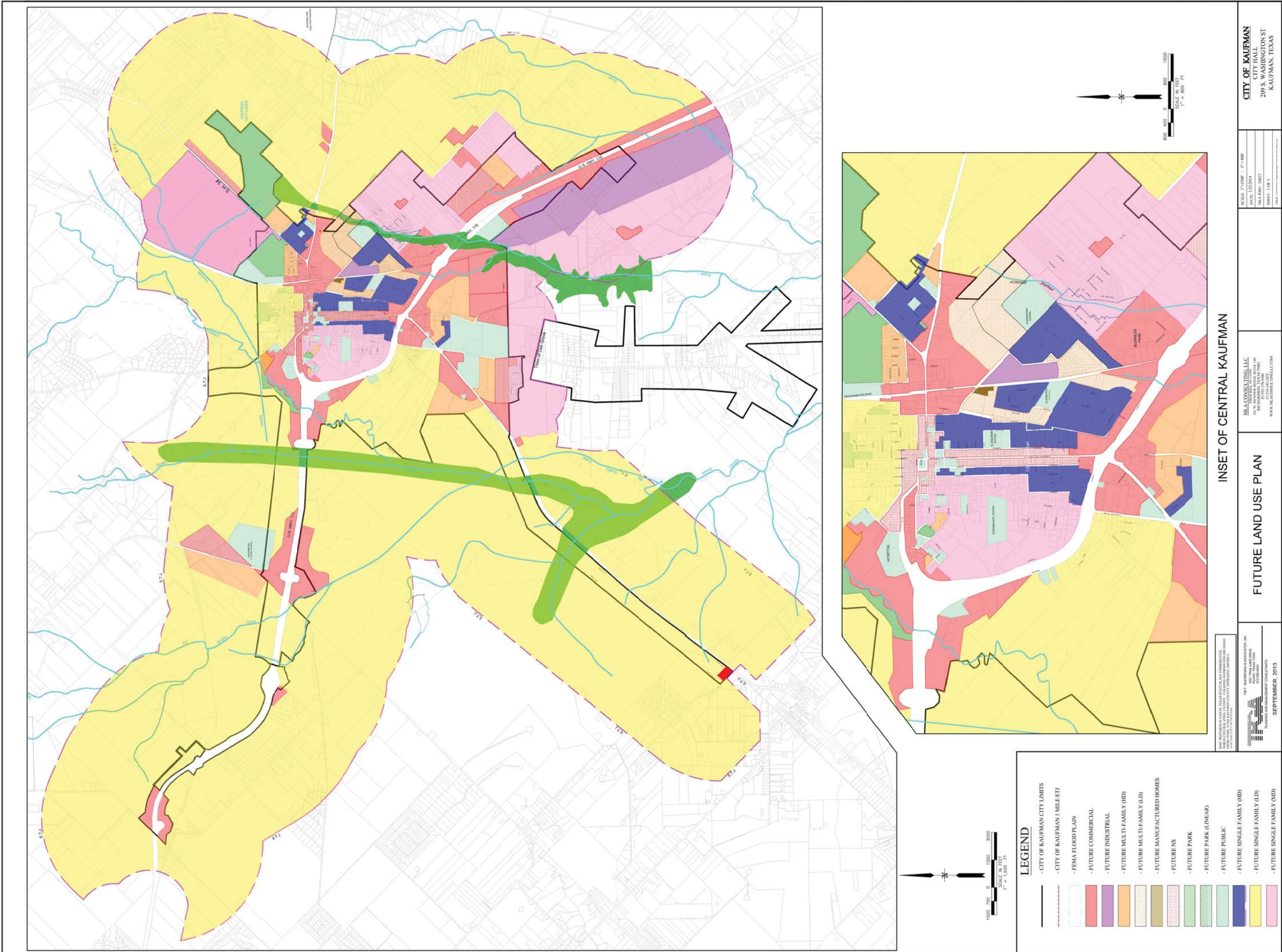
Table 14: Street Impact Fee Rate Schedule

Land Use Type	Unit	2020 Assessment Rate (35%)	2021 Assessment Rate (37%)	2022 Assessment Rate (39%)	2023 Assessment Rate (41%)	2024 Assessment Rate (43%)
Residential	Dwelling Unit	\$1,160.93	\$1,227.27	\$1,293.61	\$1,359.95	\$1,426.29
Public/Semi-Public	per 1,000 SF GFA	\$451.48	\$477.27	\$503.07	\$528.87	\$554.67
General Office	per 1,000 SF GFA	\$1,934.89	\$2,045.45	\$2,156.02	\$2,266.58	\$2,377.15
Commercial/Retail	per 1,000 SF GFA	\$3,315.11	\$3,504.54	\$3,693.98	\$3,883.41	\$4,072.85
Industrial	per 1,000 SF GFA	\$786.86	\$831.82	\$876.78	\$921.75	\$966.71

GFA - Gross Floor Area

APPENDIX A

Future Land Use Plan



APPENDIX B

Water Impact Fee Ordinance

O-XX-19

APPENDIX C

Street Impact Fee Ordinance

O-XX-19

CITY OF KAUFMAN, TEXAS

RESOLUTION NO. R-24-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS SETTING A PUBLIC HEARING FOR DECEMBER 16, 2019 IN ORDER TO RECEIVE PUBLIC INPUT ON THE ADVISABILITY OF PROPOSED UPDATES AND AMENDMENTS TO THE CITY OF KAUFMAN LAND USE ASSUMPTIONS, WATER AND STREET CAPITAL IMPROVEMENTS PLAN AND THE KAUFMAN IMPACT FEE SCHEDULE; PROVIDING FOR THE INCORPORATION OF PREMISES; ORDERING A PUBLIC HEARING; ORDERING THAT NOTICE OF PUBLIC HEARING BE PROVIDED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Kaufman, Texas established a Capital Improvements Plan Advisory Committee (the “Committee”) to consider amending the City’s Land Use Assumptions (the “LUA”), the Water and Street Capital Improvements Plan (the “CIP”) and amending the existing Kaufman Impact Fee Schedule (the “Fees”) (hereinafter collectively the “LUA, CIP and Fees”); and

WHEREAS, the Committee, City Staff and Consultants held workshops and public meetings to discuss the LUA, CIP and Fees and members of the Committee have provided comments on the LUA, CIP and Fees to City Staff; and

WHEREAS, at the October 28, 2019, meeting of the City Council, the Council received updates to the LUA, CIP and Fees; and

WHEREAS, City Council has reviewed the Committee’s proposed updates to the LUA, CIP and Fees, and has determined it appropriate to call and hold a public hearing on December 16, 2019 to receive public input on the advisability of the proposed updates and amendments to the Land Use Assumptions, the Water and Street Capital Improvements Plan and the Kaufman Impact Fee Schedule;

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the public health, safety and welfare;

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

SECTION 1. Incorporation of Premises. That the above recitals are hereby found to be true and correct findings and determinations of the City Council and are hereby approved and incorporated into this Resolution.

SECTION 2. Public Hearing Ordered. The City Council has received the proposed updates and amendments to the CIP, LUA and Fees and hereby calls a **Public Hearing** to be held on **December 16, 2019 at 6:00 p.m.** at Kaufman City Hall Council Chambers, **209 South Washington Street, Kaufman, Texas**, for the purpose of hearing public testimony with respect to the advisability of the proposed amendments to the Land Use Assumptions, the Water and Street Capital Improvements Plan, and the Kaufman Impact Fee Schedule (the "Public Hearing").

SECTION 3. Notice of Public Hearing. That the City Secretary is hereby authorized and directed to cause notice of the Public Hearing to be published in a newspaper of general circulation in the City on or before November 14, 2019, such notice being provided at least 31 days prior to the date of the Public Hearing in accordance with state law.

SECTION 4. Severability. If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 5. Effective Date. This Resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED on this ____ day of _____ 2019.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY



Meeting
Date: 10/28/2019

Date: 10/23/2019

Item #: 11.

Dept.: Administration

Resolution

SUBJECT:

Consider and take appropriate action on Resolution R-25-19, a resolution of the City Council of the City of Kaufman, approving and adopting the Agreement Concerning Retail Water Utility Service Area between the City and the College Mound Special Utility District ("CMSUD") to provide for the transfer of a portion of the City's CCN serving Kaufman Estates to CMSUD, authorizing the commencement of transfer proceedings with the Public Utility Commission of Texas, and authorizing the Mayor or his designee to execute necessary documents in accordance with the terms of the Agreement.

BACKGROUND:

The proposed CCN transfer agreement has been vetted by both College Mound SUD and the city of Kaufman attorneys. All of the requisite and negotiated terms are included in this agreement. Kaufman will transfer ownership of all necessary infrastructure to CMSUD for \$75,000 payable over 2 years. Transfer will occur upon acceptance of Public Utility Commission approval of the proposed changes to the existing CCN map. Once the transfer is complete and CMSUD has attached to the existing infrastructure, the city will abandon the existing 10" and 12" water lines that will no longer be needed to service Kaufman Estates. CMSUD and the city will work to eliminate any service interruptions to the residents of Kaufman Estates.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: \$75,000

Funds Available:

Source: CMSUD

Recommendation: Recommend approval of the CCN Transfer agreement with College Mound SUD to transfer water utility services to the residents of Kaufman Estates.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☐	☒

RESOLUTION NO. R-25-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS APPROVING AN AGREEMENT CONCERNING RETAIL WATER UTILITY SERVICE AREA (“AGREEMENT”) BETWEEN THE CITY OF KAUFMAN (“CITY”) AND THE COLLEGE MOUND SPECIAL UTILITY DISTRICT (“CMSUD”) PROVIDING FOR THE TRANSFER OF THE PORTION OF CITY OF KAUFMAN CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10877 AUTHORIZING THE CITY TO PROVIDE WATER SUPPLY TO KAUFMAN ESTATES FROM THE CITY TO COLLEGE MOUND SPECIAL UTILITY DISTRICT, CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10825, AUTHORIZING THE COMMENCEMENT OF TRANSFER PROCEEDINGS WITH THE PUBLIC UTILITY COMMISSION OF TEXAS IN ACCORDANCE WITH THE TERMS SET FORTH IN THE AGREEMENT, EXHIBIT “A” HERETO; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman (“City”) is a home rule municipality operating pursuant to the Texas Constitution and the Home Rule Charter of the City, and

WHEREAS, City provides water supply to a water distribution system constructed by Kaufman Estates, Inc. (“Kaufman Estates Water Distribution System” or “Water Distribution System”), to service an approximate 965.88 acre tract of land located in the City’s extraterritorial jurisdiction and within City’s Certificate of Convenience and Necessity No. 10877 (“City CCN”), and in exchange for City’s water supply, Kaufman Estates, Inc. (“Kaufman Estates”) deeded, transferred, and conveyed its Water Distribution System, including without limitation, any and all transmission and distribution lines to the City, and provided public utility easements for the benefit of the City to enable the City to access and maintain the Kaufman Estates Water Distribution System, pursuant to a contract entered into in 1978 between the City and Kaufman Estates (“Water Contract”); and

WHEREAS, the Water Contract has subsequently expired; however, the City retains sole ownership of the Kaufman Estates water distribution system, has exclusive authority under City’s CCN to provide water supply to Kaufman Estates, has access to the public utility easements dedicated for the maintenance of the Water Distribution System and continues to supply water to Kaufman Estates; and

WHEREAS, City also maintains sole ownership of the pipelines and all facilities necessary for the transportation of water to the point of delivery of water to the Kaufman Estates Water Distribution System; and

WHEREAS, College Mound Special Utility District (“CMSUD”) is a special utility district and political subdivision of the State of Texas, and owns water facilities,

transmission lines, and distribution lines in Kaufman County, Texas, and provides retail water utility service to customers within its certificated service area; and

WHEREAS, while the City is currently providing water service to the residents of Kaufman Estates, due to the costs and logistical difficulties of maintaining aging infrastructure located within the City's extraterritorial jurisdiction, the City has determined that the continuation of continuous and adequate water service to Kaufman Estates is not practical and that the best interests of the residents of Kaufman Estates and of the City of Kaufman would be served if service to Kaufman Estates residents were to be transferred to CMSUD and that such transfer requires the transfer of a portion of the City's CCN to CMSUD; and

WHEREAS, the City and CMSUD have determined that CMSUD is capable of providing and will provide continuous and adequate water service to residents of Kaufman Estates in accordance with sections 13.250 and 13.2501 of the Texas Water Code; and

WHEREAS, the City and CMSUD desire to enter into the Agreement Concerning Retail Water Utility Service Areas, (the "Agreement"), as set forth in **Exhibit "A"** to this Resolution, in order to contract for the transfer of that portion of City CCN authorizing the City to provide water service to Kaufman Estates to CMSUD CCN 10825 so that CMSUD may provide water service to Kaufman Estates, such transfer being subject to the final approval of the Public Utilities Commission, and as allowed by section 12.248, et seq., of the Texas Water Code, as amended; and

WHEREAS, the City Council finds it appropriate and in the best interest of the public health, safety, and welfare to enter into the Agreement with CMSUD to transfer only that portion of the City CCN servicing Kaufman Estates to CMSUD so that CMSUD may provide water supply to Kaufman Estates; and

WHEREAS, the City and CMSUD are each political subdivisions of the State of Texas authorized to enter into the Agreement pursuant to Chapter 791 of the Texas Government Code and pursuant to the Texas Water Code, the City and CMSUD have determined that the compensation provided pursuant to the Agreement approved as Exhibit "A" to this Resolution shall be made from current revenues legally available to each party and fairly compensate each party for the duties and obligations performed under the terms of the Agreement.

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

SECTION 1. The foregoing recitals are findings of the Kaufman City Council and are hereby adopted and incorporated herein as if written word for word.

SECTION 2. Council hereby approves and adopts the Agreement Concerning Retail Water Utility Service Areas between City of Kaufman and College Mound Special

Utility District, (the "Agreement") as set forth in **Exhibit "A"**, attached hereto and incorporated herein, and authorizes the Mayor or designee, to execute the Agreement.

SECTION 3. Council authorizes the Mayor or designee, to take all necessary action to apply and commence proceedings with the Public Utility Commission of Texas to transfer only that portion of the City of Kaufman CCN No. 10877 authorizing the City to service Kaufman Estates to College Mound Special Utility District ("CMSUD") CCN No. 10825, in accordance with the terms of the Agreement hereby approved so that CMSUD may provide water supply to Kaufman Estates upon final approval of the Public Utilities Commission of Texas and in accordance with state law.

SECTION 4. City Council approves and authorizes the Mayor or designee, to execute any assignment or other documents necessary to transfer and assign the City's interests in accordance with the terms of the Agreement hereby approved.

SECTION 5. If any section, article, paragraph, sentence, clause, term, phrase or word in this Resolution or the Agreement, Exhibit "A", approved hereby or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Resolution or the Agreement, and the City Council hereby declares it would have passed and approved such remaining portions of this Resolution and the Agreement despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. This Resolution shall take effect upon its passage.

