



**NOTICE OF
SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, FEBRUARY 26, 2019, 6:30 PM**

AGENDA

Call to Order

Roll Call

Pledge of Allegiance to the U.S. And Texas Flags

Invocation

Items of Community Interest

Pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following: expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of an individual; a reminder about an upcoming event organized or sponsored by the governing body; and announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.

Public Comment

This item allows the public an opportunity to address the Town Council. To comply with the provisions of the Open Meetings Act, the Town Council cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the Town Council. Comments will be limited to three minutes.

Public Hearing

1. Public Hearing: To consider testimony and take action regarding text amendments to the Town's Code of Ordinances, Chapter 14 Zoning, which includes but is not limited to, amending Article 14.02, Exhibit A, Article IV--Classification of Districts to add a new zoning district to be entitled Mixed-Use and to add regulations and restrictions regarding such new district.

Consent Agenda

Items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Town Council.

- [2.](#) January 2019 Council Meeting Minutes
- [3.](#) January 2019 Financial Statements
- [4.](#) Consider and act on an ordinance of the Town Council of Hickory Creek declaring unopposed candidates in the May 4, 2019 general town election.
5. Consider and act on allocating an additional \$3500.00 for an erosion repair in the town's easement located on Eagle Mountain Drive.
- [6.](#) Consider and act on a resolution of the town council of the Town of Hickory Creek, Texas, in support of the legislative priorities of the Board of Trustees of the Lake Dallas Independent School District.
- [7.](#) Consider and act on a resolution authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an interlocal cooperative purchasing program agreement by and between the Town of Hickory Creek and the City of Corinth.
- [8.](#) Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for landscaping services by and between the Town of Hickory Creek and D&D Commercial Landscape Management.
- [9.](#) Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 3: Building Regulations, Article 3.07 Floods and Drainage, Division 3: Stormwater, Section 3.07.085, Stormwater discharges from construction activities, Subsection (b) to add a new subsection (b) (19) regarding post construction stormwater regulations.
- [10.](#) Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3, Building Regulations, by adopting (A) the 2018 International Building Code as published by the International Code Council with local amendments; (B) the 2018 International Residential Code as published by the International Code Council with local amendments; (C) the 2018 International Plumbing Code as published by the International Code Council with local amendments; (D) the 2018 International Mechanical Code as published by the International Code Council with local amendments; (E) the 2018 International Fire Code as published by the National Fire Protection Association with local amendments as amended by the Lake Cities Fire Department; (F) the 2017 National Electrical Code as published by the National Fire Protection Association with local amendments; (G) the 2018 International Energy Conservation Code as published by the International Code Council with local amendments; (H) the 2018 International Fuel Gas Code as published by the International Code Council with local amendments; (I) the 2018 Property Maintenance Code as published by the International Code Council with local amendments; (J) the 2018 International Existing Building Code as published by the International Code Council with local amendments and, (K) the 2019 International Swimming Pool and Spa Code as published by the International Code Council with local amendments.

Regular Agenda

- [11.](#) Consider and act on a final plat of Lots 1 and 2, Block A, the Beciri Addition; being 1.97 acres in the H.H. Swisher Survey, Abstract Number 1220 in the extraterritorial jurisdiction of the town of Hickory Creek, Denton County, Texas. The property is located in the 3700 block of FM 2181.
- [12.](#) Consider and act on a final plat of Lot 2-R, Block 1 of Ventana Addition, being a replat of Lot 2, Block 1 of Ventana Addition; being 0.172 acre in the J. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas. The property is located on the northwest corner of Ventana Road and S. Stemmons Freeway.
- [13.](#) Consider and act on granting an exception to Clean and Green Carwash, 3950 FM 2181, Hickory Creek, Texas 75065, from the Hickory Creek Code of Ordinances Chapter 3: Building Regulations, Article 3.08 Signs; Section 3.08.011 (k), Maximum Size of sign and Section 3.08.013 (k), Certain illuminated signs prohibited.
- [14.](#) Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute license and use agreement by and between the Town of Hickory Creek and Mark Ragunton.
- [15.](#) Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Comprehensive Zoning Ordinances, Chapter 14: Zoning, Exhibit "A" Zoning Ordinance, Article IV: Classifications of Districts to provide for a new zoning district to be entitled Mixed Use with sub-categories of Mixed Use Suburban District and Mixed Use Regional District.
- [16.](#) Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Denton County, Texas.
- [17.](#) Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, to accept a voluntary petition for annexation of the 1800 Block of Turbeville Road.
- [18.](#) Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, setting a date, time and place for public hearings on the proposed annexation of certain property.
19. Consider and act on an appointment to Parks and Recreation Board.
- [20.](#) Consider and act on the Hickory Creek Police Department Annual Racial Profiling Report for 2018.
21. Consider and act on nomination of the 2018 Hickory Creek Business of the Year.
22. Consider and act on nomination of the 2018 Hickory Creek Citizen of the Year.
23. Consider and act on nomination of the 2018 Hickory Creek Scholars of the Year.

24. Consider and act on nomination of the 2018 Hickory Creek Sportsman and Sportswoman of the Year.
25. Consider and act on allocating funds to replace mailboxes due to sidewalk construction.
26. Consider and act on the review, possible removal and replacement of members of the Hickory Creek Parks and Recreation Board and Parks, Recreation and Open Space Master Plan Steering Committee
27. Discussion regarding Parks, Recreation and Open Space Master Plan.
28. Discussion regarding current road and sidewalk projects.

Executive Session

The Town Council will convene into executive session pursuant to Texas Government Code Section 551.071, Consultation with Attorney on matters 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, or on matters pertaining to pending or contemplated litigation.

29. Discussion regarding certain real property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres located (South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road.)

Reconvene into Open Session

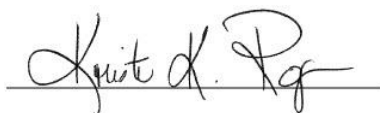
30. Discussion and possible action regarding matters discussed in executive session.

Adjournment

The Town 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, Chapter 551.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact Town Hall at 940-497-2528 or by fax 940-497-3531 so that appropriate arrangements can be made.

I, Kristi Rogers, Town Secretary, for the Town of Hickory Creek certify that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on February 22, 2019 at 12:00 p.m.

A handwritten signature in cursive script, appearing to read "Kristi Rogers", written over a horizontal line.

Kristi Rogers, Town Secretary
Town of Hickory Creek

Backup material for agenda item:

January 2019 Council Meeting Minutes

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, JANUARY 15, 2019**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:30 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark

Councilmember Tracee Elrod

Councilmember Richard DuPree

Councilmember Chris Gordon

Mayor Pro Tem Paul Kenney

Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Administrator

Kristi K. Rogers, Town Secretary

Carey Dunn, Chief of Police

Lance Vanzant, Town Attorney

Pledge of Allegiance to the U.S. And Texas Flags

Mayor Clark led the Pledge of Allegiance to the U.S. And Texas Flags.

Invocation

Councilmember Theodore led the invocation.

Items of Community Interest

Members of Boy Scout Troop 424, working on their Citizenship in the Community Merit Badge, were recognized.

Sergeant Jon Causseaux was honored as January 2019 First Responder of the Month at the Lake Cities Chamber of Commerce luncheon.

Officer Arun Koshy was introduced as the newest member of the Hickory Creek Police Department.

The Great American Cleanup will take place on Saturday, March 23, 2019. Volunteers will meet in the Walmart parking lot and then proceed to the parks.

Town Council Meeting Minutes

January 15, 2019

Page 2

Mayor Clark was recognized for her outstanding presentation and representation of Hickory Creek at the Lake Cities Chamber luncheon on January 15, 2019.

A ribbon cutting will be held January 18, 2019 from 3:00 p.m. to 5:00 p.m. at the Lee Walker Government Center.

Public Comment

Ron Furtick, 1500 Turbeville Road, thanked the town for pointing out health and safety issues regarding Hickory Creek Estates. He has installed three new fire hydrants on the property. He provided a map with the location of the hydrants and overlapping areas to show the property is completely covered by fire protection. He did not attempt to obtain a permit for this improvement because he believes the town's permit system is completely dysfunctional. He has attempted to obtain building permits using the town's processes five times in the last two years and all permits were denied or still unresolved months after application. He has been told all permits requested by him will be denied automatically which he feels is continued and persistent pattern of harassment against him personally and his business interests. He stated the most glaring civic dysfunction is planning and zoning. He has endured decades of design charrette, stakeholder, and citizen input meetings. It was a brilliant move when the town brought in Mesa Design led by Robin McCaffrey and a group of architects who crafted a Mixed-Use Ordinance. Mr. Furtick is meeting with Scott Polikov who has identified two development firms who are interested in creating a Hickory Creek Downtown. He will not meet with any developers until the Mixed-Use Ordinance is approved because he is tired of wasting his time. He would like to close Hickory Creek Estates someday and the first step is to attract a developer. Once the town council does their job by passing the Mixed-Use zoning that was negotiated, he will find a developer. He implores the council to stop the dysfunction when it comes to the economic future of the town.

Consent Agenda

1. November 2018 Council Meeting Minutes
2. November 2018 Financial Statements
3. December 2018 Financial Statements
4. Consider and act on a Certificate of Completion for the Main Street Reconstruction and Hickory Creek CIP project.
5. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas ordering an election to be held on May 4, 2019 for the purpose of electing Town Council Members to Place 1, Place 3 and Place 5.
6. Consider and act on a resolution of the Town of Hickory Creek, Texas in opposition to a revenue cap and legislative interference with local services.

Town Council Meeting Minutes

January 15, 2019

Page 3

7. Consider and act on a Voluntary Interlocal Cooperation Agreement, Amendment Number 3 for the Operation and Maintenance of Traffic Signals.

Motion made by Councilmember DuPree to approve consent agenda items as presented, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Regular Agenda

8. Consider and act on a site and landscape plan for Angelina's Mexican Restaurant located at 101 Baize Boulevard. The property is legally described as Adams Cliff, Block A, Lot 4.

Jessie Rodriquez, JRAF Studios, presented an overview of the project to the town council and answered questions.

Motion made by Councilmember Gordon to approve a site and landscape plan for Angelina's Mexican Restaurant as presented, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

9. Presentation of the 2017-2018 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.

Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay presented the audited financial statements for the fiscal year ending September 30, 2018. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities at September 30, 2018 by \$12,050,758. Of this amount \$2,564,624 may be used to meet the government's ongoing obligations to citizens and creditors. The town's total net position increased by \$265,717. As of September 30, 2018, the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$5,061,681, a decrease of \$467,707 in comparison with the beginning of the period. Approximately 57 percent of this total amount, \$2,884,490 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$2,884,490 or 75.90 percent of total general fund expenditures. The audit is required to include the activity of the Economic Development Corporation, Public Improvement District No 1 and Public Improvement District No. 2. The EDC total fund balance was \$1,084,801. The Public Improvement District No. 1 total fund balance was \$289,537. The Public Improvement District No. 2 total fund balance was \$427,494.

10. Presentation regarding the Lake Cities Fire Department from Chief Michael Ross.

Chief Michael Ross provided an overview to council regarding the Lake Cities Fire Department including staffing, guiding principles, workload measures, current response plan, current response times, and resource distribution once Station 3 opens in February 2019. Statistics regarding 2018 run data was provided. Chief Ross presented Mayor Clark a plaque regarding the ISO 2 designation the fire department achieved in November 2018.

Town Council Meeting Minutes
January 15, 2019
Page 4

11. Discussion regarding a request from Watertoyz, LLC. to operate a boat rental business.

Discussions were held and Mr. Gabriel Angeli, Watertoyz, LLC, answered questions from the town council. The request will be considered in the coming months based on the Parks, Recreation and Open Space Master Plan.

12. Consider and act on appointments to the steering committee for the Parks, Recreation and Open Space Master Plan.

Mayor Clark called for a recess at 8:11 p.m.

Mayor Clark called the meeting back to order after the recess at 8:18 p.m.

The following list is the slate of names mentioned to serve on the steering committee:

Linda Cawley, Bruce Enriquez, Marvin Estes, Omar Flores, Linda Fulfer, Calin Giuroiu, Chris Gordon, John Grosskopf, Nancy Koket, Mandy Larkin, Jack Miller, Kerby Pierre, Tim Ribaul, Lisa Rowell, James Schultz, John Smith, Sharon Stratman, Nicholas Wilson and Nicole Wright

Motion made by Councilmember Theodore to approve the slate of names to serve on the steering committee, Seconded by Councilmember Elrod.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

13. Consider and act on an agreement authorizing sponsorship of police recruits and setting pay rate.

Motion made by Councilmember Gordon to approve the form of an agreement authorizing sponsorship of police recruits and setting the maximum pay rate at 75% of the starting salary for a police officer, Seconded by Councilmember Elrod.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

14. Consider and act on Hickory Creek Police Department Policy 327: Reserve Officers

Motion made by Councilmember Gordon to approve Hickory Creek Police Department Policy 327: Reserve Officers as presented, Seconded by Mayor Pro Tem Kenney.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

15. Consider and act on allocating funds for gateway monument signage.

Motion made by Mayor Pro Tem Kenney to approve allocating funds in an amount not to exceed \$40,000 for gateway monument signage, Seconded by Councilmember Gordon.

Town Council Meeting Minutes
January 15, 2019
Page 5

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

16. Consider and act on allocating funds to tint all glass in the town hall facility.

Motion made by Councilmember Theodore to approve funding to tint glass in the town hall facility with A Dallas Professional Window Tint in an amount of \$9,750.00, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

17. Discussion regarding the 2018 Hickory Creek Business of the Year.

The following were nominated for 2018 Hickory Creek Business of the Year:
AMC Movie Theater, IHop, INails, Murphy U.S.A. and Southwest RV Rentals.

18. Discussion regarding the 2018 Hickory Creek Citizen of the Year.

The following were nominated for 2018 Hickory Creek Citizen of the Year:
Grady Brown, Jim Murray and Mark Tucker.

19. Discussion regarding current road and sidewalk projects.

John Smith, town administrator, provided an overview to council regarding current road and sidewalk projects.

Executive Session

The Town Council will be convened into executive session at 9:25 p.m. pursuant to Texas Government Code Section 551.071, Consultation with Attorney on matters 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, or on matters pertaining to pending or contemplated litigation.

20. Discussion regarding property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres (located South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road.)
21. Discussion regarding land use restrictions and development related issues for property legally described as A1220A H.H. Swisher, Tracts 50 and 50A (1) (PT).
22. Discussion regarding land development related issues for the property legally described as A1220A H.H. Swisher, Tracts 35 (PT) and 50A.

Town Council Meeting Minutes
January 15, 2019
Page 6

Reconvene into Open Session

The Town council reconvened into open session at 10:54 p.m.

23. Discussion and possible action regarding matters discussed in executive session.

No action taken.

Adjournment

Motion made by Mayor Pro Tem Kenney to adjourn the meeting, Seconded by Councilmember Elrod.

Voting Yea: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

The meeting did then stand adjourned at 10:55 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek

Backup material for agenda item:

January 2019 Financial Statements

Town of Hickory Creek
Balance Sheet
As of January 31, 2019

	<u>Jan 31, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
BOA - Animal Shelter Fund	18,833.50
BOA - Drug Forfeiture	1,948.76
BOA - Drug Seizure	0.18
BOA - General Fund	382,678.81
BOA - Parks and Recreation	121,152.86
BOA - Payroll	260.00
BOA - Police State Training	5,177.93
Logic Animal Shelter Facility	9,304.71
Logic Harbor Ln-Sycamore Bend	3,244.30
Logic Investment Fund	4,348,778.37
Logic Street & Road Improvement	554,834.29
Logic Turbeville Road	208,728.75
Total Checking/Savings	<u>5,654,942.46</u>
Accounts Receivable	
Municipal Court Payments	1,305.00
Total Accounts Receivable	<u>1,305.00</u>
Total Current Assets	<u>5,656,247.46</u>
TOTAL ASSETS	<u>5,656,247.46</u>
LIABILITIES & EQUITY	0.00

Town of Hickory Creek
Profit & Loss
January 2019

	Jan 19
Ordinary Income/Expense	
Income	
Ad Valorem Tax Revenue	
4002 M&O	398,843.68
4004 M&O Penalties & Interest	212.45
4006 Delinquent M&O	192.34
4008 I&S Debt Service	279,942.29
4010 I&S Penalties & Interest	5.80
4012 Delinquent I&S	139.06
Total Ad Valorem Tax Revenue	679,335.62
Building Department Revenue	
4102 Building Permits	33,162.87
4106 Contractor Registration	525.00
4124 Sign Permits	350.00
4132 Alarm Permit Fees	100.00
Total Building Department Revenue	34,137.87
Franchise Fee Revenue	
4204 Charter Communications	375.83
4208 CoServ	990.71
Total Franchise Fee Revenue	1,366.54
Interest Revenue	
4302 Animal Shelter Interest	21.40
4308 Drug Forfeiture Interest	0.09
4314 Logic Investment Interest	9,120.34
4320 Logic Street/Road Improv.	1,220.02
4322 Logic Turbeville Road	458.95
4326 PD State Training Interest	0.22
4328 Logic Harbor/Sycamore Bend	7.12
Total Interest Revenue	10,828.14
Miscellaneous Revenue	
4502 Animal Adoption & Impound	1,105.00
4508 Annual Park Passes	2,553.11
4510 Arrowhead Park Fees	374.00
4530 Other Receivables	4,077.81
4550 Sycamore Bend Fees	526.00
Total Miscellaneous Revenue	8,635.92
Municipal Court Revenue	
4602 Building Security Fee	586.58
4604 Citations	30,150.83
4606 Court Technology Fee	782.11
4612 State Court Costs	14,466.88
4614 Child Safety Fee	125.00
Total Municipal Court Revenue	46,111.40
Sales Tax Revenue	

Town of Hickory Creek
Profit & Loss
January 2019

	Jan 19
4702 Sales Tax General Fund	91,794.34
4706 Sales Tax 4B Corporation	30,598.11
Total Sales Tax Revenue	122,392.45
Total Income	902,807.94
Gross Profit	902,807.94
Expense	
Capital Outlay	
5010 Street Maintenance	2,261.18
5012 Streets & Road Improvement	2,389.00
5024 Public Safety Improvements	15,882.26
5028 Turbeville/Point Vista	-68,383.46
Total Capital Outlay	-47,851.02
Debt Service	
5110 2015 Refunding Bond Series	59,650.00
5112 2015 C.O. Series	61,900.00
Total Debt Service	121,550.00
General Government	
5206 Computer Hardware/Software	328.27
5208 Copier Rental	263.05
5210 Dues & Memberships	360.00
5212 EDC Tax Payment	43,270.67
5216 Volunteer/Staff Events	351.43
5222 Office Supplies & Equip.	630.41
5224 Postage	289.40
5228 Town Council/Board Expense	982.17
5230 Training & Education	75.00
5232 Travel Expense	160.00
Total General Government	46,710.40
Municipal Court	
5304 Building Security	172.82
5312 Court Technology	1,049.89
5318 Merchant Fees/Credit Cards	-45.59
5322 Office Supplies/Equipment	90.97
5324 State Court Costs	50,252.07
5332 Warrants Collected	1,856.92
Total Municipal Court	53,377.08
Parks and Recreation	
5408 Tanglewood Park	44.24
Total Parks and Recreation	44.24
Parks Corps of Engineer	
5432 Arrowhead	1,178.62
5434 Harbor Grove	25.90
5436 Point Vista	1,017.79

Town of Hickory Creek
Profit & Loss
January 2019

	Jan 19
5438 Sycamore Bend	3,901.26
Total Parks Corps of Engineer	6,123.57
Personnel	
5502 Administration Wages	21,716.84
5504 Municipal Court Wages	8,170.40
5506 Police Wages	46,449.04
5507 Police Overtime Wages	1,992.82
5508 Public Works Wages	13,972.34
5509 Public Works Overtime Wage	115.32
5510 Health Insurance	10,678.96
5514 Payroll Expense	1,369.69
5516 Employment Exams	600.00
5518 Retirement (TMRS)	38,844.21
5520 Unemployment (TWC)	88.27
Total Personnel	143,997.89
Police Department	
5602 Auto Gas & Oil	1,497.07
5606 Auto Maintenance & Repair	7,020.95
5612 Computer Hardware/Software	3,047.86
5614 Crime Lab Analysis	1,311.89
5626 Office Supplies/Equipment	38.68
5636 Uniforms	1,428.16
5646 Community Outreach	166.01
5648 K9 Unit	1,512.52
Total Police Department	16,023.14
Public Works Department	
5704 Animal Control Equipment	99.00
5706 Animal Control Supplies	146.95
5708 Animal Control Vet Fees	798.95
5710 Auto Gas & Oil	1,181.22
5714 Auto Maintenance/Repair	5,318.08
5716 Beautification	3,950.00
5718 Computer Hardware/Software	595.00
5724 Equipment Maintenance	1,302.69
5728 Equipment Supplies	141.47
5732 Office Supplies/Equipment	28.66
5734 Radios	365.83
5738 Training	15.00
5742 Uniforms	281.80
5748 Landscaping Services	6,041.68
Total Public Works Department	20,266.33
Services	
5804 Attorney Fees	2,269.18
5812 Document Management	81.07
5814 Engineering	5,927.11
5818 Inspections	3,049.00
5820 Fire Service	153,408.25

Town of Hickory Creek
Profit & Loss
January 2019

	Jan 19
5824 Library Services	175.00
5826 Municipal Judge	960.00
5828 Printing	271.91
Total Services	166,141.52
Utilities & Maintenance	
5902 Bldg Maintenance/Supplies	2,823.83
5904 Electric	2,319.31
5906 Gas	604.24
5908 Street Lighting	2,628.16
5910 Telephone	12,057.42
5912 Water	913.39
Total Utilities & Maintenance	21,346.35
Total Expense	547,729.50
Net Ordinary Income	355,078.44
Net Income	355,078.44