PASSED AND APPROVED on this the 28th day of October, 2019.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

EXHIBIT "A"

**AGREEMENT CONCERNING RETAIL WATER UTILITY SERVICE AREA BETWEEN
THE CITY AND THE COLLEGE MOUND SPECIAL UTILITY DISTRICT**

**AGREEMENT CONCERNING
RETAIL WATER UTILITY SERVICE AREAS**
(College Mound Special Utility District of Kaufman County)

This Agreement Concerning Retail Water Utility Service Areas (“**Agreement**”) is made and entered into on the _____ day of _____ 2019 (**the “Effective Date”**) by and between College Mound Special Utility District (“**CMSUD**”) and City of Kaufman (“**City**”). CMSUD and City may collectively be referred to herein as the “Parties.”

RECITALS

WHEREAS, CMSUD is a special utility district and political subdivision of the State of Texas, is organized and operates pursuant to Chapters 49 and 65 of the Texas Water Code and Chapter 7204 of the Texas Special District Local Laws Code, holds, or is entitled to hold, water Certificate of Convenience and Necessity (“**CCN**”) No. 10825, owns water facilities, transmission lines, and distribution lines in Kaufman County, Texas, and provides retail water utility service to customers within its certificated service area; and

WHEREAS, the City of Kaufman is a home rule municipal corporation, a political subdivision of the State of Texas, operating pursuant to the Texas Constitution and the City of Kaufman Home Rule Charter, and City operates CCN No. 10877 in Kaufman County, Texas; and

WHEREAS, on or about April 18, 1978, the City of Kaufman entered into a Water Contract with Kaufman Estates, Inc. to provide a water supply to a water distribution system constructed by Kaufman Estates, Inc. to service the Transfer Area (defined hereinbelow) (**hereinafter “Kaufman Estates Water Distribution System”**), and in exchange, Kaufman Estates, Inc. deeded, transferred and conveyed any and all transmission, distribution lines and water distribution system in general to the City, and City was the sole owner of the pipelines and all facilities necessary for the transportation of water to the point of delivery and all internal transmission lines (**the “Water Contract”**); and

WHEREAS, on or about May 3, 1979, having completed construction of the Kaufman Estates Water Distribution System, Kaufman Estates, Inc. executed an “Assignment”, a copy of which is attached hereto and incorporated herein as **Exhibit “A”, (the “1979 Assignment”)**, in order to deed, transfer and convey to the City all of its rights, privileges, ownership and any other interest of Kaufman Estates, Inc. in the Kaufman Estates Water Distribution System, including without limitation, rights and ownership in the internal transmission lines, including those located in private easements, distribution lines and water distribution system located within the CCN Transfer Area (defined below); and

WHEREAS, City retains sole ownership of the pipelines and all facilities necessary for the transportation of water to the point of delivery of water to the Kaufman Estates Water Distribution System; and

WHEREAS, the CMSUD desires to hold and serve as the provider of retail water service to an approximate 965.88 acre tract of land situated in the Willie Colwell Survey, Abstract No. 83, and the Thomas Beed Survey, Abstract No. 21, Kaufman County, Texas, and more particularly described on **Exhibit “B”** hereto (**hereinafter referred to as the “Transfer Area” or “CCN Transfer Area”**) located within the City’s extraterritorial jurisdiction and within CCN No. 10877, under the terms set forth in this Agreement; and

WHEREAS, CMSUD and the City are both “retail public utilities” as defined in Section 13.002 of the Texas Water Code; and

WHEREAS, CMSUD and City have determined that CMSUD is capable of providing and will provide service to the Transfer Area in accordance with section 13.250 and 13.2501 of the Texas Water Code, as amended; and

WHEREAS, City is currently providing water service to the residents of Kaufman Estates pursuant to the Water Contract and has determined that the continuation of water service to Kaufman Estates is not practical and that the best interests of the residents of Kaufman Estates and of the City of Kaufman would be served if service to the Kaufman Estates residents were to be transferred to CMSUD; and

WHEREAS, CMSUD and the City wish to enter into a binding agreement governing the specific retail water utility service areas described herein, subject to the approval of the Public Utilities Commission, and as allowed by Texas Water Code Section 13.248; and

WHEREAS, the CMSUD and City have determined that the consideration provided herein adequately compensates both Parties for their respective expenditures and actions; and

WHEREAS, both Parties are legally authorized to provide retail water services, funds expended by each party in the performance of its respective obligations under this Agreement will be made from current revenues available to each party and represent fair compensation commensurate with the benefit received; and

WHEREAS, the respective governing bodies of CMSUD and City have determined that this Agreement serves a valid governmental purpose and the public health, safety, and welfare.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals and mutual promises expressed herein and other good and valuable consideration, the sufficiency of which is acknowledged by the Parties, CMSUD and the City hereby agree as follows:

1. CCN Transfer Area and Compensation

1.1 CCN Transfer Area. The Parties understand that their respective performance under the terms of this Agreement are contingent upon approval of the transfer by the Public Utility Commission (“PUC”) of the CCN Transfer Area (defined herein) from City to CMSUD

(“CCN Transfer”). The CCN Transfer Area to be transferred to CMSUD consists of approximately 965.88 acres more specifically depicted in the attached **Exhibit “B,”** attached hereto and incorporated herein. The CCN Transfer Area includes all existing infrastructure currently being utilized by City to provide water service to Kaufman estates that is located within the boundaries of the CCN Transfer Area, including without limitation water lines, transmission lines located within private easements acquired in the name of the City during the term of the Water Contract, easements, valves, hydrants, meters and other infrastructure for the providing of water service within and to the CCN Transfer Area. City shall retain full ownership and control of all infrastructure located outside of the CCN Transfer Area and in accordance with Section 2.8 of this Agreement, City may take all action necessary to close City’s point of delivery to the Transfer Area.

1.2 **Compensation to City.** To compensate the City for the infrastructure and service rights in the Transfer Area, the Parties agree that payment in an amount not to exceed **SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$75,000.00)** shall be paid by CMSUD in accordance with the terms of this Agreement following the date of final PUC approval (defined in Section 1.3), and that such payment constitutes just, adequate, and reasonable compensation to the City for the benefits received by CMSUD (“Total Payment Amount”). Payment shall be made as set forth in this section.

1.3 **Payment.** CMSUD shall pay to the City, the Total Payment Amount set forth in Paragraph 1.2 in two (2) separate payments. CMSUD shall remit a payment of **THIRTY SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$37,500.00)** within fifteen (15) days after final PUC approval of the CCN Transfer and **THIRTY SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$37,500.00)** on or before the expiration of twelve (12) months from the date of final PUC approval. The Parties agree that in the absence of any motion to overturn or motion for reconsideration or suit challenging the transaction, the PUC Approval will be considered as “final and non-appealable” twenty-three (23) days after the date of PUC approval (“PUC Approval”). The City shall provide CMSUD a bill of sale or other documentation as requested by CMSUD to submit to PUC to confirm that the sale has been closed.

1.4 **Termination and Optional Extension.** If the PUC Approval described in Paragraph 1.3 is not obtained by CMSUD within twelve (12) months after the Effective Date, this Agreement shall automatically terminate and all payments and conveyances granted to or by the City prior to termination shall be valid and returned. CMSUD shall have the right to withdraw from this Agreement upon ninety (90) days written notice to City if the PUC application is referred to a hearing. Such right to withdraw may be exercised at any point up to PUC Approval.

1.5 **City’s Existing Retail Service.** The Parties acknowledge and agree that the City is and will continue to be the retail water provider to all areas within CCN No. 10877 which are located outside of the CCN Transfer Area.

2. Transfer of CCN

2.1 Transfer to CMSUD. In return for the payments set forth in Paragraph 1.3, and subject to PUC Approval, the City agrees to immediately transfer to CMSUD that portion of CCN No. 10877 that is within the Transfer Area, as provided in this Article 2, such transfer to be effective upon the date of PUC Approval of the CCN Transfer as defined in Section 1.3 above. Further, upon the effective date of the PUC Approval, City agrees to convey to CMSUD all rights, title and interest held by City pursuant to the 1979 Assignment, Exhibit “B” hereto, including all easements, rights of way or other real property interests within the CCN Transfer Area, and such conveyance is made as more specifically described in Section 2.4 below. “Easements” as used herein are hereinafter defined to include all rights, easements, and other interests in the Transfer Area held by City pursuant to the 1979 Assignment. The City also agrees to provide documents evidencing compliance with its obligations under this Section to make an assignment of all easements, rights of way or other real property interests within the CCN Transfer Area in a form substantially in accordance with Exhibit “C” (“**City Assignment to CMSUD**”), attached hereto and incorporated herein.

2.2 Application to Amend CCN. The Parties shall cooperate to file an appropriate Sale Transfer or Merger (“STM”) application with the Public Utility Commission (“PUC”) to transfer the CCN Transfer Area to CMSUD. The Parties shall endeavor to obtain PUC Approval in an expeditious manner in order to receive PUC Approval within twelve (12) months of the Effective Date of this Agreement, and understand and agree, that it shall be an obligation of each party hereunder to support and cooperate with each other and the PUC to timely obtain PUC Approval of the CCN Transfer. All costs associated with preparing and filing the STM application and the pursuit of regulatory approvals shall be borne solely by CMSUD, and CMSUD shall not have any right to reimbursement for costs expended in fulfilling its obligations under this Agreement. The City shall provide necessary signatures, information, and testimony required of the City for the STM application and shall solely bear its costs for compliance with this section.

2.3 Customers in Transfer Area. All retail water customers, if any, whose place of use of water is located within the Transfer Area will become customers of CMSUD within thirty (30) days of PUC Approval. Within fourteen (14) days after the Effective Date of this Agreement, the City will provide a list of all then currently known customers and customer contact information to CMSUD. Further, the City agrees to flag all existing water meters for CCN Transfer Area customers and all valves within the Transfer Area and to otherwise cooperate with CMSUD in transferring customer accounts from City to CMSUD. The City and CMSUD shall conduct one or more meetings at agreed locations and times in order to inform customers of the transfer at agreed locations.

2.4 Facilities and Waterlines – Transferred As-Is. No facilities, water lines, equipment, or other property or property rights of the City shall be transferred to CMSUD by execution of this Agreement, except as expressly set forth herein. City has determined that the compensation received by City for the conveyance of its interest in the Kaufman Estates Water Distribution System fairly compensates the City for the existing value of that infrastructure based

upon the age and condition of the Kaufman Estates Water Distribution System. The City has disclosed all known defects or other conditions of the Water Distribution System. SOLELY AS TO CONDITIONS UNKNOWN TO THE CITY, THE CITY MAKES NO REPRESENTATION REGARDING THE CONDITION OF THE KAUFMAN ESTATES WATER DISTRIBUTION SYSTEM NOR ANY COMPONENT THEREOF AND CONVEYS THE KAUFMAN ESTATES WATER DISTRIBUTION SYSTEM TO CMSUD ON AN AS-IS BASIS WITHOUT WARRANTY OF ANY KIND.

2.5 No Impairment of Other Customers. Nothing in this Agreement shall in any way impair, or adversely affect, the City's right to provide water to any customers located outside of the CCN Transfer Area.

2.6 Provision of Interim Service by City. After execution, the City shall continue to provide retail water service within the CCN Transfer Area pending PUC Approval of the CCN Transfer application. The City shall be responsible for its own water facilities in and running through the Transfer Area and their maintenance and repair until the date of PUC Approval of the CCN Transfer in accordance with this Agreement.

2.7 Provision of Water Service by CMSUD. After a final PUC decision approving the CCN Transfer application, CMSUD will assume all retail water service within the Transfer Area in accordance with this Agreement.

2.8 Connection to CMSUD System. Within thirty (30) days following PUC Approval of the CCN Transfer, CMSUD shall connect CCN Transfer Area to the CMSUD distribution system. Contemporaneously with the CMSUD connection to the CCN Transfer Area, City shall take all actions necessary to disconnect the Kaufman Estates Water Distribution System from the City's point of distribution so that CMSUD is the sole provider of water services to the CCN Transfer Area. CMSUD will not purchase City infrastructure located outside of the CCN Transfer Area as described in Section 1.1 above, including without limitation, the 10" or 12" water line(s) retained by City as depicted in yellow and orange on Exhibit "D" ("City Retained Infrastructure Outside of Transfer Area"), a copy of which is attached hereto and incorporated herein. Upon written notice by CMSUD, City will sever and terminate these lines.

2.9 CMSUD does not assume any obligation nor shall CMSUD be entitled to assume any interest in or right to any City water supply agreement. CMSUD will supply the Transfer Area with its existing sources.

3. Miscellaneous

3.1 Assignment. This Agreement may not be assigned by any party without the prior written consent of each of the other Party.

3.2 Entire Agreement. This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except as expressly authorized herein or by the mutual written agreement of the parties hereto.

3.3 Venue. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Kaufman County, Texas. Exclusive venue shall lie in Kaufman County, Texas.

3.4 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective permitted and approved successors and assigns.

3.5 Authority. The individuals executing this Agreement on behalf of the respective Parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement, and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof. The board of directors of CMSUD and the City Council have approved this Agreement as evidenced by the signed resolutions attached hereto as **Exhibits "E" and "F"**, copies of which are attached hereto and incorporated herein.

3.6 Legal Review. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed. Each signatory represents that this Agreement has been read by the party for which this Agreement is executed, and that such party has had an opportunity to confer with its counsel.

3.7 Notices. Any notice provided for under the terms of this Agreement by either party to the other shall be in writing and may be effected by registered or certified mail, return receipt requested, addressed and delivered to the following:

to CMSUD: Shirley Blakely Thompson
General Manager
P.O. Box 2008
Terrell, TX 75160
Facsimile: (972) 551-7176

with a copy to:

James D. Bradbury
James D. Bradbury, PLLC
201 Main Street, Suite 600
Fort Worth, Texas 76102

to the City: Michael T. Slye, City Manager
City of Kaufman
209 S. Washington
Kaufman, Texas 75142
Facsimile: (972) 932-0307

with a copy to:

Patricia A. Adams
Messer, Fort, McDonald, PLLC
6371 Preston Road, Suite #200
Frisco, Texas 75034

Each Party may change the address to which notice may be sent by giving notice of such change to the other Party in accordance with the provisions of this Agreement.

3.8 Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

3.9 Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

3.10 Document Construction/Headings. This Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this document.

3.11 Governmental Immunity. The Parties hereto are government entities. Nothing in this Agreement, and no action of the City and/or CMSUD under this Agreement, will constitute a waiver of any immunity of the either the City and/or the CMSUD to suit or to liability or of any limitations on liability granted by applicable law, including without limitation, the Texas Constitution and Texas Tort Claims Act.

3.12. Non-Waiver. No covenant or condition of this Agreement may be waived without consent of the Parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Agreement. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its rights herein shall in no way constitute a waiver thereof.

3.13 Timely Performance. Time is of the essence in the performance of the obligations under this Agreement.

3.14. Independent Parties. City and CMSUD each covenant and agree that it is an independent party and not an officer, agent, servant or employee of the other; that the doctrine of respondeat superior shall not apply as between City and CMSUD, their respective officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and CMSUD.

IN WITNESS WHEREOF, the Parties have executed this Agreement and caused this Agreement to be effective on the date first written above as reflected by the signatures below.

CITY OF KAUFMAN

**COLLEGE MOUND SPECIAL UTILITY
DISTRICT**

Mayor Jeff Jordan

Shirley Blakely Thompson, General Manager

ATTEST:

ATTEST:

Jessie Hanks, City Secretary

President, Board of Directors

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Patricia A. Adams, City Attorney

James Bradbury, Attorney for CMSUD

STATE OF TEXAS

§

College Mound Special Utility District

COUNTY OF KAUFMAN

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§

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me he/she is the duly authorized representative for COLLEGE MOUND SPECIAL UTILITY DISTRICT, and he/she executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____ 2019.

Notary Public in and for the State of Texas
My Commission Expires:

STATE OF TEXAS

§

City of Kaufman, Texas

COUNTY OF KAUFMAN

§

§

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me he/she is the duly authorized representative for CITY OF KAUFMAN, and he/she executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____ 2019.

Notary Public in and for the State of Texas
My Commission Expires: _____

EXHIBIT “A”
1979 Assignment (Kaufman Estates to City of Kaufman)

THE STATE OF TEXAS X
COUNTY OF KAUFMAN X

A S S I G N M E N T

WHEREAS, on the 18 th day of April , 1978, the City of Kaufman, Kaufman County, Texas, and Kaufman Estates, Inc. entered into a water contract concerning water supply and water distribution lines to property owned by the said Kaufman Estates, Inc.

WHEREAS, a copy of the water contract is attached hereto and identified as Exhibit "A", and further incorporated herein by reference for all purposes;

WHEREAS, all provisions of the said water contract has been fulfilled by Kaufman Estates, Inc. and

WHEREAS, it is now necessary for the said Kaufman Estates, Inc. to assign its interest in the said water distribution system to the City of Kaufman;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Kaufman Estates, Inc., A Texas Corporation, hereby assigns unto the City of Kaufman, Kaufman County, Texas, any and all of its rights, privileges, ownership, and any other interest in the internal water lines now located on property owned by the said Kaufman Estates, Inc., being the water distribution system on a 965.88 acre tract situated in the Willie Colwell Survey, Abstract No. 83, and the Thomas Beedy Survey, Abstract No. 21, Kaufman County, Texas, together with all easement rights granted, conveyed or dedicated to the use of the public forever, to all streets, alleys, parks, water courses, drains, easements and public places thereon shown on plat recorded in Volume 9, page 7, Plat Records of Kaufman County, Texas, heretofore granted to Kaufman Estates, Inc. It being the intent of this instrument to assign, convey, and deliver any and all rights that the said Kaufman Estates, Inc. may have in the water distribution system and internal water lines now situated owned by it which was constructed by Kaufman Estates, Inc., and it is the further intent of this instrument to assign to the City of Kaufman, Kaufman County, Texas, any and all rights of easement that Kaufman Estates, Inc. had in any property owned by the said Kaufman Estates, Inc., through which such water distribution system are located.

Executed this 3rd day of May, 1979.

KAUFMAN ESTATES, Inc.

By Byron W. Frierson
Byron W. Frierson, President

ATTEST: Travis B. Reese
Travis B. Reese, Secretary

THE STATE OF TEXAS X
COUNTY OF KAUFMAN X

BEFORE ME, the undersigned authority, on this day personally appeared Byron W. Frierson, known to me to be the person whose name is subscribed to the foregoing instrument and known to me to be the president of Kaufman Estates, Inc., and he acknowledged to me that he executed said instrument for the purposes and consideration therein expressed and in the capacity therein stated and as the act and deed of Kaufman Estates, Inc.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 3rd day of May, 1979

M. A. Haynes
Notary Public, Fort Bend County, Texas

THE STATE OF TEXAS §
COUNTY OF KAUFMAN § W A T E R C O N T R A C T

THIS CONTRACT (hereinafter called the "Contract") made and entered into as of this the 18th day of April, 1978, by and between City of Kaufman, Texas, a Municipal Corporation acting by and through its duly elected and authorized officials, (hereinafter called "City"), and KAUFMAN ESTATES, INC., a Texas Corporation (hereinafter called "Estates"):

W I T N E S S E T H:

WHEREAS, Kaufman Estates, Inc., is considering the construction of a water distribution system on a 965.88 acre tract situated in the WILLIE COLWELL SURVEY, Abstract No. 83, and the THOMAS BEEDY SURVEY, Abstract No. 21, Kaufman County, Texas, reflected in Exhibit "A" attached hereto and incorporated herein for all purposes; and

WHEREAS, City presently has an adequate and dependable water supply; and

WHEREAS, Estates is desirous of obtaining a permanent water supply for its development as outlined in "Exhibit "A" attached hereto and incorporated herein for all purposes; and

WHEREAS, City will have available water in the quantities hereinafter contracted to be sold by it to Estates; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, City agrees to furnish and Estates agrees to pay for water supply services upon the terms and conditions and for the consideration hereinafter set forth, to-wit:

1. QUANTITY. Subject only to the provisions of this Section and Sections 6 and 9 hereof, City agrees, during the period of this Contract to tender and make available to the Estates, for its own use and at the delivery point as hereinafter specified, treated water in the volume required by the Estates provided that the maximum rate of delivery of such water shall not exceed the capabilities of the City or such other amount as may be determined by City applicable to all customers and Estates agrees to pay the City for such service in accordance with the provisions of Section 6 hereof. The availability of water to Estates will always be subordinate to the needs and water usage consumption by the current water users or customers of the City.

City will use its best efforts to remain in a position to furnish water as herein contracted to be sold to Estates, but its obligations shall be further subject to the limitations, terms, conditions and covenants of the Water Purchase Contract dated February 4, 1974, executed by and between City and their supplier, North Texas Municipal Water District.

2. QUALITY. North Texas Municipal Water District is contractually obligated to treat the water to be delivered by City and received by Estates hereunder so as to meet the standards of the State Department of Health Resources of the State of Texas.

3. POINT OF DELIVERY. The point of delivery of water to the Estates from the City's Water Supply System shall be at a point satisfactory to the City and its Engineer and will not obligate City to expend any funds in connection with the establishment of the point of delivery.

Estates agrees to construct at its own cost and expense at such delivery point all equipment and facilities necessary to receive and take such water from City's line. City shall approve all plans, specifications, and construction of facilities between City's line and the receiving air gap connection, and all construction must meet the standards of the City. The equipment and facilities will be operated by the City in accordance with the terms of this Contract.

Further, Estates, at its expense, will construct the necessary lines and construct and lay all water distribution lines according to the approval of the City's Engineer and after completion convey to City by proper instrument all lines relating to said development whether considered a transmission line or lines or internal distribution lines, together with any and all necessary easements and/or rights for ingress and egress so as to service and maintain said lines, the acquisition of such easements and rights of way being the sole responsibility of Estates. Any transmission line or lines will be located on private easements acquired in the name of the City or immediately transferred to City upon their acquisition, any and all expense incurred to be assessed against Kaufman Estates, Inc.

Construction shall include any and all lines and equipment to take water from City's system and further include the entire internal system within the area to be served, all of which is to be assigned and transferred to City.

4. MEASURING EQUIPMENT. Estates shall furnish and install at its own expense at said delivery point the necessary equipment and devices of standard type for measuring properly the quantity of water delivered under this agreement. Such meter or meters and other equipment so installed shall become the property of City. City shall have access to such metering equipment at all reasonable times, and the reading, calibration, and adjustment thereof shall be done only by the employees or agents of the City. For the purpose of this agreement the original record or reading of the meter or meters shall be the journal or other record book of City in its office in which the records of the employees or agents of City who take the reading are or may be transcribed. Upon written request of Estates, City will give Estates a copy of such journal or record book or permit Estates to have access to the same in the office of City during reasonable business hours.

Further, individual property owners shall be obligated to absorb the cost of water meters to individual tracts and the further expense of connecting the meters installed to the internal distribution system. In no event will City be obligated to absorb expenses relating to the installation of meters and connection fees or expenses.

Estate and/or any individual property owner within the planned development will not be permitted to intergrade or connect any other water source or sources to the distribution system or transmission line or lines without the express written consent of City.

The transmission line or lines are being installed for the express purpose of permitting City to provide and Estates to obtain a source of water for this planned development. No other entity or individual shall be permitted to take water from the transmission line or lines without the express written consent of City.

In the event that future demand should necessitate additional capital improvements, the cost of such capital improvements shall be amortized on a prorata basis among the water users demanding such additional service.

5. UNIT OF MEASUREMENT. The unit of measurement for water delivered hereunder shall be 1,000 gallons of water, U.S. Standard Liquid Measure.

6. PRICE AND TERMS. The Estates in order to obtain service under this Contract has to construct any and all necessary lines and facilities as outlined heretofore in this Contract.

The service to be performed under this Contract by City consists of the readiness of the City to deliver to Estates upon its demand, water in accordance with the provisions of Section 1 hereof:

In return for such service Estates agrees to compensate City by payment of certain sums of money for each of which said sums City agrees, if required by Estates, to deliver all, or so much thereof as City may desire, of a certain corresponding volume of water as follows:

(a) City shall not require a minimum take or pay arrangement as provided in City's Water Purchase Contract with North Texas Municipal Water District, but both parties to this Agreement agree to act in good faith so as to avoid any hardship regarding City's present minimum take or pay arrangement with North Texas Municipal Water District.

(b) Further, in an effort to stimulate the economic growth of the City and surrounding area, City agrees, in exchange for Estates deeding, transferring and conveying any and all transmission, distribution lines and water distribution system in general to City, to service and maintain said transmission line o lines, distribution lines and system in general without additional expense to Estates, but subject to the terms and limitations contain herein.

(c) Further, without additional expense to Estates, City agrees to assume the responsibilities and obligations of Estates regarding the billing and collection procedure resulting from the sale of water. In other words, City shall bill each individual water user within Estates' development individually on the same terms, regulations and rates as are provided for water users or customers within the City's corporate limits. These rates shall continue to change in accordance with the City's Water Rate Ordinance which will be revised periodically.

7. VOIDABILITY. IF, FOR ANY REASON, IT BECOMES IMPOSSIBLE FOR CITY TO PERFORM PER THE TERMS OF THIS AGREEMENT, CITY SHALL BE PERMITTED THE SOLE DISCRETION TO VOID THIS CONTRACT DECLARING IT TO BE OF NO FURTHER FORCE AND FURTHER ENABLING CITY TO REMOVE THE ENTIRE WATER DISTRIBUTION SYSTEM FROM SAID DEVELOPMENT. THIS PROVISION SHALL BE APPLICABLE IN THE EVENT THAT THE AREA SERVED OR A PORTION THEREOF ELECTS TO INCORPORATE PRIOR TO POSSIBLE ANNEXATION BY THE CITY OF KAUFMAN OR ANY OTHER CONCEIVABLE ACTION TAKEN BY ESTATES OR AN OWNER OR OWNERS OF ACREAGE WITHIN SAID DEVELOPMENT WHICH WOULD ACT TO DESTROY THE INTENT AND PURPOSE OF THIS CONTRACT.

8. OWNERSHIP. It is understood and agreed that the City will be the sole owner of the pipelines and all facilities necessary for the transportation of water to the Point of Delivery and internal transmission lines. The City as the Owner shall be responsible for all repairs and maintenance of said lines and other facilities.

9. FORCE MAJEURE. In case by reason of "Force Majeure" either Party hereto shall be rendered unable wholly or in part to carry out its obligation under this agreement, other than the obligation of Estates to make the payments required under the terms hereof, then if such party shall give notice and full particulars of such "Force Majeure" in writing to the other

party within a reasonable time after occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such "Force Majeure," shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "Force Majeure" as employed herein, shall mean Acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemy, orders of any kind of the Government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, drought, arrests, restraint of government and people, civil disturbances, explosions, breakage, or accidents to machinery, pipe lines, or canals, partial or entire failure of water supply, and inability on the part of City to deliver water hereunder, or of Estates to receive water hereunder, on account of any other causes not reasonable within the control of the Party claiming such inability. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demands of the opposing party or parties when such settlement is unfavorable to it in the judgment of the Party having the difficulty.

10. TERM OF CONTRACT. This Contract shall continue in force and effect for a period of forty years from the date of the first tender of delivery by the City of water to the Estates. After service is first tendered the Estates shall purchase water in accordance with the Contract for the complete term thereof.

11. MODIFICATION. This Contract may be changed or modified only with the consent of the governing bodies of both City and Estates. Such modification may be requested by either Party, in which event a joint meeting of such governing bodies shall be held not less than ninety (90) days after the giving of such notice, at which joint meeting the requested changes or modifications shall be considered and discussed. No such changes or modifications may be made which will affect adversely the prompt payment when due of all moneys required to be paid by Estates under the terms of this Contract.

12. REGULATORY BODIES. This Contract shall be subject to all valid rules, regulations and laws applicable hereto passed or promulgated by the United States of America, the State of Texas, or any governmental body or agency having lawful jurisdiction or any authorized representative or agency of any of them.

13. NOTICES. All notices or communications provided for herein shall be in writing and shall be either delivered to the Estates or City, or if mailed, shall be sent by registered or certified mail, postage prepaid, addressed to Kaufman Estates, Inc., P. O. Box 406, Rosenberg, Texas 77471, or until otherwise specified by the City in writing, to City at Kaufman, Texas.

Estates shall be charged with the responsibility of notifying any and all property owners within their development of the terms and conditions of this Contract, therefore, knowledge of this Agreement shall be imputed to any entity or individual owning or buying property within the area served (see attachment Exhibit "A").

THE STATE OF TEXAS §

COUNTY OF KAUFMAN §

BEFORE ME, the undersigned Notary Public in and for Kaufman County, Texas, on this day personally appeared Roy E Nelson and Billy Ruth Keith, known to me to be the persons whose names are subscribed to the foregoing instrument and known to me to be, respectively, the Mayor and Secretary of the City of Kaufman, and each acknowledged to me that he executed said instrument for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed of City of Kaufman, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 23rd day of May, 1978.