Budget vs. Actual Year to Date 33.32%

October 2018 through January 2019

	Oct '18 - Jan 19	Budget	% of Budget
Ordinary Income/Expense			
Income			
Ad Valorem Tax Revenue			
4002 M&O	1,031,982.14	1,152,558.00	89.5%
4004 M&O Penalties & Interest	219.39	5,000.00	4.4%
4006 Delinquent M&O	1,388.83	3,500.00	39.7%
4008 I&S Debt Service	724,527.68	809,318.00	89.5%
4010 I&S Penalties & Interest	14.12	3,000.00	0.5%
4012 Delinquent I&S	1,153.08	2,500.00	46.1%
Total Ad Valorem Tax Revenue	1,759,285.24	1,975,876.00	89.0%
Building Department Revenue			
4102 Building Permits	97,416.62	200,000.00	48.7%
4104 Certificate of Occupancy	975.00	600.00	162.5%
4106 Contractor Registration	1,200.00	5,000.00	24.0%
4108 Preliminary/Final Plat	520.00	0.00	100.0%
4110 Prelim/Final Site Plan	0.00	0.00	0.0%
4112 Health Inspections	8,280.00	8,280.00	100.0%
4122 Septic Permits	0.00	850.00	0.0%
4124 Sign Permits	690.00	1,200.00	57.5%
4126 Special Use Permit	0.00	200.00	0.0%
4128 Variance Fee	250.00	500.00	50.0%
4130 Vendor Fee	75.00	200.00	37.5%
4132 Alarm Permit Fees	200.00	1,200.00	16.7%
Total Building Department Revenue	109,606.62	218,030.00	50.3%
Franchise Fee Revenue			
4202 Atmos Energy	0.00	30,000.00	0.0%
4204 Charter Communications	10,628.66	42,500.00	25.0%
4206 CenturyLink	692.74	3,000.00	23.1%
4208 CoServ	2,547.49	4,200.00	60.7%
4210 Oncor Electric	144,269.02	135,000.00	106.9%
4212 Waste Management	11,459.86	40,000.00	28.6%
Total Franchise Fee Revenue	169,597.77	254,700.00	66.6%
Interest Revenue			
4302 Animal Shelter Interest	80.31	0.00	100.0%
4308 Drug Forfeiture Interest	0.53	0.00	100.0%
4310 Drug Seizure Interest	0.00	0.00	0.0%
4314 Logic Investment Interest	30,318.08	22,500.00	134.7%
4320 Logic Street/Road Improv.	4,943.39	5,000.00	98.9%
4322 Logic Turbeville Road	1,717.15	1,200.00	143.1%
4326 PD State Training Interest	0.87	0.00	100.0%
4328 Logic Harbor/Sycamore Bend	26.71	0.00	100.0%
Total Interest Revenue	37,087.04	28,700.00	129.2%
Interlocal Revenue			
4402 Corp Contract Current Year	0.00	34,000.00	0.0%
Total Interlocal Revenue	0.00	34,000.00	0.0%
Miscellaneous Revenue			
4502 Animal Adoption & Impound	4,440.00	6,500.00	68.3%
4506 Animal Shelter Donations	309.00	1,000.00	30.9%
4508 Annual Park Passes	7,475.91	20,000.00	37.4%
4510 Arrowhead Park Fees	5,300.00	18,000.00	29.4%
4512 Beer & Wine Permit	0.00	60.00	0.0%
4516 Corp Parks Prior Year Rev	0.00	0.00	0.0%

8:53 AM

02/20/19

Accrual Basis

Town of Hickory Creek
Budget vs. Actual Year to Date 33.32%
 October 2018 through January 2019

	Oct '18 - Jan 19	Budget	% of Budget
4518 Drug Forfeiture	0.00	0.00	0.0%
4520 Drug Seizure	0.00	0.00	0.0%
4522 EDCPayment/Ronald Reagan	0.00	45,778.00	0.0%
4524 Fund Balance Reserve	0.00	509,982.00	0.0%
4526 Mineral Rights	0.00	300.00	0.0%
4528 NSF Fees	0.00	50.00	0.0%
4530 Other Receivables	40,240.86	7,100.00	566.8%
4534 PD State Training	0.00	0.00	0.0%
4536 Point Vista Park Fees	289.00	5,000.00	5.8%
4546 Street Bond Proceeds	0.00	0.00	0.0%
4550 Sycamore Bend Fees	3,831.75	15,000.00	25.5%
4554 Building Security Fund Res	0.00	23,400.00	0.0%
4556 Court Tech Fund Reserve	0.00	3,525.00	0.0%
4558 Harbor Lane/Sycamore Bend	0.00	0.00	0.0%
Total Miscellaneous Revenue	61,886.52	655,695.00	9.4%
Municipal Court Revenue			
4602 Building Security Fee	2,639.80	10,000.00	26.4%
4604 Citations	139,131.38	625,000.00	22.3%
4606 Court Technology Fee	3,494.74	13,125.00	26.6%
4612 State Court Costs	64,819.86	237,500.00	27.3%
4614 Child Safety Fee	125.00		
Total Municipal Court Revenue	210,210.78	885,625.00	23.7%
Sales Tax Revenue			
4702 Sales Tax General Fund	333,258.69	1,143,750.00	29.1%
4706 Sales Tax 4B Corporation	121,661.92	381,250.00	31.9%
4708 Sales Tax Mixed Beverage	0.00	0.00	0.0%
Total Sales Tax Revenue	454,920.61	1,525,000.00	29.8%
Total Income	2,802,594.58	5,577,626.00	50.2%
Gross Profit	2,802,594.58	5,577,626.00	50.2%
Expense			
Capital Outlay			
5010 Street Maintenance	3,919.99	50,000.00	7.8%
5012 Streets & Road Improvement	436,279.84	0.00	100.0%
5022 Parks and Rec Improvements	0.00	125,000.00	0.0%
5024 Public Safety Improvements	119,190.37	400,000.00	29.8%
5026 Fleet Purchase/Replacement	102,672.84	92,000.00	111.6%
5028 Turbeville/Point Vista	-10,045.86	0.00	100.0%
Total Capital Outlay	652,017.18	667,000.00	97.8%
Debt Service			
5106 2012 Refunding Bond Series	0.00	150,086.00	0.0%
5108 2012 Tax Note Series	0.00	116,910.00	0.0%
5110 2015 Refunding Bond Series	59,650.00	314,300.00	19.0%
5112 2015 C.O. Series	61,900.00	273,800.00	22.6%
Total Debt Service	121,550.00	855,096.00	14.2%
General Government			
5202 Bank Service Charges	0.00	200.00	0.0%
5204 Books & Subscriptions	0.00	400.00	0.0%
5206 Computer Hardware/Software	8,986.06	15,500.00	58.0%
5208 Copier Rental	1,494.46	3,500.00	42.7%
5210 Dues & Memberships	560.00	2,500.00	22.4%

Town of Hickory Creek
Budget vs. Actual Year to Date 33.32%
 October 2018 through January 2019

	Oct '18 - Jan 19	Budget	% of Budget
5212 EDC Tax Payment	164,555.37	381,250.00	43.2%
5214 Election Expenses	0.00	8,000.00	0.0%
5216 Volunteer/Staff Events	1,843.37	8,000.00	23.0%
5218 General Communications	4,939.38	22,000.00	22.5%
5222 Office Supplies & Equip.	1,304.29	1,800.00	72.5%
5224 Postage	924.50	4,500.00	20.5%
5226 Community Cause	1,485.25	3,000.00	49.5%
5228 Town Council/Board Expense	2,857.56	4,000.00	71.4%
5230 Training & Education	195.00	2,500.00	7.8%
5232 Travel Expense	160.00	1,500.00	10.7%
5234 Staff Uniforms	0.00	1,000.00	0.0%
Total General Government	189,305.24	459,650.00	41.2%
Municipal Court			
5302 Books & Subscriptions	0.00	75.00	0.0%
5304 Building Security	691.28	33,400.00	2.1%
5312 Court Technology	1,540.29	16,650.00	9.3%
5314 Dues & Memberships	75.00	200.00	37.5%
5318 Merchant Fees/Credit Cards	1.42	0.00	100.0%
5322 Office Supplies/Equipment	535.33	1,500.00	35.7%
5324 State Court Costs	118,577.94	237,500.00	49.9%
5326 Training & Education	0.00	500.00	0.0%
5328 Travel Expense	37.12	900.00	4.1%
5332 Warrants Collected	1,051.31	0.00	100.0%
Total Municipal Court	122,509.69	290,725.00	42.1%
Parks and Recreation			
5402 Events	969.46	5,000.00	19.4%
5408 Tanglewood Park	1,122.96	2,500.00	44.9%
5412 KHCB	0.00	1,000.00	0.0%
5414 Tree City USA	2,702.05	11,500.00	23.5%
5416 Town Hall Park	0.00	500.00	0.0%
Total Parks and Recreation	4,794.47	20,500.00	23.4%
Parks Corps of Engineer			
5432 Arrowhead	6,845.63	6,500.00	105.3%
5434 Harbor Grove	1,798.60	2,200.00	81.8%
5436 Point Vista	1,542.03	4,500.00	34.3%
5438 Sycamore Bend	11,271.82	38,800.00	29.1%
Total Parks Corps of Engineer	21,458.08	52,000.00	41.3%
Personnel			
5502 Administration Wages	98,057.74	281,875.00	34.8%
5504 Municipal Court Wages	38,839.19	114,565.00	33.9%
5506 Police Wages	204,469.22	674,215.00	30.3%
5507 Police Overtime Wages	3,344.20	6,000.00	55.7%
5508 Public Works Wages	62,392.67	174,985.00	35.7%
5509 Public Works Overtime Wage	633.82	1,600.00	39.6%
5510 Health Insurance	40,419.62	190,000.00	21.3%
5512 Longevity	10,688.00	10,952.00	97.6%
5514 Payroll Expense	6,264.35	18,000.00	34.8%
5516 Employment Exams	705.00	1,500.00	47.0%
5518 Retirement (TMRS)	60,157.29	138,100.00	43.6%
5520 Unemployment (TWC)	293.93	3,800.00	7.7%
5522 Workman's Compensation	25,353.58	25,871.00	98.0%
Total Personnel	551,618.61	1,641,463.00	33.6%