Elizabeth Montgomery
NOTARY PUBLIC, KAUFMAN COUNTY, TEXAS

THE STATE OF TEXAS §

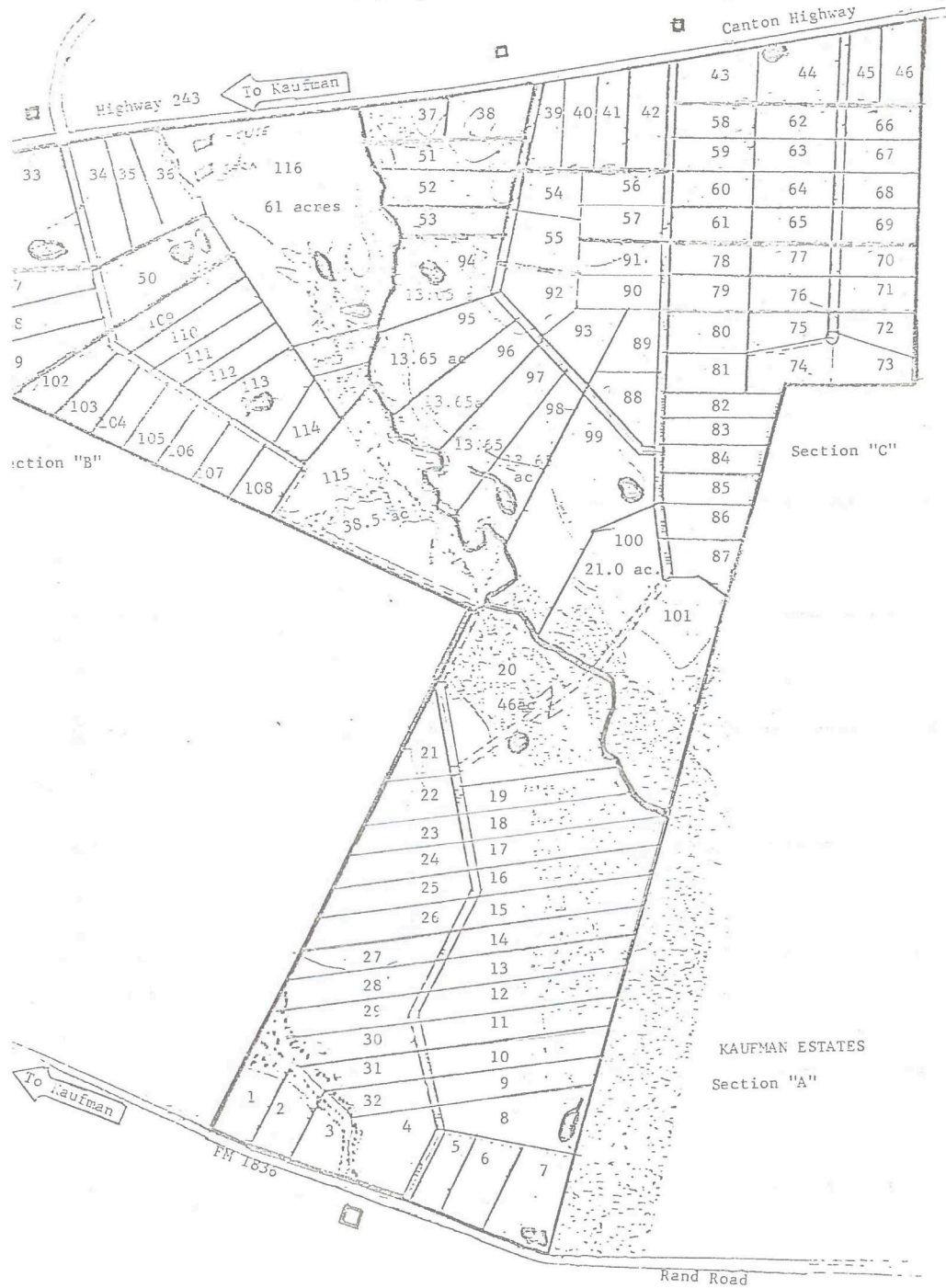
COUNTY OF KAUFMAN §

BEFORE ME, the undersigned Notary Public in and for said County and State, on this day personally appeared BYRON W. FRIERSON and TRAVIS B REESE, known to me to be the persons whose names are subscribed to the foregoing instrument and known to me to be, respectively, the President and Secretary of KAUFMAN ESTATES, INC., and each acknowledged to me that he executed said instrument for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed of Kaufman Estates, Inc.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of April, 1978.

margaret a. Brewer
NOTARY PUBLIC KAUFMAN COUNTY, TEXAS

Kaufman Estates, Inc.
P. O. Box 206 834 3rd
Rosenberg, Texas 77471



CERTIFICATE OF CORPORATE RESOLUTION
KAUFMAN ESTATES, INC.

We, Byron W. Frierson, President and Travis B. Reese, Secretary of the above-indicated Corporation, do hereby certify that said Corporation is fully organized and existing under the laws of the State of Texas; that all franchise and taxes required to maintain its corporate existence have been paid and that no such taxes are delinquent; no proceedings are pending for the forfeiture of its Certificate of Incorporation or for its dissolution, voluntarily or involuntary; that it is duly qualified to do business in the State of Texas and is in good standing in such State; that there are no provisions of the Articles of Incorporation or By-Laws of said Corporation limiting the power of the Board of Directors to pass the resolution set out below and that the same is in conformity with the provisions of said Articles of Incorporation and By-Laws; that the Secretary is the keeper of records and minutes of proceedings of the Board of Directors of said Corporation and that on the 21st day of March, 1978, there was held a meeting of the Board of Directors of the Corporation, which was duly called and held in compliance and in accordance with the law and the By-Laws of the Corporation, at which meeting all of the Directors were present; and that at said meeting the following Resolution was duly and legally passed and adopted, that the same has not been altered, ammended, rescinded or repealed and is now in full force and effect;

"RESOLVED that this Corporation enter and the President is authorized and directed to execute on behalf of and as the act of this Corporation, any written contract between this Corporation and the City of Kaufman, Texas, a Municipal Corporation, for the source of a permanent water supply for our development situated in Kaufman, Kaufman County, Texas, as outlined in Exhibit "A" attached hereto and incorporated herein for all purposes, a copy of said Contract having been presented to this meeting. The Secretary is directed to attach a copy of this Contract to the

minutes of this meeting and to make it a part of the corporate records. A copy of the Contract is attached hereto and incorporated herein as Exhibit "A" for all purposes."

I further certify that the following persons are officers of the above-indicated Corporation and are the persons authorized to act and sign in the foregoing Resolution:

BYRON W. FRIERSON, President

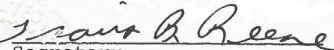
TRAVIS B. REESE, Secretary

IN WITNESS WHEREOF, we have hereunto set our hands as President and Secretary, respectively, of said Corporation, and have attached hereto the official seal of the Corporation, this the 18th day of April, 1978.



President

ATTEST:



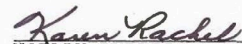
Secretary

THE STATE OF TEXAS

COUNTY OF KAUFMAN

BEFORE ME, the undersigned authority, on this day personally appeared BYRON W. FRIERSON, President of Kaufman Estates, Inc. and TRAVIS B. REESE, Secretary of Kaufman Estates, Inc., a Corporation, known to me to be the persons and officers whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the capacity therein stated and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18th day of May, 1978.



NOTARY PUBLIC IN AND FOR
COUNTY, TEXAS
My Commission Expires: 3-31-79

EXHIBIT "A"
KAUFMAN ESTATES, INC.
P. O. Box 406-634 3rd
Rosenberg, Texas 77471

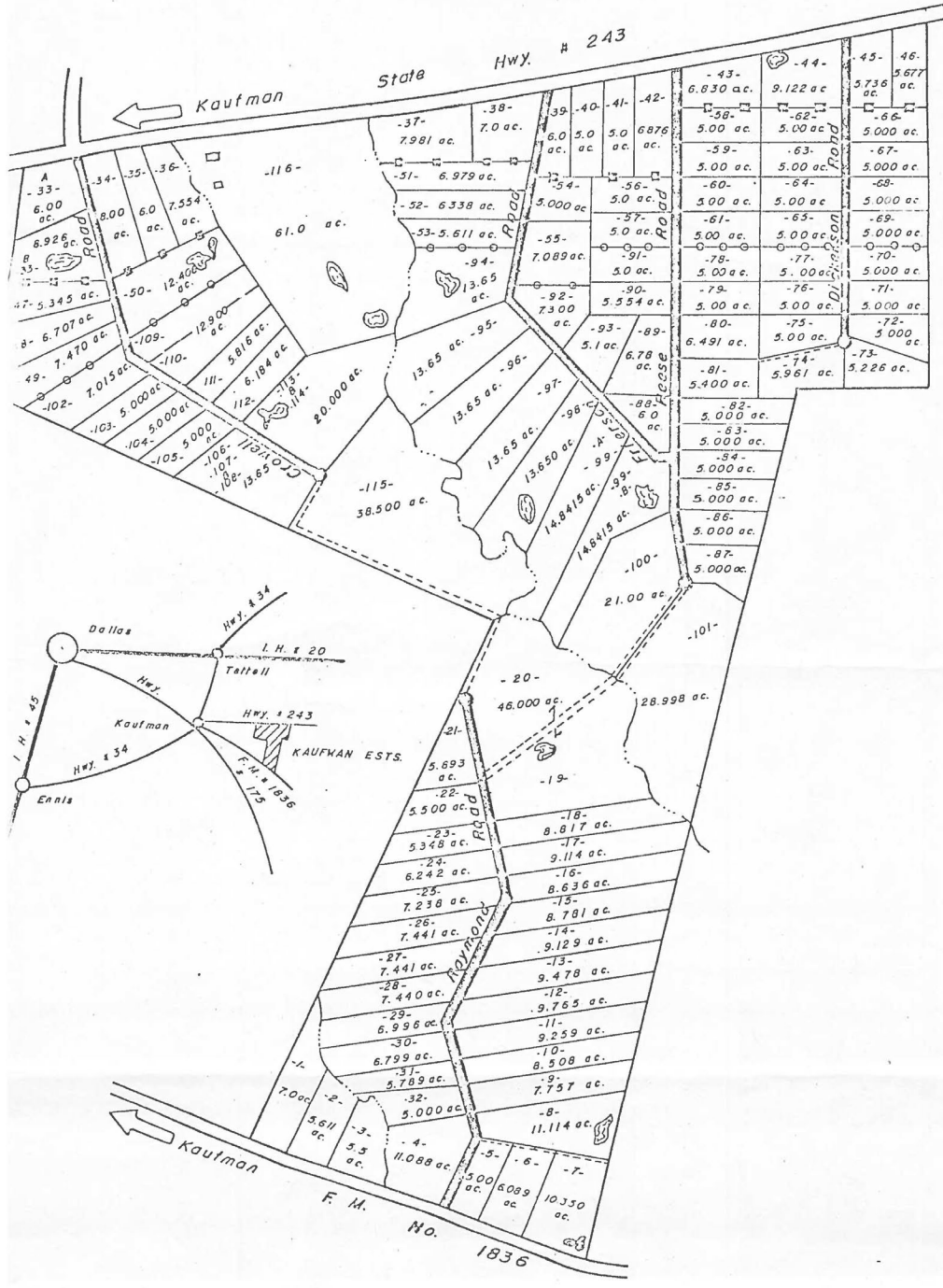


EXHIBIT "B"

THE STATE OF TEXAS §

COUNTY OF KAUFMAN §

THIS CONTRACT (hereinafter called the "Contract") made and entered into as of this the 18th day of April, 1978, by and between City of Kaufman, Texas, a Municipal Corporation acting by and through its duly elected and authorized officials, (hereinafter called "City"), and KAUFMAN ESTATES, INC., a Texas Corporation (hereinafter called "Estates"):

W I T N E S S E T H:

WHEREAS, Kaufman Estates, Inc., is considering the construction of a water distribution system on a 965.88 acre tract situated in the WILLIE COLWELL SURVEY, Abstract No. 83, and the THOMAS BEEDY SURVEY, Abstract No. 21, Kaufman County, Texas, reflected in Exhibit "A" attached hereto and incorporated herein for all purposes; and

WHEREAS, City presently has an adequate and dependable water supply; and

WHEREAS, Estates is desirous of obtaining a permanent water supply for its development as outlined in "Exhibit A" attached hereto and incorporated herein for all purposes; and

WHEREAS, City will have available water in the quantities hereinafter contracted to be sold by it to Estates; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, City agrees to furnish and Estates agrees to pay for water supply services upon the terms and conditions and for the consideration hereinafter set forth, to-wit:

1. QUANTITY. Subject only to the provisions of this Section and Sections 6 and 9 hereof, City agrees, during the period of this Contract to tender and make available to the Estates, for its own use and at the delivery point as herein-after specified, treated water in the volume required by the Estates provided that the maximum rate of delivery of such water shall not exceed the capabilities of the City or such other amount as may be determined by City applicable to all customers and Estates agrees to pay the City for such service in accordance with the provisions of Section 6 hereof. The availability of water to Estates will always be subordinate to the needs and water usage consumption by the current water users or customers of the City.

City will use its best efforts to remain in a position to furnish water as herein contracted to be sold to Estates, but its obligations shall be further subject to the limitations, terms, conditions and covenants of the Water Purchase Contract dated February 4, 1974, executed by and between City and their

supplier, North Texas Municipal Water District.

2. QUALITY. North Texas Municipal Water District is contractually obligated to treat the water to be delivered by City and received by Estates hereunder so as to meet the standards of the State Department of Health Resources of the State of Texas.

3. POINT OF DELIVERY. The point of delivery of water to the Estates from the City's Water Supply System shall be at a point satisfactory to the City and its Engineer and will not obligate City to expend any funds in connection with the establishment of the point of delivery.

Estates agrees to construct at its own cost and expense at such delivery point all equipment and facilities necessary to receive and take such water from City's line. City shall approve all plans, specifications, and construction of facilities between City's line and the receiving air gap connection, and all construction must meet the standards of the City. The equipment and facilities will be operated by the City in accordance with the terms of this Contract.

Further, Estates, at its expense, will construct the necessary lines and construct and lay all water distribution lines according to the approval of the City's Engineer and after completion convey to City by proper instrument all lines relating to said development whether considered a transmission line or lines or internal distribution lines, together with any and all necessary easements and/or rights for ingress and egress so as to service and maintain said lines, the acquisition of such easements and rights of way being the sole responsibility of Estates. Any transmission line or lines will be located on private easements acquired in the name of the City or immediately transferred to City upon their acquisition, any and all expense incurred to be assessed against Kaufman Estates, Inc.

Construction shall include any and all lines and equipment to take water from City's system and further include the entire internal system within the area to be served, all of which is to be assigned and transferred to City.

4. MEASURING EQUIPMENT. Estates shall furnish and install at its own expense at said delivery point the necessary equipment and devices of standard type for measuring properly the quantity of water delivered under this agreement. Such meter or meters and other equipment so installed shall become the property of City. City shall have access to such metering equipment at all reasonable times, and the reading, calibration,

and adjustment thereof shall be done only by the employees or agents of the City. For the purpose of this agreement the original record or reading of the meter or meters shall be the journal or other record book of City in its office in which the records of the employees or agents of City who take the reading are or may be transcribed. Upon written request of Estates, City will give Estates a copy of such journal or record book or permit Estates to have access to the same in the office of City during reasonable business hours.

Further, individual property owners shall be obligated to absorb the cost of water meters to individual tracts and the further expense of connecting the meters installed to the internal distribution system. In no event will City be obligated to absorb expenses relating to the installation of meters and connection fees or expenses.

Estate and/or any individual property owner within the planned development will not be permitted to intergrade or connect any other water source or sources to the distribution system or transmission line or lines without the express written consent of City.

The transmission line or lines are being installed for the express purpose of permitting City to provide and Estates to obtain a source of water for this planned development. No other entity or individual shall be permitted to take water from the transmission line or lines without the express written consent of City.

In the event that future demand should necessitate additional capital improvements, the cost of such capital improvements shall be amortized on a prorata basis among the water users demanding such additional service.

5. UNIT OF MEASUREMENT. The unit of measurement for water delivered hereunder shall be 1,000 gallons of water, U.S. Standard Liquid Measure.

6. PRICE AND TERMS. The Estates in order to obtain service under this Contract has to construct any and all necessary lines and facilities as outlined heretofore in this Contract.

The service to be performed under this Contract by City consists of the readiness of the City to deliver to Estates upon its demand, water in accordance with the provisions of Section 1 hereof:

In return for such service Estates agrees to compensate City by payment of certain sums of money for each of which said sums City agrees, if required by Estates, to deliver all, or so much thereof as City may desire, of a certain corresponding volume of water as follows:

(a) City shall not require a minimum take or pay arrangement as provided in City's Water Purchase Contract with North Texas Municipal Water District, but both parties to this Agreement agree to act in good faith so as to avoid any hardship regarding City's present minimum take or pay arrangement with North Texas Municipal Water District.