Budget vs. Actual Year to Date 33.32%

October 2018 through January 2019

	Oct '18 - Jan 19	Budget	% of Budget
Police Department			
5602 Auto Gas & Oil	8,346.44	28,500.00	29.3%
5606 Auto Maintenance & Repair	12,470.49	20,000.00	62.4%
5610 Books & Subscriptions	81.26	500.00	16.3%
5612 Computer Hardware/Software	15,976.23	38,000.00	42.0%
5614 Crime Lab Analysis	1,713.19	2,000.00	85.7%
5616 Drug Forfeiture	0.00	0.00	0.0%
5618 Dues & Memberships	233.82	400.00	58.5%
5626 Office Supplies/Equipment	491.54	1,500.00	32.8%
5630 Personnel Equipment	1,645.76	10,000.00	16.5%
5634 Travel Expense	108.00	2,500.00	4.3%
5636 Uniforms	2,131.94	8,000.00	26.6%
5640 Training & Education	2,122.50	10,000.00	21.2%
5644 Citizens on Patrol	0.00	200.00	0.0%
5646 Community Outreach	166.01	750.00	22.1%
5648 K9 Unit	1,282.28	3,000.00	42.7%
Total Police Department	46,769.46	125,350.00	37.3%
Public Works Department			
5702 Animal Control Donation	0.00	1,000.00	0.0%
5704 Animal Control Equipment	688.83	600.00	114.8%
5706 Animal Control Supplies	334.64	1,000.00	33.5%
5708 Animal Control Vet Fees	2,840.29	5,000.00	56.8%
5710 Auto Gas & Oil	5,342.62	12,500.00	42.7%
5714 Auto Maintenance/Repair	7,357.91	10,000.00	73.6%
5716 Beautification	4,563.42	65,000.00	7.0%
5718 Computer Hardware/Software	595.00	500.00	119.0%
5720 Dues & Memberships	100.00	350.00	28.6%
5722 Equipment	89,130.83	93,700.00	95.1%
5724 Equipment Maintenance	4,597.16	8,000.00	57.5%
5726 Equipment Rental	234.38	500.00	46.9%
5728 Equipment Supplies	2,006.00	6,500.00	30.9%
5732 Office Supplies/Equipment	112.52	800.00	14.1%
5734 Radios	1,543.99	3,200.00	48.2%
5738 Training	90.00	800.00	11.3%
5740 Travel Expense	225.10	1,000.00	22.5%
5742 Uniforms	634.80	2,000.00	31.7%
5748 Landscaping Services	25,572.63	150,000.00	17.0%
Total Public Works Department	145,970.12	362,450.00	40.3%
Services			
5802 Appraisal District	2,926.00	10,500.00	27.9%
5804 Attorney Fees	21,875.74	60,000.00	36.5%
5806 Audit	0.00	13,500.00	0.0%
5808 Codification	0.00	4,000.00	0.0%
5812 Document Management	539.14	1,000.00	53.9%
5814 Engineering	23,639.91	47,500.00	49.8%
5816 General Insurance	33,732.58	34,421.00	98.0%
5818 Inspections	20,535.00	37,500.00	54.8%
5820 Fire Service	306,816.50	615,000.00	49.9%
5822 Legal Notices/Advertising	273.60	2,000.00	13.7%
5824 Library Services	470.00	500.00	94.0%
5826 Municipal Judge	3,840.00	11,520.00	33.3%
5828 Printing	830.86	1,600.00	51.9%
5830 Tax Collection	2,273.00	3,500.00	64.9%
5832 Computer Technical Support	34,338.30	34,200.00	100.4%
5838 DCCAC	0.00	1,750.00	0.0%
5840 Denton County Dispatch	0.00	29,301.00	0.0%

8:53 AM

02/20/19

Accrual Basis

Town of Hickory Creek

Budget vs. Actual Year to Date 33.32%

October 2018 through January 2019

	Oct '18 - Jan 19	Budget	% of Budget
5844 Helping Hands	91.15	300.00	30.4%
5848 DCFOF	0.00	500.00	0.0%
Total Services	452,181.78	908,592.00	49.8%
Special Events			
6004 Fourth of July Celebration	0.00	5,000.00	0.0%
6008 Tree Lighting	5,219.38	5,000.00	104.4%
Total Special Events	5,219.38	10,000.00	52.2%
Utilities & Maintenance			
5902 Bldg Maintenance/Supplies	25,283.12	85,000.00	29.7%
5904 Electric	8,645.84	30,000.00	28.8%
5906 Gas	863.35	2,000.00	43.2%
5908 Street Lighting	11,439.93	30,000.00	38.1%
5910 Telephone	16,548.27	22,800.00	72.6%
5912 Water	4,655.29	15,000.00	31.0%
Total Utilities & Maintenance	67,435.80	184,800.00	36.5%
Total Expense	2,380,829.81	5,577,626.00	42.7%
Net Ordinary Income	421,764.77	0.00	100.0%
Net Income	421,764.77	0.00	100.0%

8:54 AM
02/20/19
Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
January 2019

Type	Date	Num	Name	Amount
Ordinary Income/Expense				
Expense				
Capital Outlay				
5010 Street Maintenance				
Check	01/03/2019	3715	Storm Water Systems, Inc.	1,145.91
Total 5010 Street Maintenance				1,145.91
5012 Streets & Road Improvement				
Bill	01/08/2019	Invoi...	Halff Associates, Inc.	2,389.00
Total 5012 Streets & Road Improvement				2,389.00
5024 Public Safety Improvements				
Check	01/28/2019	3734	L.C.M.U.A.	15,882.26
Total 5024 Public Safety Improvements				15,882.26
5028 Turbeville/Point Vista				
Deposit	01/09/2019		Deposit	-142,554.21
Check	01/07/2019	3714	GRod Construction, LLC.	21,223.00
Check	01/14/2019	3719	Hard Sun V	23,626.00
Check	01/07/2019	3714	GRod Construction, LLC.	29,321.75
Total 5028 Turbeville/Point Vista				-68,383.46
Total Capital Outlay				-48,966.29
Debt Service				
5110 2015 Refunding Bond Series				
Check	01/17/2019	Wire	US Bank	59,650.00
Total 5110 2015 Refunding Bond Series				59,650.00
5112 2015 C.O. Series				
Check	01/17/2019	Wire	U.S. Bank	61,900.00
Total 5112 2015 C.O. Series				61,900.00
Total Debt Service				121,550.00
General Government				
5212 EDC Tax Payment				
Check	01/31/2019	3735	Hard Sun V	12,672.56
Check	01/15/2019	3722	Hickory Creek Economic Development	30,598.11
Total 5212 EDC Tax Payment				43,270.67
Total General Government				43,270.67
Municipal Court				
5324 State Court Costs				
Check	01/22/2019	Debit	State Comptroller	50,252.07
Total 5324 State Court Costs				50,252.07
5332 Warrants Collected				
Bill	01/08/2019	Rep...	OmniBase Services Texas, LP	1,116.00

8:54 AM
02/20/19
Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
January 2019

Type	Date	Num	Name	Amount
Bill	01/10/2019	Invoi...	McCreary, Veselka, Bragg and Allen, P.C.	1,636.05
Bill	01/14/2019	Invoi...	McCreary, Veselka, Bragg and Allen, P.C.	2,704.74
Total 5332 Warrants Collected				5,456.79
Total Municipal Court				55,708.86
Parks Corps of Engineer				
5438 Sycamore Bend				
Bill	01/23/2019	Invoi...	Halff Associates, Inc.	1,326.09
Bill	01/23/2019	Invoi...	Benavides Welding Works LLC	1,500.00
Total 5438 Sycamore Bend				2,826.09
Total Parks Corps of Engineer				2,826.09
Police Department				
5602 Auto Gas & Oil				
Check	01/22/2019	Debit	WEX Bank	1,497.07
Total 5602 Auto Gas & Oil				1,497.07
5606 Auto Maintenance & Repair				
Bill	01/03/2019	Invoi...	Jack's Paint & Body, Inc.	6,527.90
Total 5606 Auto Maintenance & Repair				6,527.90
5612 Computer Hardware/Software				
Bill	01/28/2019	Invoi...	Tyler Technologies	2,062.84
Total 5612 Computer Hardware/Software				2,062.84
Total Police Department				10,087.81
Public Works Department				
5710 Auto Gas & Oil				
Check	01/22/2019	Debit	WEX Bank	1,078.86
Total 5710 Auto Gas & Oil				1,078.86
5714 Auto Maintenance/Repair				
Bill	01/22/2019	Invoi...	Altec Industries, Inc.	5,120.54
Total 5714 Auto Maintenance/Repair				5,120.54
5716 Beautification				
Check	01/22/2019	3730	Boulder Designs of DFW	3,950.00
Total 5716 Beautification				3,950.00
5748 Landscaping Services				
Check	01/03/2019	3711	Three Kings Grounds Keeping	6,041.68
Total 5748 Landscaping Services				6,041.68
Total Public Works Department				16,191.08
Services				
5814 Engineering				

8:54 AM

02/20/19

Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
 January 2019

Type	Date	Num	Name	Amount
Bill	01/23/2019	Invoi...	Halff Associates, Inc.	1,705.50
Bill	01/23/2019	Invoi...	Halff Associates, Inc.	3,932.26
Total 5814 Engineering				5,637.76
5818 Inspections				
Bill	01/04/2019	Invoi...	Vaughn Inspections Plus, LLC	3,049.00
Total 5818 Inspections				3,049.00
5820 Fire Service				
Check	01/03/2019	3712	City of Corinth	153,408.25
Total 5820 Fire Service				153,408.25
Total Services				162,095.01
Utilities & Maintenance				
5904 Electric				
Check	01/21/2019	Debit	Hudson Energy Services, LLC	2,319.31
Total 5904 Electric				2,319.31
5908 Street Lighting				
Check	01/21/2019	Debit	Hudson Energy Services, LLC	2,469.56
Total 5908 Street Lighting				2,469.56
5910 Telephone				
Bill	01/28/2019	Acc...	CenturyLink	1,408.37
Bill	01/03/2019	Acc...	CenturyLink	1,408.70
Check	01/23/2019	Debit	CHECKCARD 0123 Microsoft *Offic	8,053.80
Total 5910 Telephone				10,870.87
Total Utilities & Maintenance				15,659.74
Total Expense				378,422.97
Net Ordinary Income				-378,422.97
Net Income				-378,422.97



TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276007

ACCOUNT NAME: ANIMAL SHELTER FACILITY

STATEMENT PERIOD: 01/01/2019 - 01/31/2019

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 2.5949%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 36 DAYS AND THE NET ASSET VALUE FOR 1/31/19 WAS 1.000042.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			9,284.27
01/31/2019	MONTHLY POSTING	9999888	20.44	9,304.71
	ENDING BALANCE			9,304.71

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	9,284.27
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	20.44
ENDING BALANCE	9,304.71
AVERAGE BALANCE	9,284.27

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
ANIMAL SHELTER FACILITY	0.00	0.00	20.44





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276009

ACCOUNT NAME: HARBOR LANE - SYCAMORE BEND

STATEMENT PERIOD: 01/01/2019 - 01/31/2019

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 2.5949%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 36 DAYS AND THE NET ASSET VALUE FOR 1/31/19 WAS 1.000042.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			3,237.18
01/31/2019	MONTHLY POSTING	9999888	7.12	3,244.30
	ENDING BALANCE			3,244.30

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	3,237.18
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	7.12
ENDING BALANCE	3,244.30
AVERAGE BALANCE	3,237.18

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
HARBOR LANE - SYCAMORE BEND	0.00	0.00	7.12





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276001

ACCOUNT NAME: INVESTMENT FUND

STATEMENT PERIOD: 01/01/2019 - 01/31/2019

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 2.5949%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 36 DAYS AND THE NET ASSET VALUE FOR 1/31/19 WAS 1.000042.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			3,961,208.03
01/17/2019	WIRE WITHDRAWAL	6101109	59,650.00 -	3,901,558.03
01/17/2019	WIRE WITHDRAWAL	6101111	61,900.00 -	3,839,658.03
01/18/2019	ACH DEPOSIT	6101108	600,000.00	4,439,658.03
01/18/2019	ACH WITHDRAWAL	6101152	50,000.00 -	4,389,658.03
01/24/2019	ACH WITHDRAWAL	6101297	50,000.00 -	4,339,658.03
01/31/2019	MONTHLY POSTING	9999888	9,120.34	4,348,778.37
	ENDING BALANCE			4,348,778.37