(b) Further, in an effort to stimulate the economic growth of the City and surrounding area, City agrees, in exchange for Estates deeding, transferring and conveying any and all transmission, distribution lines and water distribution system in general to City, to service and maintain said transmission line or lines, distribution lines and system in general without additional expense to Estates, but subject to the terms and limitations contained herein.

(c) Further, without additional expense to Estates, City agrees to assume the responsibilities and obligations of Estates regarding the billing and collection procedure resulting from the sale of water. In other words, City shall bill each individual water user within Estates' development individually on the same terms, regulations and rates as are provided for water users or customers within the City's corporate limits. These rates shall continue to change in accordance with the City's Water Rate Ordinance which will be revised periodically.

7. VOIDABILITY. IF, FOR ANY REASON, IT BECOMES IMPOSSIBLE FOR CITY TO PERFORM PER THE TERMS OF THIS AGREEMENT, CITY SHALL BE PERMITTED THE SOLE DISCRETION TO VOID THIS CONTRACT DECLARING IT TO BE OF NO FURTHER FORCE AND FURTHER ENABLING CITY TO REMOVE THE ENTIRE WATER DISTRIBUTION SYSTEM FROM SAID DEVELOPMENT. THIS PROVISION SHALL BE APPLICABLE IN THE EVENT THAT THE AREA SERVED OR A PORTION THEREOF ELECTS TO INCORPORATE PRIOR TO POSSIBLE ANNEXATION BY THE CITY OF KAUFMAN OR ANY OTHER CONCEIVABLE ACTION TAKEN BY ESTATES OR AN OWNER OR OWNERS OF ACREAGE WITHIN SAID DEVELOPMENT WHICH WOULD ACT TO DESTROY THE INTENT AND PURPOSE OF THIS CONTRACT.

8. OWNERSHIP. It is understood and agreed that the City will be the sole owner of the pipelines and all facilities necessary for the transportation of water to the Point of Delivery and internal transmission lines. The City as the Owner shall be responsible for all repairs and maintenance of said lines and other facilities.

9. FORCE MAJEURE. In case by reason of "Force Majeure" either Party hereto shall be rendered unable wholly or in part to carry out its obligation under this agreement, other than the obligation of Estates to make the payments required under the terms hereof, then if such party shall give notice and full particulars of such "Force Majeure" in writing to the other

party within a reasonable time after occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such "Force Majeure," shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "Force Majeure" as employed herein, shall mean Acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemy, orders of any kind of the Government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, drought, arrests, restraint of government and people, civil disturbances, explosions, breakage, or accidents to machinery, pipe lines, or canals, partial or entire failure of water supply, and inability on the part of City to deliver water hereunder, or of Estates to receive water hereunder, on account of any other causes not reasonable within the control of the Party claiming such inability. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demands of the opposing party or parties when such settlement is unfavorable to it in the judgment of the Party having the difficulty.

10. TERM OF CONTRACT. This Contract shall continue in force and effect for a period of forty years from the date of the first tender of delivery by the City of water to the Estates. After service is first tendered the Estates shall purchase water in accordance with the Contract for the complete term thereof.

11. MODIFICATION. This Contract may be changed or modified only with the consent of the governing bodies of both City and Estates. Such modification may be requested by either Party, in which event a joint meeting of such governing bodies shall be held not less than ninety (90) days after the giving of such notice, at which joint meeting the requested changes or modifications shall be considered and discussed. No such changes or modifications may be made which will affect adversely the prompt payment when due of all moneys required to be paid by Estates under the terms of this Contract.

12. REGULATORY BODIES. This Contract shall be subject to all valid rules, regulations and laws applicable hereto passed or promulgated by the United States of America, the State of Texas, or any governmental body or agency having lawful jurisdiction or any authorized representative or agency of any of them.

13. NOTICES. All notices or communications provided for herein shall be in writing and shall be either delivered to the Estates or City, or if mailed, shall be sent by registered or certified mail, postage prepaid, addressed to Kaufman Estates, Inc., P. O. Box 406, Rosenberg, Texas 77471, or until otherwise specified by the City in writing, to City at Kaufman, Texas.

Estates shall be charged with the responsibility of notifying any and all property owners within their development of the terms and conditions of this Contract, therefore, knowledge of this Agreement shall be imputed to any entity or individual owning or buying property within the area served (see attachment Exhibit "A").

14. SALE. Water delivered by the City to Estates is for use by its own customers and the water may not be resold to another entity or individual without the prior written approval of the City.

IN WITNESS WHEREOF, the Parties hereto acting under authority of their respective governing bodies and/or Board of Directors, respectively, have caused this Contract to be duly executed in several counterparts, each of which shall constitute an original, all as of the day and year first written above.

CITY OF KAUFMAN

BY: Roy E. Nelson

ATTEST:

Beverly Ruth Kuch
Secretary

KAUFMAN ESTATES, INC.

BY: Byron H. Johnson, President

ATTEST:

L. Davis B. Reese
Secretary

THE STATE OF TEXAS §

COUNTY OF KAUFMAN §

BEFORE ME, the undersigned Notary Public in and for Kaufman County, Texas, on this day personally appeared Ray E. Neisov and Billie Ruth Keith, known to me to be the persons whose names are subscribed to the foregoing instrument and known to me to be, respectively, the Mayor and Secretary of the City of Kaufman, and each acknowledged to me that he executed said instrument for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed of City of Kaufman, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of April, 1978.

E. Elizabeth Montgomery
NOTARY PUBLIC, KAUFMAN COUNTY, TEXAS

THE STATE OF TEXAS §

COUNTY OF KAUFMAN §

BEFORE ME, the undersigned Notary Public in and for said County and State, on this day personally appeared BYRON W. FRIERSON and TRAVIS B. REESE, known to me to be the persons whose names are subscribed to the foregoing instrument and known to me to be, respectively, the President and Secretary of KAUFMAN ESTATES, INC., and each acknowledged to me that he executed said instrument for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed of Kaufman Estates, Inc.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of April, 1978.

margaret a. Brown
NOTARY PUBLIC KAUFMAN COUNTY, TEXAS

EXHIBIT "B" **Transfer Area/CCN Transfer Area**

The water distribution system on a 965.88 acre tract situated in the Willie Colwell Survey, Abstract No. 83, and the Thomas Beedy Survey, Abstract No. 21, Kaufman County, Texas, together with all easement rights granted, conveyed or dedicated to the use of the public forever, to all streets, alleys, parks, water courses, drains, easements and public places thereon shown on plat recorded in Volume 9, page 7, Plat Records of Kaufman County, Texas.

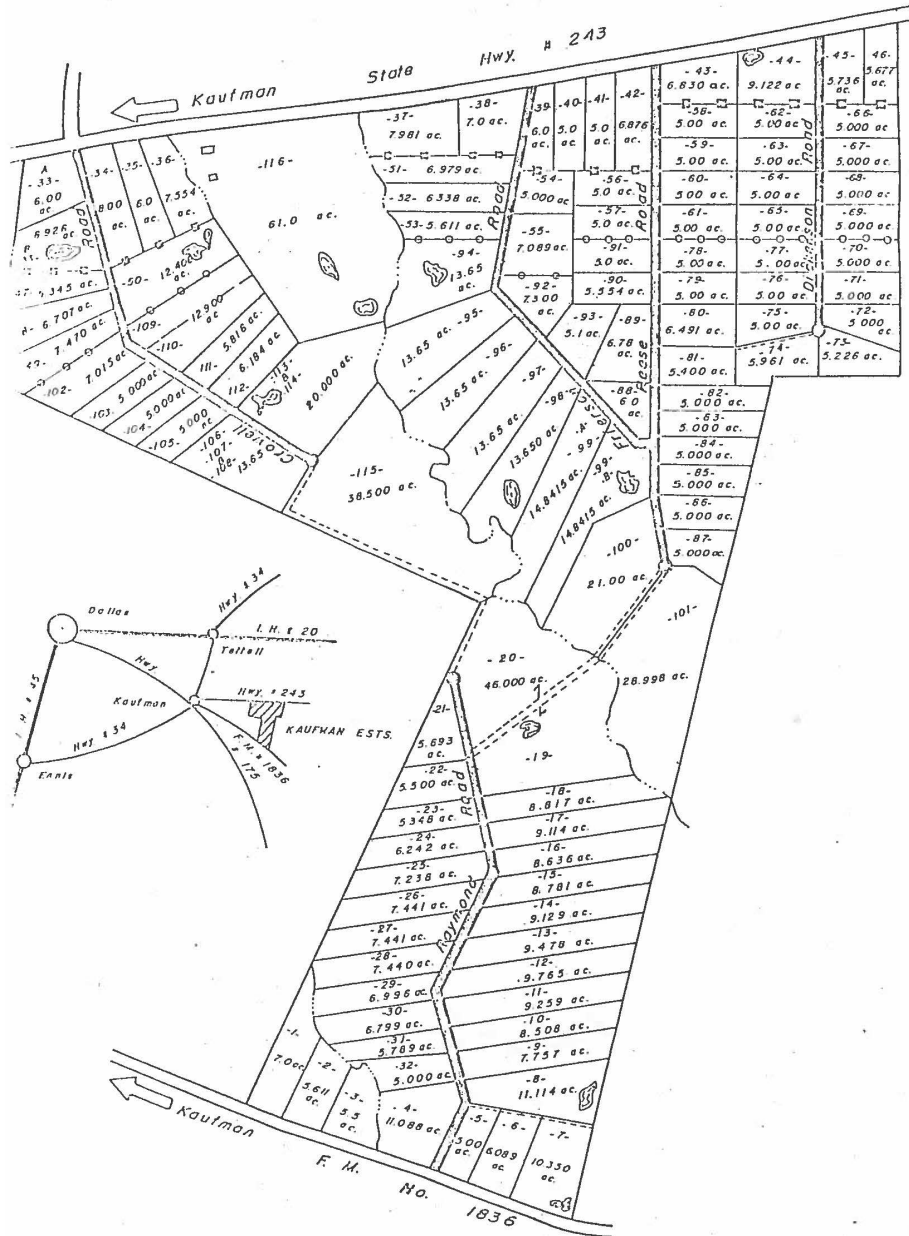


EXHIBIT "C"

**City Assignment to CMSUD (Substantial Form of Assignment attached – Executed
Assignment replace this Exhibit upon execution by City)**

ASSIGNMENT

WHEREAS, on _____, College Mound Special Utility District (the "CMSUD")_ and City of Kaufman (the "City") agreed to transfer that certain portion of Certificate of Convenience and Necessity ("CCN") No. 10877, held by the City to the CMSUD, CCN No. 10825.

WHEREAS, on _____, 20____, the Public Utility Commission (the "PUC") issued an order under PUC Docket No. _____ (the "Order") approving the City's application for transfer of the portion of its CCN No.10877 to the CMSUD (the "Transfer Area"); and

WHEREAS, on _____, 20____ that certain Agreement Concerning Retail Water Utility Service Areas became effective between the District and the City (the "Agreement").

WHEREAS, the City desires to transfer and convey its easements from the Transfer Area to the CMSUD in accordance with the terms of the Agreement, the following conveyance is executed:

Effective Date: _____

Assignor: City of Kaufman

Assignor's Mailing Address: College Mound Special Utility District
12731 FM 429
Terrell, Texas 75161
Kaufman County, Texas

Assignee: College Mound Special Utility District

Assignee's Mailing Address: College Mound Special Utility District
12731 FM 429
Terrell, Texas 75161
Kaufman County, Texas

Consideration:

TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged.

Personal Property Assigned:

All easements held by Assignor for operating or maintaining a water distribution system in the Transfer Area in Kaufman County, Texas described in Exhibit "A" attached hereto and included herein for all purposes. Any other easements in the Transfer Area that are not listed or are unrecorded shall also be deemed transferred by this Agreement.

For value received and subject to the liabilities of Assignor, Assignor sells, conveys and assigns the easements to Assignee and Assignor warrants and agrees to defend title to the easements to Assignee and Assignee's successors against all unlawful claims.

When the context requires, singular nouns and pronouns include the plural.

CITY OF KAUFMAN

By: _____,
_____, Mayor

STATE OF TEXAS §

COUNTY OF KAUFMAN §

Before me, the undersigned notary public, on this day personally appeared _____, Mayor of the City of Kaufman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that _____ executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 20__.

Notary Public, State of Texas

EXHIBIT A TO ASSIGNMENT

Easements:

[To be added]

EXHIBIT “D”
City Retained Infrastructure Outside of Transfer Area

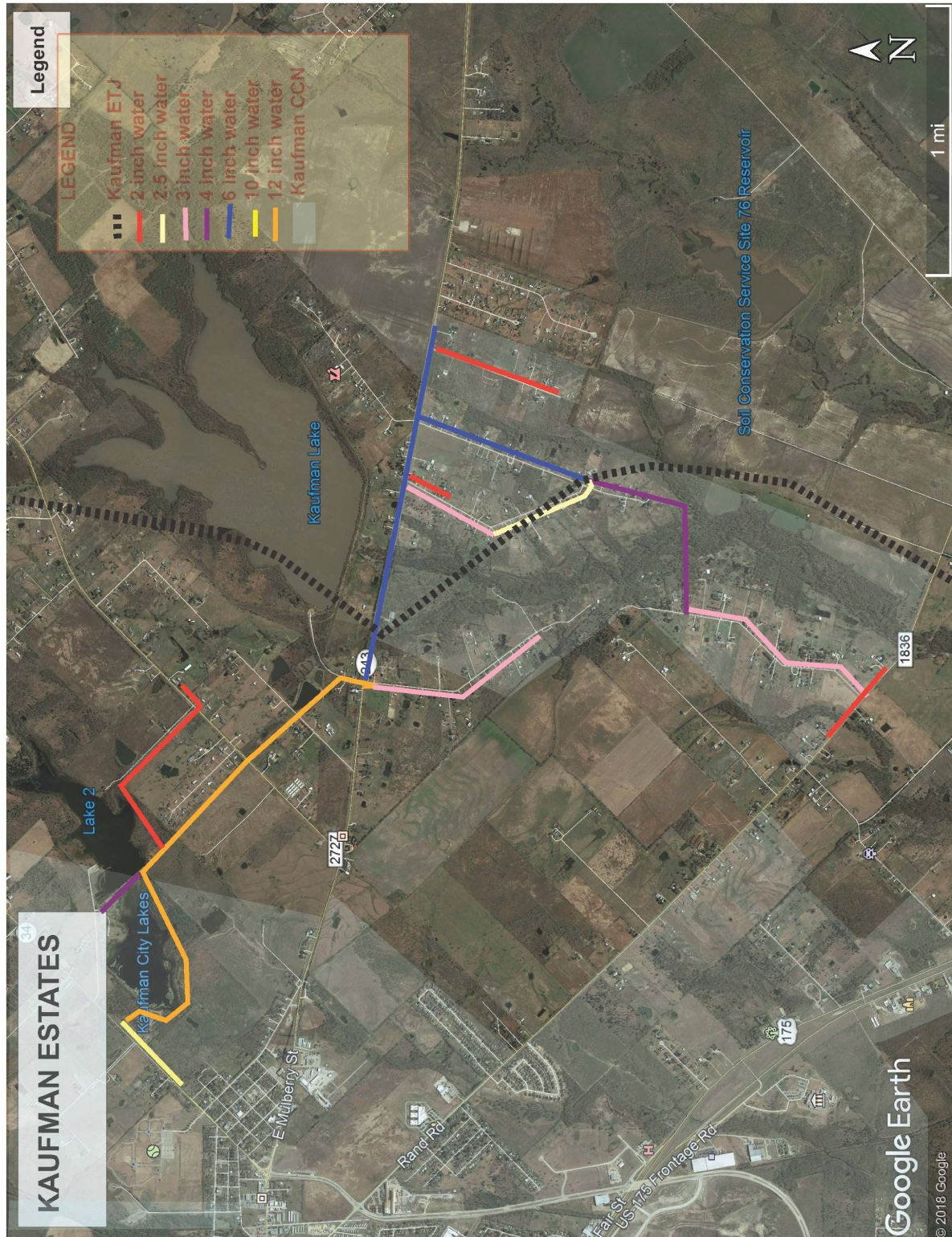


EXHIBIT “E”
CMSUD Resolution of Approval

EXHIBIT “F”
City of Kaufman Resolution of Approval



Meeting
Date: 10/28/2019

Date: 9/30/2019

Item #: 12.