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	3,961,208.03
TOTAL DEPOSITS	600,000.00
TOTAL WITHDRAWALS	221,550.00
TOTAL INTEREST	9,120.34
ENDING BALANCE	4,348,778.37
AVERAGE BALANCE	4,137,877.38

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
INVESTMENT FUND	600,000.00	221,550.00	9,120.34





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276005

ACCOUNT NAME: RESIDENTIAL STREET & RD IMPROV

STATEMENT PERIOD: 01/01/2019 - 01/31/2019

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 2.5949%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 36 DAYS AND THE NET ASSET VALUE FOR 1/31/19 WAS 1.000042.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			553,614.27
01/31/2019	MONTHLY POSTING	9999888	1,220.02	554,834.29
	ENDING BALANCE			554,834.29

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	553,614.27
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	1,220.02
ENDING BALANCE	554,834.29
AVERAGE BALANCE	553,614.27

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
RESIDENTIAL STREET & RD IMPROV	0.00	0.00	1,220.02





TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276002

ACCOUNT NAME: TURBEVILLE RD IMPROVEMENT FUND

STATEMENT PERIOD: 01/01/2019 - 01/31/2019

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 2.5949%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 36 DAYS AND THE NET ASSET VALUE FOR 1/31/19 WAS 1.000042.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			208,269.80
01/31/2019	MONTHLY POSTING	9999888	458.95	208,728.75
	ENDING BALANCE			208,728.75

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	208,269.80
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	458.95
ENDING BALANCE	208,728.75
AVERAGE BALANCE	208,269.80

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
TURBEVILLE RD IMPROVEMENT FUND	0.00	0.00	458.95



Backup material for agenda item:

Consider and act on an ordinance of the Town Council of Hickory Creek declaring unopposed candidates in the May 4, 2019 general town election.

**TOWN OF HICKORY CREEK
ORDINANCE NO. 2019-02-807**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK DECLARING UNOPPOSED CANDIDATES IN THE MAY 4, 2019 GENERAL TOWN ELECTION; PROVIDING FOR DECLARATION OF OFFICE; PROVIDING FOR CANCELLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas is a Type “A” General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the general election for the Town of Hickory Creek, as set forth by the Texas Election Code, was called to be held on May 4, 2019 for the purpose of electing Town Council members to fill the following terms on the Town of Hickory Creek Town Council: Place 1, Place 3 and Place 5; each term being for a period of two years.; and

WHEREAS, the Town Secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Chapter 2, Subchapter C of the Texas Election Code, authorizes the Town Council to declare the candidates elected to office and cancel the election.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, THAT:

**SECTION 1
DECLARATION OF OFFICE**

The following candidates, who are unopposed in the May 4, 2019 general town election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Tracee Elrod	Council Place 1
Chris Gordon	Council Place 3
Ian Theodore	Council Place 5

**SECTION 2
CANCELLATION**

The May 4, 2019 General Town Election is canceled, and the Town Secretary is directed to cause a copy of this Ordinance to be posted on Election Day at each polling place that would have been used in the election.

SECTION 3
SEVERABILITY

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

SECTION 4
NECESSARY ACTIONS

The Mayor, Town Secretary and Town Attorney are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code in carrying out the cancellation of the May 4, 2019 election.

SECTION 5
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

APPROVED:

Lynn C. Clark., Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Backup material for agenda item:

Consider and act on a resolution of the town council of the Town of Hickory Creek, Texas, in support of the legislative priorities of the Board of Trustees of the Lake Dallas Independent School District.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2019-0226-1**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
HICKORY CREEK, TEXAS, IN SUPPORT OF THE LEGISLATIVE
PRIORITIES OF THE BOARD OF TRUSTEES OF THE LAKE
DALLAS INDEPENDENT SCHOOL DISTRICT; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the vast majority of school-age children who reside within the Town of Hickory Creek attend schools in the Lake Dallas Independent School District (“the District”); and

WHEREAS, the Town Council of the Town of Hickory Creek places great emphasis on the quality of education and recognizes that the future prosperity of not only Hickory Creek, but the entire state, relies on an education system that prepares students for college and all types of careers; and

WHEREAS, the Town Council of the Town of Hickory Creek supports the District’s goal of striving for excellence in student achievement; and

WHEREAS, the Town Council of the Town of Hickory Creek recognizes that the ability of the District to continue to achieve said excellence is related to the actions of the 86th Regular Session of the Texas Legislature; and

WHEREAS, the District’s Board of Trustees has endorsed several key priorities by the Texas Association of School Boards and the Texas Association of School Administrators; and

WHEREAS, the Town Council of the Town of Hickory Creek finds it to be in the public interest to support the legislative priorities adopted by the District established for the 86th Regular Session of the Texas Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas, that:

SECTION 1. The Town Council of the Town of Hickory Creek, Texas, supports and endorses the following legislative priorities of the Lake Dallas Independent School District for the 86th Regular Session of the Texas Legislature:

- A. Support legislation that creates an adequate and equitable school funding system that reduces the state’s over-reliance on recapture and property value increases. Advocate for local discretion on spending to ensure that the needs of students, staff, and communities are met.
- B. Support legislation that provides funding for school safety initiatives. Advocate for flexibility in how districts utilize these funds to meet the needs of local schools and communities.
- C. Support full funding for the expansion of high-quality Pre-K programs state-wide.

- D. Support legislation that establishes a comprehensive accountability system that looks beyond high-stakes, multiple-choice exams to meaningful assessments that have value for students, parents, and teachers, as well as measures, which each community deems important in promoting college and career readiness.
- E. Support legislation increasing state funding to assist with increased healthcare costs associated with TRS-ActiveCare and TRS-Care.
- F. Support legislation that guarantees all mid-size school districts have the opportunity to benefit from the mid-size school formula and ensures any legislative changes in student and district programs will enhance funding opportunities for all mid-size schools.

SECTION 2. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Backup material for agenda item:

Consider and act on a resolution authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an interlocal cooperative purchasing program agreement by and between the Town of Hickory Creek and the City of Corinth.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2019-0226-2**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE TOWN ADMINISTRATOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING PROGRAM AGREEMENT BY AND BETWEEN THE TOWN OF HICKORY CREEK AND THE CITY OF CORINTH, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas;

WHEREAS, the Town Council has been presented with a proposed cooperative purchasing program agreement (hereinafter the “Agreement”), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Town Administrator shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Town Administrator of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

**COOPERATIVE PURCHASING PROGRAM AGREEMENT BY AND
BETWEEN THE TOWN OF HICKORY CREEK AND THE CITY OF
CORINTH, TEXAS**

This Interlocal Agreement ("the Agreement") is made and entered into by and between the TOWN OF HICKORY CREEK, (hereinafter referred to as "HICKORY CREEK") and the CITY OF CORINTH (hereinafter referred to as "CORINTH") municipal corporations, each organized and existing under the laws of the State of Texas, and acting by, through and under the authority of their respective governing bodies and officials.

WHEREAS, this Agreement is authorized by Subchapter F, Chapter 271 of the Texas Local Government Code; and

WHEREAS, Section 271.102 of the Texas Local Government Code, authorizes local governments to participate in cooperative purchasing programs with other local governments, to purchase goods or services off contracts existing between another local government and a vendor, and such process satisfies the state law competitive bid requirements; and

WHEREAS, HICKORY CREEK and CORINTH wish to enter into this Agreement to set forth the terms and conditions upon which they may purchase various goods and services commonly utilized by each entity, and may purchase goods and services from vendors under present and future contracts; and

WHEREAS, participation in this Agreement will be highly beneficial to the taxpayers of HICKORY CREEK and CORINTH through the anticipated savings to be realized and is of mutual concern to the parties; and

WHEREAS, HICKORY CREEK and the CORINTH have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW THEREFORE, HICKORY CREEK and CORINTH, for and in consideration of the premises and the mutual covenants set forth in this Agreement, and pursuant to the authority granted by the governing bodies of each of the parties hereto, do hereby agree as follows:

1. This Agreement shall be effective upon execution by both parties. This agreement shall be in full force and effect until terminated by either party upon thirty (30) days written notice to the other party.

2. HICKORY CREEK agrees to participate in the CORINTH cooperative purchasing program, and agrees that it may buy goods and services from those vendors that CORINTH solicits for competitive bids. HICKORY CREEK also agrees to prepare, execute, and administer its own contract for the goods or services in question with the vendor at the prices bid and accepted by CORINTH, and CORINTH shall not be a party to the agreement between the vendor and HICKORY CREEK. CORINTH shall have no obligations for payment to vendor for any services or goods incurred by any other party than CORINTH. Any payments owed the vendor for services or goods shall be paid directly by HICKORY CREEK. HICKORY CREEK will be responsible for the vendor's compliance with provisions relating to the quality of items and terms of delivery, warranty enforcement, and any other terms or conditions of its agreement with the vendor.

3. CORINTH agrees to participate in the HICKORY CREEK cooperative purchasing program, and agrees that it may buy goods and services from those vendors that HICKORY CREEK solicits for competitive bids. CORINTH also agrees to prepare, execute, and administer its own contract for the goods or services in question with the vendor at the prices bid and accepted by HICKORY CREEK, and HICKORY CREEK shall not be a party to the agreement between the vendor and CORINTH. HICKORY CREEK shall have no obligations for payment to vendor for any services or goods incurred by any other party than HICKORY CREEK. Any payments owed the vendor for services or goods shall be paid directly by CORINTH. CORINTH will be responsible for the vendor's compliance with provisions relating to the quality of items and terms of delivery, warranty enforcement, and any other terms or conditions of its agreement with the vendor.

4. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties;

5. This Agreement may be executed separately by the parties, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. Notice as required by this Agreement shall be in writing delivered to the parties by certified mail at the address listed below. Each party shall notify the other in writing within ten (10) days of any change in the information listed in this paragraph.

HICKORY CREEK

Town Administrator
1075 Ronald Reagan Ave.
Hickory Creek, TX 75065
Telephone: (940) 497-2528

CORINTH

City Manager
3300 Corinth Parkway
Corinth, TX 76208
Telephone: (940) 498-3243

7. The parties agree that the rights and duties contained in this Agreement will not be assigned or sublet without the prior written consent of both parties.

8. This Agreement shall be governed by the laws of the State of Texas and any action relating to this Agreement shall be filed in district court in Denton County, Texas Exclusive venue.

9. Each party does hereby agree to waive all claims against, release, and hold harmless the other party and its respective officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorney fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use to any property arising out of or in connection with this Agreement.

HICKORY CREEK AND CORINTH agree and acknowledge that this Agreement does not create a joint venture, partnership, or joint enterprise, and that each party is not an agent of the other entity and that each party is responsible in accordance with the laws of the State of Texas for its own negligent or wrongful acts or omissions and for those of its officers, agents, or employees in conjunction with the performance of services covered under this Agreement, without waiving

any governmental immunity available to HICKORY CREEK or CORINTH under Texas law and without waiving any defenses of HICKORY CREEK or CORINTH under Texas law. The provisions of this section are solely for the benefit of HICKORY CREEK and CORINTH and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

10. This Agreement (with all referenced Exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement of both parties, superseding all oral or written previous and contemporary agreements between the parties relating to matters set forth in this Agreement. This Agreement cannot be modified without written supplemental agreement executed by both parties.

IN WINESS WHEREOF, this Agreement is executed this _____ day of _____, 2019, in duplicate originals.

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

BY:

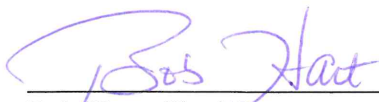
Town Administrator

Date

Town Secretary

Date

CITY OF CORINTH, TEXAS

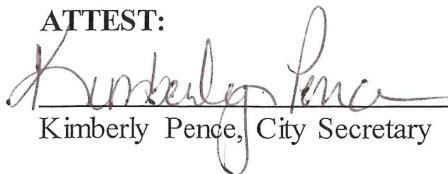


Bob Hart, City Manager

1.28.2019

Date

ATTEST:



Kimberly Pence, City Secretary

1-28-19

Date

APPROVED AS TO FORM:

City Attorney

Date

Backup material for agenda item:

Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement for landscaping services by and between the Town of Hickory Creek and D&D Commercial Landscape Management.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2019-0226-3**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE AN AGREEMENT FOR LANDSCAPING SERVICES BY AND BETWEEN THE TOWN OF HICKORY CREEK AND D&D COMMERCIAL LANDSCAPE MANAGMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas;

WHEREAS, the Town Council has been presented with a proposed Agreement for landscaping services (hereinafter the “Agreement”), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Backup material for agenda item:

Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 3: Building Regulations, Article 3.07 Floods and Drainage, Division 3: Stormwater, Section 3.07.085, Stormwater discharges from construction activities, Subsection (b) to add a new subsection (b) (19) regarding post construction stormwater regulations.

**TOWN OF HICKORY CREEK
ORDINANCE NO. 2019-02-807**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 3: BUILDING REGULATIONS, ARTICLE 3.07 FLOODS AND DRAINAGE, DIVISION 3: STORMWATER, SECTION 3.07.085, STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, SUBSECTION (b) TO ADD A NEW SUBSECTION (b)(19) REGARDING POST CONSTRUCTION STORMWATER REGULATIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council desires to implement certain rules regarding post construction stormwater runoff; and

WHEREAS, the Town Council has determined that public safety will be enhanced by adoption of these rules.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, 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
FINDINGS**

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

**SECTION 3
AMENDMENT**

3.01 That the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3: Building Regulations, Article 3.07 Floods and Drainage, Division 3: Stormwater Section 3.07.085 Stormwater discharges from construction activities, subsection (b) to add a new subsection (b) (19) which shall read as follows:

“(b) (19) The operator shall submit a post construction stormwater management plan that incorporates the BMP to minimize water quality impacts prior to issuance of any permits.”

3.02 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4 **CUMULATIVE REPEALER CLAUSE**

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 other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 **SAVINGS CLAUSE**

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any all violations of the provisions the Town’s Code of Ordinances or of any other ordinance affecting stormwater regulations, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6 **SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority’s decision or enactment.

SECTION 7 **PENALTY**

7.01 It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, an amount not to exceed two thousand dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

7.02 If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
ENGROSSMENT AND ENROLLMENT

The Town Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the Town Council and by filing this Ordinance in the Ordinance records of the Town.

SECTION 9
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Backup material for agenda item:

Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3, Building Regulations, by adopting (A) the 2018 International Building Code as published by the International Code Council with local amendments; (B) the 2018 International Residential Code as published by the International Code Council with local amendments; (C) the 2018 International Plumbing Code as published by the International Code Council with local amendments; (D) the 2018 International Mechanical Code as published by the International Code Council with local amendments; (E) the 2018 International Fire Code as published by the National Fire Protection Association with local amendments as amended by the Lake Cities Fire Department; (F) the 2017 National Electrical Code as published by the National Fire Protection Association with local amendments; (G) the 2018 International Energy Conservation Code as published by the International Code Council with local amendments; (H) the 2018 International Fuel Gas Code as published by the International Code Council with local amendments; (I) the 2018 Property Maintenance Code as published by the International Code Council with local amendments; (J) the 2018 International Existing Building Code as published by the International Code Council with local amendments and, (K) the 2019 International Swimming Pool and Spa Code as published by the International Code Council with local amendments.

**TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2019-02-809**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HICKORY CREEK, TEXAS, CHAPTER 3, BUILDING REGULATIONS, BY ADOPTING (A) THE 2018 INTERNATIONAL BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (B) THE 2018 INTERNATIONAL RESIDENTIAL CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (C) THE 2018 INTERNATIONAL PLUMBING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (D) THE 2018 INTERNATIONAL MECHANICAL CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (E) THE 2018 INTERNATIONAL FIRE CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION WITH LOCAL AMENDMENTS, AS AMENDED BY THE LAKE CITIES FIRE DEPARTMENT; (F) THE 2017 NATIONAL ELECTRICAL CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION WITH LOCAL AMENDMENTS; (G) THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (H) THE 2018 INTERNATIONAL FUEL GAS CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (I) THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; (J) THE 2018 INTERNATIONAL EXISTING BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; AND, (K) THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH LOCAL AMENDMENTS; PROVIDING THE TOWN BUILDING OFFICIAL THE AUTHORITY AND POWER TO ENFORCE PROVISIONS OF CODES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Hickory Creek, Texas is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Texas Local Government Code, Chapter 214, was amended by Senate Bill No. 365, an act of the 77th Texas Legislature, by adding Subchapter G, which provided for the adoption of the International Residential Code as a municipal residential building code in the State of Texas; and

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has adopted the International Residential Code, 2018 Edition, with specific amendments; and

WHEREAS, the Texas Local Government Code, Chapter 214, authorizes a municipality to adopt procedures for the administration and enforcement of the International Residential Code; and

WHEREAS, the Texas Association of Builders (TAB), Texas Municipal League (TML), Texas Society of Architects, Texas Apartment Association, and the National Home Builders Association, as well as members of the Insurance Industry, are all in full support of the International Residential Code; and

WHEREAS, the NCTCOG along with the International Conference of Building Officials, Southern Building Code Congress International, Inc., and Building Officials and Code Administrators International, Inc., has recommended that all municipalities in the State of Texas adopt standardize model construction codes in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs; and

WHEREAS, the Town of Hickory Creek Building Official has reviewed the International Building Code, 2018 Edition; the International Residential Code, 2018 Edition; the International Plumbing Code, 2018 Edition; the International Mechanical Code, 2018 Edition; the International Fire Code, 2018 Edition; the National Electrical Code, 2017 Edition; the International Energy Conservation Code, 2018 Edition; the International Fuel Gas Code, 2018 Edition; the International Property Maintenance Code, 2018 Edition, the International Swimming Pool and Spa Code, 2018 Edition and all local amendments thereto, and finds that it is in the best interest of the Town of Hickory Creek to adopt said Codes and amendments; and

WHEREAS, the Town Council does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals and general welfare of the Town to adopt the construction and related codes as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

SECTION 1

INCORPORATION OF PREMISES

That all of the above premises are true and correct and are hereby incorporated in the body of this Ordinance as if fully set forth herein.

SECTION 2

FINDINGS

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Hickory Creek, Texas, and of the public health, safety and welfare.

SECTION 3

AMENDMENTS

3.01 That the Code of Ordinances, Town of Hickory Creek, Texas, Chapter 3: Building Regulations,

Article 3.02: Technical and Construction Standards, Section 3.02.002 is hereby amended to read as follows: “The Town Building Official shall have the authority and power to enforce all provisions of the International and National Codes as adopted in 3.02.002.”

- 3.02 That the Code of Ordinances, Town of Hickory Creek, Texas, Chapter 3: Building Regulations, Article 3.02: Technical and Construction Standards, Section 3.02.002 Codes adopted is hereby adopted to read as follows:

“Sec. 3.02.002 Codes Adopted

The town council does hereby adopt all provisions of the:

- (1) International Building Code, 2018 edition;
- (2) International Residential Code, 2018 edition;
- (3) International Plumbing Code, 2018 edition;
- (4) International Mechanical Code; 2018 edition;
- (5) International Fire Code; 2018 edition;
- (6) National Electrical Code, 2017 edition;
- (7) International Energy Conservation Code, 2018 edition;
- (8) International Fuel Gas Code, 2018 edition;
- (9) International Property Maintenance Code, 2018 edition;
- (10) International Existing Building Code, 2018 edition; and
- (11) International Swimming Pool and Spa Code, 2018 edition;

With the local amendments to the codes as provided in exhibits (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K), attached to Ordinance 2019-____-_____ and incorporated herein by reference.”

- 3.03 All other articles, chapters, sections, subsections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4 **CUMULATIVE REPEALER CLAUSE**

That 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; provided however, that the previous sections adopting the 2009 uniform codes and local amendments are hereby repealed and replaced with those aforementioned sections which adopt the 2017 and 2018 uniform codes and local amendments. 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 the 2009 uniform codes of the Code of Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Article and for that purpose shall remain in full force and effect.

SECTION 5 **SEVERABILITY CLAUSE**

If any section, article, paragraph, sentence, clause, phrase or work in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the

Ordinance, and the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6
SAVINGS CLAUSE

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinances of the Town affecting building, mechanical, plumbing, electrical and housing codes, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7
PENALTY CLAUSE

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to publish, the Caption, Penalty Clause and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9
ENGROSSMENT AND ENROLLMENT CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 10
EFFECTIVE DATE CLAUSE

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from the date of passage and publication in the official newspaper.

IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this the 26th day February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance, Vanzant, Town Attorney
Town of Hickory Creek, Texas

RECOMMENDED REGIONAL AMENDMENTS

TABLE OF CONTENTS

Exhibit A	International Building Code
Exhibit B	International Residential Code
Exhibit C	International Plumbing Code
Exhibit D	International Mechanical Code
Exhibit E	International Fire Code
Exhibit F	National Electrical Code 2017 Edition
Exhibit G	International Energy Conservation Code
Exhibit H	International Fuel Gas Code
Exhibit I	International Property Maintenance Code
Exhibit J	International Existing Building Code
Exhibit K	International Swimming Pool and Spa Code

EXHIBIT A

Recommended Amendments to the 2018 International Building Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 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 2015 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2018 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~~ HICKORY CREEK BUILDING DEPARTMENT

103.1 Creation of enforcement agency. ~~The Department of Building Safety~~ Hickory Creek Building 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.)*

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

****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.)

****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. (Remainder Unchanged)~~
- ~~4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, ii, or IIIA liquids.~~
- ~~5. 2. (Remainder Unchanged)~~
- ~~6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.~~
- ~~7. 3. (Remainder Unchanged)~~
- ~~8. 4. (Remainder Unchanged)~~
- ~~9. 5. (Remainder Unchanged)~~
- ~~10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~
- ~~11. 6. (Remainder Unchanged)~~
- ~~12. 7. (Remainder Unchanged)~~
- ~~13. 8. (Remainder 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.

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 not typically 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 ~~or staff has accepted responsibility for care recipients already incapable.~~ 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.)