Dept.: Public Works

Action Item

SUBJECT:

Consider and take appropriate action on the award of bid and contract for the Landscape Maintenance Services for Fiscal Year 2020 and authorizing the Mayor or his designee to execute necessary documents.

BACKGROUND:

Staff sent bid documents to ten (10) landscape service companies. The City received a total of three (3) bids. After review of all bids received, Staff concluded that 5-Star Tree & Lawn, LLC in Kaufman, Texas submitted the most responsible bid for mowing and weeding services and Southern Roots Lawncare in Terrell, Texas submitted the most responsible bid for chemical application services.

A copy of the bid tabulation is attached.

Author:
Richard Underwood, Public Works Director

Reviewed:
Mike Slye, City Manager

Cost: \$92,450

Funds Available: Yes

Source: 2020 Street and Parks
Budget, 2020 City Hall Facility
Maintenance Budget

Recommendation: Staff recommends that Council award the 2020 Landscape Services bid for mowing and weeding services to 5-Star Tree & Lawn, LLC in Kaufman, Texas for a total annual amount of \$66,100. Staff recommends that Council award the chemical application services to Southern Roots Lawncare in Terrell, Texas for a total annual amount of \$26,350.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☐	☒	☐

2020 LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF KAUFMAN
BID TABULATION

Bid Opening Thursday, October 10, 2019 @ 2:30 P.M.

VENDOR	Southern Roots Lawncare 814 W. State St. Terrell, Tx 75160	5 Star Tree & Lawn 8310 FM 2860 Kaufman, Tx 75142	R & P Hunt Brothers P.O. Box 1078 Forney, Tx 75126
SERVICES			
<i>BID BOND</i>	Yes	Yes	Yes
<i>INSURANCE</i>	Yes	Yes	Yes
<i>ADDENDUM</i>	Yes	Yes	Yes
<i>RIGHT OF WAY MAINTENANCE</i>	No Bid	\$91,800	\$188,960
<i>CITY HALL</i>	No Bid	\$9,100	\$19,670
<i>DOWNTOWN SQUARE</i>	Removed by Addendum	Removed by Addendum	Removed by Addendum
<i>LANDSCAPE IRRIGATION</i>	No Bid	No Bid	\$325
<i>CHEMICAL APPLICATIONS</i>	\$26,350	No Bid	\$33,420
TOTAL BID:	\$26,350	\$100,900	\$242,375



Meeting
Date: 10/28/2019

Date: 9/30/2019

Item #: 13.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on the award of bid and contract for the Paving, Drainage, Sanitary Sewer and Water Improvements for E. Ninth Street, Main Street, and Circle Drive; and authorizing the Mayor or his designee to execute necessary documents.

BACKGROUND:

On October 17, 2019, bids were opened for the above referenced City Project. Two bids were received and a bid tabulation report has been prepared and attached for record. The following are the big results for the total project bid (Base & Alternate):

Contractor	Total Project Bid	Total Calendar Days
Axis Contracting, Inc.	\$4,703,014.00	450
Ed Bell Construction	\$7,238,391.40	546

The project was bid as a CSP (Competitive Sealed Proposal) in which the published selection criteria was used. The selection criteria are as follows:

- Cost – 40%
- Bid Time – 20%
- Qualifications & Experience – 20%
- Reputation/References – 20%

A panel consisting of representatives from City of Kaufman and TNP ranked each respective bidder based on the selection criteria above. The average results were prepared and are attached for record.

Based on the results, Axis Contracting, Inc. submitted the proposal that offers the best value to the City. Also, the Owner's Contingency will be reduced to \$200,000, from \$400,000. Therefore, the total project bid for Axis Contracting will be \$4,503,014.00.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: \$4,503,014

Funds Available: Yes

Source: Remaining Debt
Issuance Resources

Recommendation: Recommend awarding Street Bond Phase II project to Axis Contracting, Inc. in an amount not to exceed \$4,503, 014.00.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☒	☒	☐	☐	☒

October 24, 2019



www.tnpinc.com

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ALBANY

Michael T. Slye, City Manager
City of Kaufman
3003 S. Washington St.
Kaufman, Texas 75142

Re: Bid Proposal Evaluation for Paving, Drainage, Sanitary Sewer and Water Improvements for E. Ninth Street, Main Street and Circle Drive

Dear Mike:

On October 17, 2017, bids were opened for the above referenced City project. Two bids were received and a bid tabulation report has been prepared and attached for record. The following are the bid results for the total project bid (base & alternate):

Contractor	Total Project Bid	Total Calendar Days
Axis Contracting, Inc.	\$4,703,014.00	450
Ed Bell Construction	\$7,238,391.40	546

The project was bid as a CSP (Competitive Sealed Proposal) in which the published selection criteria was used. The selection criteria is as follows:

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A panel consisting of representatives from City of Kaufman and TNP ranked each respective bidder based on the selection criteria above. The average results were prepared and are attached for record.

Based on the results, Axis Contracting, Inc. submitted the proposal that offers the best value to the City. Also, per our discussion the Owner's Contingency will be reduced to \$200,000, from \$400,000. Therefore, the total project bid for Axis Contracting will be **\$4,503,014.00**. If you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

tnp
teague nall & perkins

Philip C. Varughese, P.E.
Associate/Senior Project Manager

Attachments

PAVING, DRAINAGE, SANITARY SEWER AND WATER IMPROVEMENTS FOR E. 9TH STREET, MAIN STREET AND CIRCLE DRIVE

Rating Category Scoring System

	Bid Amount			Bid Time*		Qualifications & Experience	Reputation & References	
Contractor	Base Bid	Total Project Bid	(40 pts)	Total Time	(20 pts)	(20 pts)	(20 pts)	Total
Axis Contracting Inc.	\$4,589,375.00	\$4,703,014.00	40.0	450	20.0	20.0	20.0	100.00
Ed Bell Construction	\$6,990,843.30	\$7,238,391.40	26.0	546	16.5	20.0	20.0	82.47

* Bid Time based on final acceptance of all improvements (base/alt).

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Paving, Drainage, Water & Sanitary Sewer Improvements for E. Ninth Street, Main Street & Circle Drive

TNP JOB NO: KAU 18366
BID DATE: THURSDAY, OCTOBER 17, 2018
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE: 4,500,000.00

				BIDDERS			
				AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT A1 - E. NINTH STREET PAVING IMPROVEMENTS							
A1-1	Bonds & Insurance (Unit A1 only)	1	LS	\$14,800.00	\$14,800.00	\$95,000.00	\$95,000.00
A1-2	Right-of-Way Preparation	1	LS	\$32,777.00	\$32,777.00	\$150,000.00	\$150,000.00
A1-3	Remove Existing Pavement & Drives per Square Yard	4,818	SY	\$6.00	\$28,908.00	\$10.00	\$48,180.00
A1-4	Remove Existing Concrete Curb & Gutter Per Linear Foot	2,330	LF	\$3.00	\$6,990.00	\$7.50	\$17,475.00
A1-5	Remove Existing Concrete Sidwalk & Flatwork Per Square Yard	558	SY	\$5.00	\$2,790.00	\$12.50	\$6,975.00
A1-6	Remove & Reconstruct Brick Mailbox	2	EA	\$1,775.00	\$3,550.00	\$1,100.00	\$2,200.00
A1-7	Unclassified Street Excavation & Grading	1	LS	\$15,373.00	\$15,373.00	\$59,775.00	\$59,775.00
A1-8	8" Lime Stabilized Subgrade	5,432	SY	\$5.00	\$27,160.00	\$5.00	\$27,160.00
A1-9	8" Lime Stabilized Subgrade - Double Pass	5,432	SY	\$5.00	\$27,160.00	\$1.75	\$9,506.00
A1-10	Lime for Stablization (56#/SY)	152	TON	\$221.00	\$33,592.00	\$175.00	\$26,600.00
A1-11	Lime for Stalization (56#/SY) - Double Pass	152	TON	\$221.00	\$33,592.00	\$175.00	\$26,600.00
A1-12	3" Hot Mix Asphalt Concrete (HMAC) - Type 'D'	3,985	SY	\$22.00	\$87,670.00	\$25.00	\$99,625.00
A1-13	6" Reinforced Concrete Pavement	197	SY	\$88.00	\$17,336.00	\$100.00	\$19,700.00
A1-14	Concrete Curb & Gutter	2,330	LF	\$38.00	\$88,540.00	\$50.00	\$116,500.00
A1-15	5" Reinforced Concrete Drive Approach	532	SY	\$86.00	\$45,752.00	\$66.00	\$35,112.00
A1-16	4" Reinforced Concrete Driveway	380	SY	\$84.00	\$31,920.00	\$59.00	\$22,420.00
A1-17	3" Asphalt Driveway	10	SY	\$60.00	\$600.00	\$50.00	\$500.00
A1-18	5" Gravel Driveway	7	SY	\$45.00	\$315.00	\$33.00	\$231.00
A1-19	4" concrete Sidwalk / Leadwalk	8,050	SF	\$8.00	\$64,400.00	\$6.00	\$48,300.00
A1-20	Concrete Sidwalk Retaining Wall	264	SF	\$50.00	\$13,200.00	\$100.00	\$26,400.00
A1-21	Barrier Free Curb Ramp	4	EA	\$1,875.00	\$7,500.00	\$2,750.00	\$11,000.00
A1-22	Erosion Control	1	LS	\$9,628.00	\$9,628.00	\$12,000.00	\$12,000.00
A1-23	Traffic Control	1	LS	\$16,378.00	\$16,378.00	\$150,000.00	\$150,000.00
A1-24	Utility Adjustments Type B	1	LS	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00
A1-25	Restoration of Parkways and Yards (No Irrigation)	2,315	SY	\$14.00	\$32,410.00	\$17.50	\$40,512.50
A1-26	Concrete Leadwalk-Steps Per Square Foot	36	SF	\$56.00	\$2,016.00	\$100.00	\$3,600.00
TOTAL BID UNIT A1 - PAVING IMPROVEMENTS				\$649,357.00		\$1,065,371.50	

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Paving, Drainage, Water & Sanitary Sewer Improvements for E. Ninth Street, Main Street & Circle Drive

TNP JOB NO: KAU 18366
BID DATE: THURSDAY, OCTOBER 17, 2018
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE: 4,500,000.00

BIDDERS			
AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT
UNIT COST	TOTAL	UNIT COST	TOTAL

UNIT A1-1 - E. NINTH STREET PAVING IMPROVEMENTS (ALTERNATE)			
A1-1-1	8" Aggregate Flexbase Subgrade	5,432	SY
A1-1-2	8" Lime Stabilized Subgrade - DEDUCT	-5,432	SY
A1-1-3	8" Lime Stabilized Subgrade - Double Pass	-5,432	SY
A1-1-4	Lime for Stabilization (56#/SY)	-152	TON
A1-1-5	Lime for Stabilization (56#/SY) Double Pass	-152	TON
TOTAL BID UNIT A1-1 - PAVING IMPROVEMENTS (ALT)		(\$29,160.00)	(\$8,386.00)
UNIT B1 - E. NINTH STREET STORM DRAIN IMPROVEMENTS			
B1-1	Bonds & Insurance (Unit B1 only)	1	LS
B1-2	Remove Existing Curb Inlets	2	EA
B1-3	Remove Existing Storm Drain Pipe - All Sizes & Type	28	LF
B1-4	5'x3' Reinforced Concrete Box	56	LF
B1-5	36" Class III RCP	6	LF
B1-6	30" Class III RCP	145	LF
B1-7	10' Standard Curb Inlet	2	EA
B1-8	5'x3' Sloping Headwall	1	EA
B1-9	5" Concrete Riprap	60	SY
B1-10	18" Thick Rock Riprap	38	SY
B1-11	Connect to Existing Storm Drain Pipe	1	EA
B1-12	Trench Safety for Storm Drain Systems	201	LF
B1-13	Temporary Pavement Repair - Flexbase	156	LF
B1-14	Unclassified Channel Excavation & Grading	65	CY
TOTAL BID UNIT B1 - STORM DRAIN IMPROVEMENTS		\$86,367.00	\$110,920.60

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Paving, Drainage, Water & Sanitary Sewer Improvements for E. Ninth Street, Main Street & Circle Drive

TNP JOB NO: KAU 18366
BID DATE: THURSDAY, OCTOBER 17, 2018
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE: 4,500,000.00

BIDDERS			
AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT
UNIT COST	TOTAL	UNIT COST	TOTAL

UNIT C1 - E. NINTH STREET WATER IMPROVEMENTS			
C1-1	Bonds & Insurance (Unit C1 only)	1	LS
C1-2	Cut, Remove and Dispose of Ex. AC Water Pipe (All Sizes)	281	LF
C1-3	Grout & Abandon Existing Water Pipe (All Sizes)	601	LF
C1-4	Remove & Salvage Existing Valves	4	EA
C1-5	Remove & Salvage Existing Fire Hydrant	1	EA
C1-6	8" PVC (C-900, DR 18) Water Line Pipe	845	LF
C1-7	8" Gate Valve with Cast Iron Valve Box and Pad	9	EA
C1-8	Connect to Existing AC Water Line	6	EA
C1-9	Fire Hydrant Assembly with 6" Gate Valve	1	EA
C1-10	Ductile Iron Fitting w/Conc. Blocking	1	TON
C1-11	2" Temporary Water Service & Connections	1	LS
C1-12	1" Class 200 Poly Water Service -- Endotrace	7	EA
C1-13	Install Single Meter Box and Connect Exist Meter	7	EA
C1-14	Trench Safety for Water Lines	845	LF
C1-15	Temporary Pavement Repair - Flexbase	513	LF
TOTAL BID UNIT C1 - WATER IMPROVEMENTS			
		\$161,769.00	\$265,158.50
UNIT D1 - E. NINTH STREET SANITARY SEWER IMPROVEMENTS			
D1-1	Bonds & Insurance (Unit D1 only)	1	LS
D1-2	Remove & Dispose of Existing Sanitary Sewer Pipe	1,310	LF
D1-3	Remove & Dispose 4' Sewer Manhole	1	EA
D1-4	8" SDR-26 Sewer Pipe (Open Cut)	1,280	LF
D1-5	Connect to Existing Sanitary Sewer Line	2	LF
D1-6	4" Sewer Service	435	LF
D1-7	4" Sewer Service, Reconnection	18	EA
D1-8	Std. 4' Sewer Manhole	7	EA
D1-9	4' Drop Sewer Manhole	1	EA
D1-10	Extra Depth Manhole	32	VF
D1-11	Manhole Vacuum Testing	8	EA
D1-12	Temporary Pavement Repair-Flexbase	1,585	LF
D1-13	Post-CCTV Inspection	1,280	LF
D1-14	Trench Safety	1,280	LF
TOTAL BID UNIT D1 - SANITARY SEWER IMPROVEMENTS			
		\$259,652.00	\$389,981.00

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Paving, Drainage, Water & Sanitary Sewer Improvements for E. Ninth Street, Main Street & Circle Drive

TNP JOB NO: KAU 18366
BID DATE: THURSDAY, OCTOBER 17, 2018
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE: 4,500,000.00

				BIDDERS			
				AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT A2 - MAIN STREET PAVING IMPROVEMENTS							
A2-1	Bonds & Insurance (Unit A2 only)	1	LS	\$21,300.00	\$21,300.00	\$125,000.00	\$125,000.00
A2-2	Right-of-Way Preparation	1	LS	\$63,937.00	\$63,937.00	\$175,000.00	\$175,000.00
A2-3	Remove Existing Pavement & Drives per Square Yard	7,549	SY	\$6.00	\$45,294.00	\$10.00	\$75,490.00
A2-4	Remove Existing Concrete Curb & Gutter Per Linear Foot	2,730	LF	\$3.00	\$8,190.00	\$7.50	\$20,475.00
A2-5	Remove Existing Concrete Sidwalk & Flatwork	878	SY	\$5.00	\$4,390.00	\$12.50	\$10,975.00
A2-6	Remove & Reconstruct Brick Mailbox	4	EA	\$1,775.00	\$7,100.00	\$1,100.00	\$4,400.00
A2-7	Unclassified Street Excavation & Grading	1	LS	\$26,242.00	\$26,242.00	\$72,900.00	\$72,900.00
A2-8	8" Lime Stabilized Subgrade	7,624	SY	\$5.00	\$38,120.00	\$5.00	\$38,120.00
A2-9	8" Lime Stabilized Subgrade - Double Pass	7,624	SY	\$5.00	\$38,120.00	\$1.75	\$13,342.00
A2-10	Lime for Stabilization (56#/SY)	213	TON	\$221.00	\$47,073.00	\$175.00	\$37,275.00
A2-11	Lime for Stalization (56#/SY) - Double Pass	213	TON	\$221.00	\$47,073.00	\$175.00	\$37,275.00
A2-12	3" Hot Mix Asphalt Concrete (HMAC) - Type 'D'	4,860	SY	\$22.00	\$106,920.00	\$25.00	\$121,500.00
A2-13	6" Reinforced Concrete Pavement	576	SY	\$88.00	\$50,688.00	\$100.00	\$57,600.00
A2-14	Concrete Curb & Gutter	3,022	LF	\$38.00	\$114,836.00	\$50.00	\$151,100.00
A2-15	6" Reinforced Concrete Drive Approach	236	SY	\$90.00	\$21,240.00	\$70.00	\$16,520.00
A2-16	5" Reinforced Concrete Driveway Approach	821	SY	\$86.00	\$70,606.00	\$66.00	\$54,186.00
A2-17	4" Reinforced Concrete Driveway	629	SY	\$84.00	\$52,836.00	\$59.00	\$37,111.00
A2-18	4" Concrete Sidwalk / Leadwalk	8790	SY	\$8.00	\$70,320.00	\$6.00	\$52,740.00
A2-19	Concrete Sidwalk Retaining Wall	625	SF	\$50.00	\$31,250.00	\$100.00	\$62,500.00
A2-20	Barrier Free Ramp	4	EA	\$1,875.00	\$7,500.00	\$2,750.00	\$11,000.00
A2-21	Erosion Control	1	LS	\$27,215.00	\$27,215.00	\$30,000.00	\$30,000.00
A2-22	Traffic Control	1	LS	\$20,784.00	\$20,784.00	\$150,000.00	\$150,000.00
A2-23	Utility Adjustments Type B	1	LS	\$6,250.00	\$6,250.00	\$10,000.00	\$10,000.00
A2-24	Restoration of Parkways and Yards (No Irrigation)	3,066	SY	\$14.00	\$42,924.00	\$17.50	\$53,655.00
A2-25	Concrete Leadwalk-Steps Per Square Foot	10	SF	\$56.00	\$560.00	\$100.00	\$1,000.00
	TOTAL BID UNIT A2 - PAVING IMPROVEMENTS				\$970,768.00		\$1,419,164.00

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN

DESCRIPTION: Paving, Drainage, Water & Sanitary Sewer Improvements for E. Ninth Street, Main Street & Circle Drive

TNP JOB NO: KAU 18366

BID DATE: THURSDAY, OCTOBER 17, 2018

BID TIME: 2:00 PM CST

ENGINEER'S ESTIMATE: 4,500,000.00

				BIDDERS			
				AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT A2 - MAIN STREET PAVING IMPROVEMENTS (ALTERNATE)							
A2-1-1	8" Aggregate Flexbase Subgrade	7,624	SY	\$17.00	\$129,608.00	\$15.00	\$114,360.00
A2-1-2	8" Lime Stabilized Subgrade - DEDUCT	-7,624	SY	\$5.00	-\$38,120.00	\$5.00	-\$38,120.00
A2-1-3	8" Lime Stabilized Subgrade - Double Pass - DEDUCT	-7,624	SY	\$5.00	-\$38,120.00	\$1.75	-\$13,342.00
A2-1-4	Lime for Stabilization (56#/SY) - DEDUCT	-213	TON	\$221.00	-\$47,073.00	\$175.00	-\$37,275.00
A2-1-5	Lime for Stabilization (56#/SY) - Double Pass - DEDUCT	-213	TON	\$221.00	-\$47,073.00	\$175.00	-\$37,275.00
	TOTAL BID UNIT A2-1 - PAVING IMPROVEMENTS (ALT)				(\$40,778.00)		(\$11,652.00)
UNIT B2 - MAIN STREET STORM DRAIN IMPROVEMENTS							
B2-1	Bonds & Insurance (Unit B2 only)	1	LS	\$13,800.00	\$13,800.00	\$50,000.00	\$50,000.00
B2-2	Remove Existing Curb Inlets	2	EA	\$660.00	\$1,320.00	\$1,100.00	\$2,200.00
B2-3	Remove Existing Storm Drain Pipe - All Sizes & Type	27	LF	\$9.00	\$243.00	\$33.00	\$891.00
B2-4	42" Class III RCP	210	LF	\$206.00	\$43,260.00	\$258.50	\$54,285.00
B2-5	36" Class III RCP	248	LF	\$158.00	\$39,184.00	\$220.00	\$54,560.00
B2-6	30" Class III RCP	507	LF	\$108.00	\$54,756.00	\$181.50	\$92,020.50
B2-7	24" Class III RCP	474	LF	\$104.00	\$49,296.00	\$159.50	\$75,603.00
B2-8	21" Class III RCP	98	LF	\$102.00	\$9,996.00	\$148.50	\$14,553.00
B2-9	4" PVC (SDR-26) Storm Drain - All Depths	28	LF	\$44.00	\$1,232.00	\$93.50	\$2,618.00
B2-10	Curb Drain	1	EA	\$743.00	\$743.00	\$550.00	\$550.00
B2-11	Connect Curb Drains to Subdrain System	2	EA	\$1,320.00	\$2,640.00	\$550.00	\$1,100.00
B2-12	15' Standard Curb Inlet	3	EA	\$6,787.00	\$20,361.00	\$7,700.00	\$23,100.00
B2-13	10' Standard Curb Inlet	7	EA	\$5,451.00	\$38,157.00	\$5,388.90	\$37,722.30
B2-14	4' Square Storm Drain Manhole	4	EA	\$5,291.00	\$21,164.00	\$4,400.00	\$17,600.00
B2-15	42" Sloping Headwall	1	EA	\$7,414.00	\$7,414.00	\$7,700.00	\$7,700.00
B2-16	18" Thick Rock Riprap	115	SY	\$297.00	\$34,155.00	\$115.50	\$13,282.50
B2-17	Turf Reinforced Mat	675	SY	\$39.00	\$26,325.00	\$2.20	\$1,485.00
B2-18	Trench Safety for Storm Drain Systems	1,537	LF	\$2.00	\$3,074.00	\$2.20	\$3,381.40
B2-19	Temporary Pavement Repair- Flexbase	1,280	LF	\$16.00	\$20,480.00	\$44.00	\$56,320.00
B2-20	Unclassified Channel Excavation & Grading	1,778	CY	\$30.00	\$53,340.00	\$27.50	\$48,895.00
	TOTAL BID UNIT B2 - STORM DRAIN IMPROVEMENTS				\$440,940.00		\$557,866.70

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Paving, Drainage, Water & Sanitary Sewer Improvements for E. Ninth Street, Main Street & Circle Drive

TNP JOB NO: KAU 18366
BID DATE: THURSDAY, OCTOBER 17, 2018
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE: 4,500,000.00

				BIDDERS			
				AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT B2 - MAIN STREET STORM IMPROVEMENTS (ALTERNATE)							
B2-1-1	Bonds & Insurance (Unit B4 only)	1	LS	\$8,340.00	\$8,340.00	\$25,000.00	\$25,000.00
B2-1-2	Remove Existing Storm Drain Pipe - All Sizes & Type	84	LF	\$9.00	\$756.00	\$22.00	\$1,848.00
B2-1-3	36" Class III RCP	538	LF	\$158.00	\$85,004.00	\$198.00	\$106,524.00
B2-1-4	30" Class III RCP	47	LF	\$108.00	\$5,076.00	\$165.00	\$7,755.00
B2-1-5	15' Standard Curb Inlet	1	EA	\$6,787.00	\$6,787.00	\$6,600.00	\$6,600.00
B2-1-6	4'x4' Std. Drop Inlet	1	EA	\$5,731.00	\$5,731.00	\$4,400.00	\$4,400.00
B2-1-7	36" Sloping Headwall	1	EA	\$5,678.00	\$5,678.00	\$5,500.00	\$5,500.00
B2-1-8	18" Thick Rock Riprap	108	SY	\$297.00	\$32,076.00	\$113.30	\$12,236.40
B2-1-9	Turf Reinforced Mat	208	SY	\$39.00	\$8,112.00	\$56.65	\$11,783.20
B2-1-10	Trench Safety for Storm Drain Systems	585	LF	\$2.00	\$1,170.00	\$1.10	\$643.50
B2-1-11	Temporary Pavement Repair - Flexbase	27	LF	\$16.00	\$432.00	\$33.00	\$891.00
B2-1-12	Unclassified Channel Excavation & Grading	227	CY	\$30.00	\$6,810.00	\$55.00	\$12,485.00
B2-1-13	Fire Hydrant Assembly & 6" Valve	1	EA	\$4,950.00	\$4,950.00	\$7,700.00	\$7,700.00
B2-1-14	Remove Existing FH and Valve	1	EA	\$275.00	\$275.00	\$1,100.00	\$1,100.00
B2-1-15	Remove & Dispose of AC Pipe	566	LF	\$14.00	\$7,924.00	\$33.00	\$18,678.00
B2-1-16	8" PVC (C-900, DR 18) Water Line Pipe	590	LF	\$51.00	\$30,090.00	\$88.00	\$51,920.00
TOTAL BID UNIT B2-1 - STORM IMPROVEMENTS (ALT)					\$209,211.00		\$275,064.10
UNIT C2 - MAIN STREET WATER IMPROVEMENTS							
C2-1-1	Bonds & Insurance (Unit C2 only)	1	LS	\$12,100.00	\$12,100.00	\$48,000.00	\$48,000.00
C2-1-2	Cut, Remove and Dispose of Ex. AC Water Pipe (All Sizes)	1,630	LF	\$14.00	\$22,820.00	\$22.00	\$35,860.00
C2-1-3	Remove & Salvage Existing Valves	4	EA	\$110.00	\$440.00	\$330.00	\$1,320.00
C2-1-4	8" PVC (C-900, DR 18) Water Line Pipe	1,656	LF	\$77.00	\$127,512.00	\$132.00	\$218,592.00
C2-1-5	8" Gate Valve with Cast Iron Valve Box and Pad	11	EA	\$1,540.00	\$16,940.00	\$2,200.00	\$24,200.00
C2-1-6	Connect to Existing AC Water Line	9	EA	\$1,210.00	\$10,890.00	\$3,300.00	\$29,700.00
C2-1-7	Ductile Iron Fitting w/Conc. Blocking	2	TON	\$12,650.00	\$25,300.00	\$4,400.00	\$8,800.00
C2-1-8	2" Temporary Water Service & Connections	1	LS	\$16,500.00	\$16,500.00	\$77,000.00	\$77,000.00
C2-1-9	1" Class 200 Poly Water Service -- Endotrace	17	EA	\$1,045.00	\$17,765.00	\$1,650.00	\$28,050.00
C2-1-10	Install Single Meter Box and Connect Exist Meter	17	EA	\$440.00	\$7,480.00	\$330.00	\$5,610.00
C2-1-11	Trench Safety for Water Lines	1,656	LF	\$2.00	\$3,312.00	\$1.10	\$1,821.60
C2-1-12	Temporary Pavement Repair-Flexbase	896	LF	\$16.00	\$14,336.00	\$55.00	\$49,280.00
TOTAL BID UNIT C2 - WATER IMPROVEMENTS					\$275,395.00		\$528,233.60

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
 DESCRIPTION: Paving, Drainage, Water & Sanitary Sewer Improvements for E. Ninth Street, Main Street & Circle Drive