*****Section 202; ~~add~~ amend 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 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 Chapters 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.)

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.)

****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 changed 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 406.3.3.1 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.)

*****Table 506.2; delete sentence from table**

~~I. The maximum allowable area for a single-story non-sprinklered Group U greenhouse is permitted to be 9000 square feet or the allowable area shall be permitted to comply with Table C102.1 of Appendix C.~~

(Reason: To eliminate the need for Appendix C adoption and remain consistent with 6000 sq. ft. sprinklering provision.)

****Section 506.3.1; add sentence to read as follows:**

506.3.1 Minimum percentage of perimeter. [Existing Text remains]

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 602.1.1; add sentence to read as follows:**

602.1.1 Minimum Requirements. [Existing Text to remain]

Where a building contains more than one distinct type of construction, the building shall comply with the most restrictive area, height, and stories, for the lesser type of construction or be separated by fire walls.

(Reason: To create definite language that requires separation between dissimilar building types.)

*****Section 708.4.2; change sentence to read as follows:**

708.4.2 Fireblocks and draftstops in combustible construction. [Body of text unchanged]

Exceptions:

1. Buildings equipped with an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, or in accordance with Section 903.3.1.2 provided that sprinkler protection is provided in the space between the top of the fire partition and the underside of the floor or roof sheathing, deck or slab above as required for systems complying with Section 903.3.1.1. Portions of buildings containing concealed spaces filled with noncombustible insulation as permitted for sprinkler omission shall not apply to this exception for draftstopping. [Remainder unchanged]

Reason: (The most common exception used to eliminate the need for sprinklers in concealed spaces of combustible construction is to fill the space with noncombustible insulation. This exception was changed in 2010 to permit a 2-inch air gap at the top of the filled space. A space compliant with the permitted omission above would allow hot gas and smoke to spread unimpeded throughout a building not provided with draftstopping. For this reason, omission of sprinklers permitted in accordance with NFPA 13 referenced standard should not be permitted with IBC exception requiring draftstopping in combustible construction.)

*****Section 718.3; change sentence to read as follows:**

718.3 Draftstopping in floors. [Body of text unchanged]

Exceptions: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. and provided that in combustible construction, sprinkler protection is provided in the floor space.

(Reason: To remain consistent with changes in 708.4.2 code.)

*****Section 718.4; change sentence to read as follows:**

718.4 Draftstopping in attics. [Body of text unchanged]

Exceptions: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and provided that in combustible construction, sprinkler protection is provided in the attic space.

(Reason: To remain consistent with changes in 708.4.2 code.)

****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 or inspected by approved camera when foreign material is present or when caps are missing, 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:**

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 and delete the exception:**

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 3005.5 for the purpose of elevator passenger and firefighter safety. This amendment is contingent on the Building Code amendment eliminating the Exceptions to Section 3005.4, such that passive fire barriers for these areas are maintained. 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.)

****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 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 (16 764 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 sq. ft. An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

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

(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:**

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 fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. ~~In 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 clarification. 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; delete sections and replace as follows:**

[F] Section 903.3.1.2.3 Attached Garages and Attics. Sprinkler protection is required in attached garages, and in the following attic spaces:

1. [Remainder Unchanged]
2. [Remainder Unchanged]
3. Attic spaces of buildings that are two or more stories in height above grade plane or above the lowest level of fire department vehicle access.
4. Group R-4, Condition 2 occupancy attics not required by Item 1 or 3 to have sprinklers shall comply with one of the following:
[Remainder Unchanged]

(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:

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.)

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

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

(Reason: To define uniform safety factor for the region.)

****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.)

*****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:

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the fire code official.
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. Manual dry option added this edition.)

****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 the main floor 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.)

****Section 907.1; add Section 907.1.4 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 where the Group A occupant load is 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:

- {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 907.2.12, 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.)

****Section 907.6.6; add sentence at end of paragraph to read as follows:**

See 907.6.3 for the required information transmitted to the supervising station.

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

(Reason: Deleted Previous code amendment Section 909.22, For removal because it is already in the code in Sections 909.20.5, 909.20.6, 909.20.6.1, 909.20.6.2, and 909.20.6.3.)

****Section 910.2; change Exception 2 and 3 to read as follows:**

2. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m^2S)^{1/2}$ 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:**

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.

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.

(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 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 Section 913.2.1.1 and exception to read as follows:**

913.2.1.1 Fire Pump Room Access. 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 IFC 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 IFC 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 1006.2.2.7; add Section 1006.2.2.7 as follows:**

1006.2.2.7 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 1009.8; add the following Exception 7:**

1009.8 Two Way Communication. A two-way communication system complying with Sections 1009.8.1 and 1009.8.2 shall be provided at the landing serving each elevator required to be accessible on each accessible floor that is one or more stories above or below the level of exit discharge.

Exceptions:

7. Buildings regulated under State Law and built in accordance with State registered plans, including variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009 and chapter 11.

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

****Section 1010.1.9.5 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 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 must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

(Reason: Regionally accepted alternate method.)

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

(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 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.)

****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 g to read as follows:**

g. 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.)

****Add new Section 2902.1.4 to read as follows:**

2902.1.4 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.

2902.1.4.1 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.

2902.1.4.2 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 3001.2 Emergency Elevator Communication Systems for the deaf, hard of hearing and speech impaired; delete this section.**

(Reason: Per Elevator manufacturers input, they were not consulted prior to code approval and technology of elevator provisions as submitted are not currently available to provide this feature.)

*****Section 3002.1 Hoistway Enclosure Protection required. Add exceptions to Section 3002.1 as follows:**

Exceptions:

4. Elevators completely located within atriums shall not require hoistway enclosure protection.
5. Elevators in open or enclosed parking garages that serve only the parking garage, 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. Amendment needed since specific Code language does not currently exist.)

****Section 3005.4 Machine rooms, control rooms, machinery spaces and control spaces; delete text as follows:**

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

Revise text to read:

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

(Remainder unchanged)

(Reason: This amendment eliminates code language 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 3005.4 Machine rooms, control rooms, machinery spaces and control spaces; Delete exceptions and add two new exceptions to Section 3005.4 as follows:**

Exceptions:

1. Elevator machine rooms, control rooms, machinery spaces and control spaces completely located within atriums shall not require enclosure protection.
2. Elevator machine rooms, control rooms, machinery spaces and control spaces in open or enclosed parking garages that serve only the parking garage, shall not require enclosure protection.

(Reason: This amendment eliminates the Exceptions to Section 3005.4 such that passive enclosures for these areas are to be provided and maintained. The fire rating of these enclosures is permitted to be omitted by the above added exceptions where allowed by other provisions of the code such as in atriums and parking structures. See companion change to eliminate fire sprinklers to eliminate the need for shunt trip system.)

****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 hoistways.

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 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: 2018 IBC text does not address hoistways that are greater than 75'-0" 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 sky lobbies".)

End

EXHIBIT B

Recommended Amendments to the 2018 International Residential Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 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 2015 edition of the code and a triple asterisk identifies a new or revised amendment with the 2018 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 IRC Chapter 11 is deleted in its entirety.

Reference the 2018 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.)

**** Section R103 and R103.1 amend to insert the Department Name**

~~DEPARTMENT OF BUILDING SAFETY~~ HICKORY CREEK BUILDING EPARTMENT

R103.1 Creation of enforcement agency. The ~~Department of Building Safety~~ Hickory Creek Building 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 R104.10.1 Flood Hazard areas; delete this section.**

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

Section R105.2 Work exempt from permit

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

- ~~1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).~~
- ~~2. Fences not over 7 feet (2134 mm) high.~~
- ~~3. Retaining walls that are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.~~
- ~~4. 1. {existing text unchanged}~~
- ~~5. Sidewalks and driveways.~~
- ~~6. 2. {existing text unchanged}~~
- ~~7. 3. {existing text unchanged}~~
- ~~8. 4. {existing text unchanged}~~

~~9. 5. {existing text unchanged}~~

~~10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.~~

(Town amendment)

****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.)

*****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	No	No	No	A	Moderate	6"	Very Heavy	22 ⁰ F	No	Local Code	150	64.9 ⁰ F
	(3 sec- gust)/ 76 fastest mile												

Delete remainder of table Manual J Design Criteria and footnote N

(Reason: To promote regional uniformity. Manual J is utilized by third party and not part of performed plan reviews. This is reference table only, not needed.)

****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 or automatic-closing device.~~

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

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

Exception: {existing text unchanged} Spaces containing only a water closet 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 R313.2 One and Two Family Dwellings; Delete this section and subsection in their entirety.**

(Reason: In 2009, the State Legislature enacted SB 1410, amending section 1301.551 subsection I of the occupation code, prohibiting cities from enacting fire sprinkler mandates one or two family dwellings only. However, jurisdictions with ordinances that required sprinklers for one or two family 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:

1. [existing text remains]
2. Installation, alteration or repairs of all electrically powered mechanical systems or plumbing appliances.

(Reason: Revised exception for clarity. 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 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 2015 IRC carried forward to 2018 IRC.)

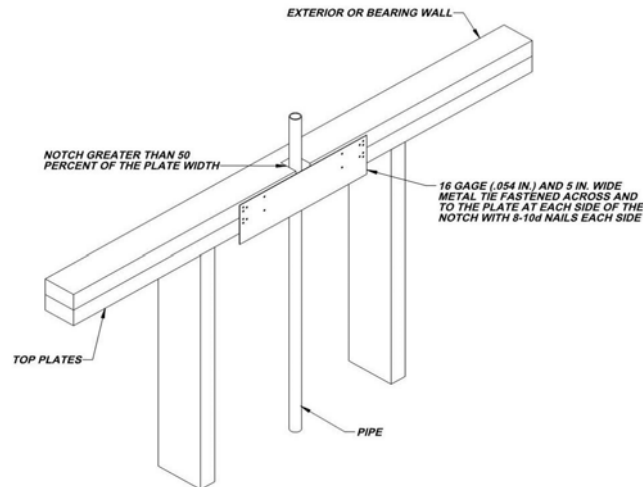
****Section R602.6.1; amend the following:**

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

~~1/2 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 1/2 inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {remainder unchanged}~~

(Amendment to 2015 IRC carried forward to 2018 IRC.)

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



(Amendment to 2015 IRC carried forward to 2018 IRC also provides additional assurance of maintaining the integrity of the framing by spreading the nailing pattern.)

*****Add section R703.8.4.1.2 Veneer Ties for Wall Studs; to read as follows:**

R703.8.4.1.2 Veneer Ties for Wall Studs. In stud framed exterior walls, all ties may 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.

(This amendment had been a carry over amendment for years to provide clear instruction for placement of brick ties. It is now retained with changes to reflect its correct placement and use for clarity when attachment to framing lumber (studs). It should remain for those purposes. It is in addition to the new Table in 2018 which provides for brick ties directly to sheathing.)

****Section R902.1; amend and add exception #5 to read as follows:**

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed ~~in designated by law as requiring their use or when the edge of the roof is less than 3 feet from a lot line.~~ {remainder unchanged}

Exceptions:

1. {text unchanged}
2. {text unchanged}
3. {text unchanged}
4. {text unchanged}

5. Non-classified roof coverings shall be permitted on one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed (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; Reference the 2018 IECC for energy code provisions and recommended amendments.**

(Reason: The recommended energy code changes from the Energy and Green Advisory Board update the amendments for Chapter 11. The 2018 International Energy Conservation Code should be referenced for residential energy provisions. This approach simply minimizes the number of amendments to the IRC.)