TNP JOB NO: KAU 18366
 BID DATE: THURSDAY, OCTOBER 17, 2018
 BID TIME: 2:00 PM CST
 ENGINEER'S ESTIMATE: 4,500,000.00

BIDDERS			
AXIS CONTRACTING		ED BELL CONSTRUCTION	

ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT D2 - MAIN STREET SANITARY SEWER IMPROVEMENTS							
D2-1	Bonds & Insurance (Unit D2 only)	1	LS	\$22,720.00	\$22,720.00	\$80,000.00	\$80,000.00
D2-2	Remove & Dispose of Existing Sanitary Sewer Pipe	2,630	LF	\$4.00	\$10,520.00	\$22.00	\$57,860.00
D2-3	Remove & Dispose 4' Sewer Manhole	10	EA	\$550.00	\$5,500.00	\$1,100.00	\$11,000.00
D2-4	8" SDR-26 (150 psi) Sewer Pipe (Open Cut)	1,250	LF	\$83.00	\$103,750.00	\$132.00	\$165,000.00
D2-5	10" SDR-26 (150 psi) Sewer Pipe (Open cut)	66	LF	\$99.00	\$6,534.00	\$137.50	\$9,075.00
D2-6	12" ADR-26 (150 psi) Sewer Pipe (Open Cut)	1,110	LF	\$99.00	\$109,890.00	\$143.00	\$158,730.00
D2-7	12" SDR-26 (150 psi) Sewer Pipe w/20" Steel Casing Pipe (By Bore)	144	LF	\$440.00	\$63,360.00	\$550.00	\$79,200.00
D2-8	Connect to Existing Sanitary Sewer Line	5	EA	\$990.00	\$4,950.00	\$2,200.00	\$11,000.00
D2-9	4" Sewer Service	731	LF	\$55.00	\$40,205.00	\$16.50	\$12,061.50
D2-10	" Sewer Service, Reconnection	28	EA	\$440.00	\$12,320.00	\$1,100.00	\$30,800.00
D2-11	Std. 4' Sewer Manhole	18	EA	\$4,400.00	\$79,200.00	\$3,850.00	\$69,300.00
D2-12	4' Drop Sewer Manhole	2	EA	\$4,950.00	\$9,900.00	\$7,700.00	\$15,400.00
D2-13	Extra Depth Manhole	100	VF	\$55.00	\$5,500.00	\$220.00	\$22,000.00
D2-14	Manhole Vacuum Testing	20	EA	\$330.00	\$6,600.00	\$220.00	\$4,400.00
D2-15	Temporary Pavement Repair-Flexbase	3,040	LF	\$16.00	\$48,640.00	\$49.50	\$150,480.00
D2-16	Post-CCTV Inspection	2,570	FL	\$4.00	\$10,280.00	\$1.10	\$2,827.00
D2-17	Trench Safety	2,426	LF	\$2.00	\$4,852.00	\$1.10	\$2,668.60
TOTAL BID UNIT D2 - SANITARY SEWER IMPROVEMENTS				\$544,721.00		\$881,802.10	

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

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TNP JOB NO: KAU 18366
BID DATE: THURSDAY, OCTOBER 17, 2018
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE: 4,500,000.00

				BIDDERS			
				AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT A3 - CIRCLE DRIVE PAVING IMPROVEMENTS							
A3-1	Bonds & Insurance (Unit A3 only)	1	LS	\$11,640.00	\$11,640.00	\$75,000.00	\$75,000.00
A3-2	Right-of-Way Preparation	1	LS	\$26,526.00	\$26,526.00	\$120,000.00	\$120,000.00
A3-3	Remove Existing Pavement & Drives per Square Yard	4,486	SY	\$6.00	\$26,916.00	\$10.00	\$44,860.00
A3-4	Remove Existing Concrete Curb & Gutter Per Linear Foot	1,930	LF	\$3.00	\$5,790.00	\$7.50	\$14,475.00
A3-5	Remove Existing Concrete Sidwalk & Flatwork	551	SY	\$5.00	\$2,755.00	\$12.50	\$6,887.50
A3-6	Remove/Salvage/Reconstruct Brick Paver Isle	70	SF	\$48.00	\$3,360.00	\$50.00	\$3,500.00
A3-7	Remove & Reconstruct Brick Mailbox	1	EA	\$1,775.00	\$1,775.00	\$1,100.00	\$1,100.00
A3-8	Unclassified Street Excavation & Grading	1	LS	\$4,053.00	\$4,053.00	\$52,860.00	\$52,860.00
A3-9	8" Lime Stabilized Subgrade	4,736	SY	\$5.00	\$23,680.00	\$5.00	\$23,680.00
A3-10	8" Lime Stabilized Subgrade - Double Pass	4736	SY	\$5.00	\$23,680.00	\$1.75	\$8,288.00
A3-11	Lime for Stalization (56#SY)	133	TON	\$221.00	\$29,393.00	\$175.00	\$23,275.00
A3-12	Lime for Stabilization (56#SY) - Double Pass	133	TON	\$221.00	\$29,393.00	\$175.00	\$23,275.00
A3-13	3" Hot Mix Asphalt Concrete (HMAC) - Type 'D'	3524	SY	\$22.00	\$77,528.00	\$25.00	\$88,100.00
A3-14	Concrete Curb & Gutter	1,930	LF	\$38.00	\$73,340.00	\$50.00	\$96,500.00
A3-15	5" Reinforced Concrete Drive Approach	465	SY	\$90.00	\$41,850.00	\$66.00	\$30,690.00
A3-16	5" Exposed Aggregate Drive Approach	44	SY	\$196.00	\$8,624.00	\$73.00	\$3,212.00
A3-17	5" Concrete Drive Approach w/Asphalt Overlay	23	SY	\$145.00	\$3,335.00	\$125.00	\$2,875.00
A3-18	4" Reinforced Concrete Driveway	283	SY	\$84.00	\$23,772.00	\$59.00	\$16,697.00
A3-19	4" Exposed Aggregate Driveway	9	SY	\$170.00	\$1,530.00	\$66.00	\$594.00
A3-20	4" Concrete Driveway w/Asphalt Overlay	14	SY	\$139.00	\$1,946.00	\$109.00	\$1,526.00
A3-21	4" Concrete Sidwalk/Leadwalk	4,505	SF	\$8.00	\$36,040.00	\$6.00	\$27,030.00
A3-22	4" Exposed Aggregate Sidwalk	445	SF	\$18.00	\$8,010.00	\$16.00	\$7,120.00
A3-23	Erosion Control	1	LS	\$2,186.00	\$2,186.00	\$6,000.00	\$6,000.00
A3-24	Traffic Control	1	SY	\$13,738.00	\$13,738.00	\$120,000.00	\$120,000.00
A3-25	Utility Adjustments Type B	1	EA	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00
A3-26	Restoration of Parkways and Yards	1,750	SY	\$14.00	\$24,500.00	\$17.50	\$30,625.00
	TOTAL BID UNIT A3 - PAVING IMPROVEMENTS				\$507,860.00		\$833,169.50

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
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TNP JOB NO: KAU 18366
BID DATE: THURSDAY, OCTOBER 17, 2018
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE: 4,500,000.00

BIDDERS			
AXIS CONTRACTING		ED BELL CONSTRUCTION	
UNIT COST	TOTAL	UNIT COST	TOTAL
\$17.00	\$80,512.00	\$15.00	\$71,040.00
\$5.00	-\$23,680.00	\$5.00	-\$23,680.00
\$5.00	-\$23,680.00	\$1.75	-\$8,288.00
\$221.00	-\$29,393.00	\$175.00	-\$23,275.00
\$221.00	-\$29,393.00	\$175.00	-\$23,275.00
(\$25,634.00)		(\$7,478.00)	
\$3,010.00	\$3,010.00	\$7,500.00	\$7,500.00
\$104.00	\$27,456.00	\$159.50	\$42,108.00
\$91.00	\$4,459.00	\$148.50	\$7,276.50
\$4,950.00	\$9,900.00	\$5,500.00	\$11,000.00
\$2.00	\$626.00	\$1.10	\$344.30
\$16.00	\$5,008.00	\$55.00	\$17,215.00
\$50,459.00		\$85,443.80	
\$9,700.00	\$9,700.00	\$40,000.00	\$40,000.00
\$4.00	\$5,240.00	\$22.00	\$28,820.00
\$77.00	\$104,720.00	\$132.00	\$179,520.00
\$55.00	\$35,750.00	\$16.50	\$10,725.00
\$330.00	\$8,580.00	\$1,100.00	\$28,600.00
\$4,290.00	\$12,870.00	\$3,850.00	\$11,550.00
\$28.00	\$672.00	\$220.00	\$5,280.00
\$330.00	\$990.00	\$220.00	\$660.00
\$1,045.00	\$26,125.00	\$2,200.00	\$55,000.00
\$16.00	\$29,280.00	\$49.50	\$90,585.00
\$4.00	\$5,440.00	\$1.10	\$1,496.00
\$2.00	\$2,720.00	\$1.10	\$1,496.00
\$242,087.00		\$453,732.00	
\$400,000.00	\$400,000.00	\$400,000.00	\$400,000.00
\$400,000.00		\$400,000.00	

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BIDDERS			
AXIS CONTRACTING		ED BELL CONSTRUCTION	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT

UNIT COST	TOTAL	UNIT COST	TOTAL
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BASE BID ITEMS

UNIT A1 - E. NINTH STREET PAVING IMPROVEMENTS	\$649,357.00	\$1,065,371.50
UNIT B1 - E. NINTH STREET STORM DRAIN IMPROVEMENTS	\$86,367.00	\$110,920.60
UNIT C1 - E. NINTH STREET WATER IMPROVEMENTS	\$161,769.00	\$265,158.50
UNIT D1 - E. NINTH STREET SANITARY SEWER IMPROVEMENTS	\$259,652.00	\$389,981.00
UNIT A2 - MAIN STREET PAVING IMPROVEMENTS	\$970,768.00	\$1,419,164.00
UNIT B2 - MAIN STREET STORM DRAIN IMPROVEMENTS	\$440,940.00	\$557,866.70
UNIT C2 - MAIN STREET WATER IMPROVEMENTS	\$275,395.00	\$528,233.60
UNIT D2 - MAIN STREET SANITARY SEWER IMPROVEMENTS	\$544,721.00	\$881,802.10
UNIT A3 - CIRCLE DRIVE PAVING IMPROVEMENTS	\$507,860.00	\$833,169.50
UNIT B3 - CIRCLE DRIVE STORM DRAIN IMPROVEMENTS	\$50,459.00	\$85,443.80
UNIT D3 - CIRCLE DRIVE SANITARY SEWER IMPROVEMENTS	\$242,087.00	\$453,732.00
UNIT E-OWNER'S CONTENGENCY	\$400,000.00	\$400,000.00
TOTAL AMOUNT BASE BID	\$4,589,375.00	\$6,990,843.30

UNIT A1-1 - E. NINTH STREET PAVING IMPROVEMENTS (ALTERNATE)	(29,160.00)	(8,386.00)
UNIT A2-1 - MAIN STREET PAVING IMPROVEMENTS (ALTERNATE)	(40,778.00)	(11,652.00)
UNIT B2-1 - MAIN STREET STORM IMPROVEMENTS (ALTERNATE)	209,211.00	275,064.10
UNIT A3-1 - CIRCLE DRIVE PAVING IMPROVEMENTS (ALTERNATE)	(25,634.00)	(7,478.00)

TOTAL AMOUNT BASE & ALTERNATE BID	\$4,703,014.00	\$7,238,391.40
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BASE BID-E Ninth St, Main St & Circle Dr (units A1-D1 & A3-D3) CALENDAR DAYS

Substantial Completion	300	497
Final Acceptance	30	28

ALTERNATE BID-Main St Storm Drain 'C' (Units B4) CALENDAR DAYS

Substantial Completion	100	14
Final Acceptance	20	7

Reviewed: *Jerico Robles, P.E.*

DISCUSSION ITEMS REPORT (DIR)

Project Title	Department	Agenda Date	Entered Date	Status/Notes
Splash Pad	Parks & Rec	TBD	10/23/2018	TDPW Grant/Parks Master Plan
Thoroughfare Plan Update	Development Serv	TBD	10/23/2018	
WWTP USDA Finance Application	Finance	11/13/2018	10/23/2018	In Process - Allan Lambright - USDA
Bldg Standards Commission Ordinance	Development Serv	9/1/2019	10/23/2018	BSC to review
Civic Center	Admin	7/22/2019		Design Approved
Marlow Development	Development Serv	4/22/2019	10/23/2018	Accept Utilities
54-Acre Development	Development Serv		10/23/2018	On-going discussions with Developer
Park Dedication Ordinance	Development Serv		10/23/2018	
Recodification of City Ordinances	Admin	11/13/2018	10/23/2018	Adding Zoning and Subdivision Ordinance
Phase II - Street Bond Design	Public Works		10/23/2018	Preparing to Award Bid
Subdivision Ordinance Update	Development Serv	TBD	10/23/2018	
TxDOT Turnback	Admin	12/17/2018	11/6/2018	
Citizens Academy	Admin/Public Safety		11/27/2018	Planning Phase
Explorer Post	PD		11/27/2018	On hold/KISD not interesterd
Kaufman Lake	Admin/PW		1/8/2019	Appraisal/MLS listing
Downtown Parking	Admin		1/16/2019	Working on ILA
Street Maintenance Priorities	PW/Admin		2/27/2019	List Presented to Council
Kaufman Estates	PW/Admin			Agreement in Principle
Building Code Update	Development Serv		6/4/2019	
Water & Street Impact Fee Update	Development Serv		6/10/2019	Committee Meeting 11/05/19
Summer Youth Program	Admin/Parks	TBD	7/16/2019	Planning Phase
City Lakes Emer Action Plan	Public Works	TBD	8/7/2019	
Disc Golf Course	Admin/PW	TBD	8/23/2019	Planning Phase
Washington Street Utility Relocation	Admin/PW	TBD	10/1/2019	TNP Reviewing Scope
Kaufman Square Speakers	Admin/PW	TBD	10/22/2019	Planning Phase

DISCUSSION ITEMS REPORT (DIR)

Project Title	Project Lead	Agenda Date	Entered Date	Status/Notes
PID Creation Resolution	Dev Svc/Admin	11/13/2018	10/24/2018	Complete
TIRZ Creation Ordinance Amendment	Dev Svc/Admin	11/13/2018	10/24/2018	Complete
TIRZ Project Reprioritization Resolution	Dev Svc/Admin	11/13/2018	10/24/2018	Complete
Home Improvement Incentive Program	Development Serv	11/13/2018	10/23/2018	Complete
Budget Book Submission to GFOA	Finance		10/23/2018	Complete
Interlocal Agreement w/County for PID	Finance		10/30/2018	PID Assessment for Georgetown in 2020
WWTP Priority Project List	Public Works	11/13/2018	10/23/2018	Mark Hill - Consultant
2600 Commerce Way Permit Ready	Development Serv	NA	11/6/2018	Complete Permit Issued 11/26/2018
600 N Nash KC Street Barn Permit Issued	Development Serv	NA	11/6/2018	Complete Finaled 01/04/2019
Rev Ch 22 & 46 7500SF F Sprinkler Req	elopment Serv	01/28/2019 02/25/2019	1/21/2019	Complete 02/25/2019
Realtor PID Training	Admin	NA		Complete 4/23/2019
Fee Schedule Update	Development Serv		6/4/2019	Approved by Council
Bureau Veritas Contract Update	Development Serv		6/4/2019	Approved by Council
Park Master Plan Update	Parks &Rec	8/5/2019	10/23/2018	Aproved by Council
34/243 Signal Installation	Public Works		10/23/2018	Complete
HR Coordinator	Admin		12/17/2018	Admin/HR Assistant Full-Time Sept. 30
Agenda Software Installation/Training	Admin		10/23/2018	Complete

NOVEMBER 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Planning & Zoning	6	7 Volunteer Banquet	8	9 Black Tie Ball
10	11	12	13	14	15	16
17	18	19	20	21 Parks & Rec Board Meeting	22	23
24	25 Regular Council Meeting	26 Keep Kaufman Beautiful Board Meeting	27	28 City Hall Closed- Thanksgiving	29 City Hall Closed- Thanksgiving	30

DECEMBER 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Planning & Zoning	4	5	6	7
8	9	10 KEDC	11	12	13	14 Christmas on the Square
15	16 Regular Council Meeting	17 Keep Kaufman Beautiful Board Meeting	18	19 Parks & Rec Board Meeting	20	21
22	23	24 City Hall Closed- Christmas	25 City Hall Closed- Christmas	26	27	28
29	30	31				