*****Section M1305.1.2; change to read as follows:**

M1305.1.2 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 large enough to allow removal of the largest appliance. 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.)

****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.)

*****M1503.6 Makeup Air Required; amend and add exception as follows:**

M1503.6 Makeup air required. Where one or more gas, liquid or solid fuel-burning appliance that is neither direct-vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust system capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be mechanically or passively provided with makeup air at a rate approximately equal to the difference between exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with not fewer than one damper complying with Section M1503.6.2.

Exception: Makeup air is not required for exhaust systems installed for the exclusive purpose of space cooling and intended to be operated only when windows or other air inlets are open. 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 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.)

****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 303.3, exception #5.)

****Section G2408.3 (305.5) Private Garages; delete this section in its entirety.**

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

****Section G2415.2.1 (404.2.1) CSST; 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 G2415.12 (404.12) and G2415.12.1 (404.12.1); 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.~~

G2415.12.1 (404.12.1) Individual Outdoor Appliances; Delete in its entirety

(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.)

****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 pipng, and for pipng 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) pipng 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 pipng, 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 pipng.

(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) Prohibited locations and penetrations; 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 P2603; add to read as follows:**

P2603.3 Protection against corrosion. Metallic piping, except for cast iron, ductile iron and galvanized steel, shall not be placed in direct contact with steel framing members, concrete or cinder walls and floors or other masonry. Metallic piping shall not be placed in direct contact with corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than 0.008 inch (8 mil) (0.203 mm) and the sheathing shall be made of approved material plastic. Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

(Reason: Allows for other materials to be accepted.)

*****Section P2603.5.1 Sewer Depth; change to read as follows:**

P2603.5.1 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 P2604; add to read as follows:**

P2604.2.1 Plastic sewer and DWV piping installation. Plastic sewer and DWV piping installed underground shall be installed in accordance with the manufacturer's installation instructions. Trench width shall be controlled to not exceed the outside the pipe diameter plus 16 inches or in a trench which has a controlled width equal to the nominal diameter of the piping multiplied by 1.25 plus 12 inches. The piping shall be bedded in 4 inches of granular fill and then backfilled compacting the side fill in 6-inch layers on each side of the piping. The compaction shall be to minimum of 85 percent standard proctor density and extend to a minimum of 6 inches above the top of the pipe.

(Reason: To follow manufacturer backfill requirements and to be clear to Inspectors out in the field.)

***** Section P2801; change to read as follows:**

P2801.6 Required pan.

Where a storage tank-type water heater or a hot water storage tank is installed in a location where water leakage from the tank will cause damage, the tank shall be installed in a pan constructed of one of the following:

1. Galvanized steel or aluminum of not less than 0.0236 inch (0.6010 mm) in thickness.
2. Plastic not less than 0.036 inch (0.9 mm) in thickness.
3. Other *approved materials*.

~~A plastic pan beneath a gas-fired water heater shall be constructed of material having a flame spread index of 25 or less and a smoke developed index of 450 or less when tested in accordance with ASTM E84 or UL 723.~~

(Reason: Plastic burns degrading material over time on gas fired water heaters and to maintaining protection level.)

****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 P2906.5. 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. {existing text unchanged}

(Reason: Regionally accepted practice.)

***** 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 the pan serving the water heater or storage tank, to a waste receptor~~ an approved location or to the outdoors.

[remainder unchanged]

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

****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 P3003.9; change to read as follows:**

P3003.9.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

Exception: ~~A primer is not required where both of the following conditions apply:~~

1. ~~The solvent cement used is third-party certified as conforming to ASTM D 2564~~

- ~~2. The solvent cement is used only for joining PVC drain, waste, and vent pipe and fittings in not pressure applications in sizes up to and including 4 inches (102mm) in diameter.~~

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

****Section P3111Combination waste and vent systems; delete this section in its entirety.**

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

****Section P3112.2 Vent Collection; 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.)

END

EXHIBIT C

Recommended Amendments to the 2018 International Plumbing Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 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 2015 edition of the code and a triple asterisk identifies a new or revised amendment with the 2018 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 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

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; change to read as follows:**

305.1 Protection against contact. Metallic piping, except for cast iron, ductile iron and galvanized steel, shall not be placed in direct contact with steel framing members, concrete or cinder walls and floors or other masonry. Metallic piping shall not be placed in direct contact with corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than 0.008 inch (8 mil) (0.203 mm) and the sheathing shall be made of approved material plastic. Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

(Reason: Allows for other materials to be accepted.)

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 306; change to read as follows:**

*****306.2.4 Plastic sewer and DWV piping installation.** Plastic sewer and DWV piping installed underground shall be installed in accordance with the manufacturer's installation instructions. Trench width shall be controlled to not exceed the outside the pipe diameter plus 16 inches or in a trench which has a controlled width equal to the nominal diameter of the diameter of the piping multiplied by 1.25 plus 12 inches. The piping shall be bedded in 4 inches of granular fill and then backfilled compacting the side fill in 6-inch layers on each side of the piping. The compaction shall be to minimum of 85 percent standard proctor density and extend to a minimum of 6 inches above the top of the pipe.

(Reason: To follow manufacturer backfill requirements and to be clear to Inspectors out in the field)

****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 413.4; change to read as follows:**

413.4 Required location for floor drains ~~Public laundries and central washing facilities.~~ Floor drains shall be installed in the following areas:

1. In public 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 502.3; change to read as follows:**

502.3 Water heaters installed 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 not less than 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large enough to allow removal of the water heater. 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 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 IMC and IFGC)

****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 manufacture's installation instructions and installed with those instructions.

5. Discharge ~~to the floor, to the pan serving the water heater or storage tank, to a waste receptor an~~ approved location 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.
14. Be one nominal size larger than the size of the relief valve outlet, where the relief valve discharge piping is installed with insert fittings. The outlet end of such tubing shall be fastened in place

(Reason: To provide a higher degree of safety.)

****Section 504.7.1; change to read as follows:**

Section 504.7.1 Pan size and drain to read as follows: The pan shall be not less than 1 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. 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 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.)

****Section 608.17.5; change to read as follows:**

608.17.5 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.)

****Section 608.18; change to read as follows:**

608.18 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 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 readily identify product markers to determine they meet all required standards.)

****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 713, 713.1; change to read as follows:**

SECTION 713
ENGINEERED COMPUTERIZED DRAINAGE DESIGN

713.1 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 803.3; added to read as follows:**

803.3 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:**

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 918.8; change to read as follows.**

918.8 Where permitted. Individual, branch and circuit vents shall be permitted to terminate with a connection to an individual or branch-type air admittance valve in accordance with Section 918.3.1. Stack vents and vent stacks shall be permitted to terminate to stack-type air admittance valves in accordance with Section 918.3.2. Air admittance valves shall only be installed with the prior approval of the building official.

(Reason: Mechanical Device that is subject to fail and not installed per manufacturer)

****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 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 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 Exceptions 1 and 2.**

(Reason: State law already specifies that Med Gas systems must comply with NFPA 99.)

END

EXHIBIT D

Recommended Amendments to the 2018 International Mechanical Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 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 2015 edition of the code and a triple asterisk identifies a new or revised amendment of the 2018 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 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), and large enough to allow removal of the largest appliance. 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 International Fuel and gas Code (IFGC) 306.3.)

***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 interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 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 four units vertical in 12 units horizontal (33-percent slope). ... {remainder of text unchanged}.

(Reason: To assure access to roof appliances and provide options to not extend exterior ladders to 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 three 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*...{remainder of text unchanged}.

(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.)

****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

****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 E

City of Corinth Amendments 2018 International Fire Code

The following sections, paragraphs, and sentences of the *2018 International Fire Code* (IFC) are hereby amended as follows:

Section 101.1 is amended to read as follows:

Title. These regulations shall be known as the Fire Code of the City of Corinth, herein referred to as “this code”

Section 101.1.1; add new Section 101.1.1 to read as follows:

101.1.1 Adoption of Appendices. The following Appendices contained in the International Fire Code, 2018 Edition, are adopted and made a part of this Fire Code:

Appendix B – Fire-flow Requirements for Buildings

Appendix E – Hazard Categories

Appendix D—Fire Apparatus Access Roads

Appendix F – Hazard Ranking

Appendix G – Cryogenic Fluids – Weight and Volume Equivalents

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.

Section 103 Fire Prevention Division

Section 103.1 is amended to read as follows:

General. The Fire Code shall be enforced by the Division of Fire Prevention. The Division of Fire Prevention is hereby established as a division of the Fire Department of the City of Corinth and shall be operated under the supervision of the Fire Chief.

Section 103.2 is amended to read as follows:

Appointment. The Fire Marshal (Fire Code Official) shall be appointed by the Fire Chief of the City of Corinth on the basis of proper qualifications.

Section 103.3 is amended to read as follows:

Deputies. The Fire Chief may assign such members of the Fire Department as inspectors, technical officers and other employees

Section 104.1 is amended by adding the following:

Under the Fire Chief's direction, the fire department is authorized to enforce all ordinances of the City pertaining to:

1. The prevention of fires;
2. The suppression or extinguishment of dangerous or hazardous fires;
3. The storage, use, and handling of hazardous materials;
4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment;

5. The elimination of fire hazards on land and in buildings, structures and other property, including those under construction;
6. The maintenance of means of ingress and egress;
7. The investigation of the cause, origin and circumstances of fires, unauthorized releases of hazardous materials and explosions.

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.

Section 105.7; add Section 105.7.26 to read as follows:

- 105.7.26 **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.

Section 106.2.1 is amended to add the following:

Inspection requests. If the inspection fails and a return inspection is necessary, the return inspection shall constitute a re-inspection. An additional fee may be assessed on a second re-inspection and each subsequent re-inspection in accordance with the Master fee Ordinance.

Section 109.4 is amended to read as follows:

109.4 Violation Penalties. Any person who:

1. violates or fails to comply with any of the provisions of this code or the standards adopted hereunder; or
2. fails to comply within the time fixed herein with any order made by the Fire Chief or authorized representative under any of the provisions of this code or the standards adopted hereunder; or
3. builds, installs, alters, repairs or does work in violation of any detailed statement, specifications or plans submitted and approved under the provisions of this code or the standards adopted hereunder; or
4. builds in violation of any certificate or permit issued under the provisions of this code or the standards adopted hereunder; or
5. permits any fire hazard to exist in or upon any occupancy, premises or vehicle under their control, operation, maintenance or possession; or
6. fails to comply with orders, notices, signs and/or tags; or
7. tampers with signs and/or tags;

shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000.00 for each violation and act of noncompliance. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations of defects within a reasonable time specified by the Fire Chief or authorized representative. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

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

ADDRESSABLE FIRE DETECTION SYSTEM. Any system capable of providing identification of each individual alarm-initiating device. The identification shall be in plain English and as descriptive as possible to specifically identify the location of the device in alarm. The system shall have the capability of alarm verification.

[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 or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

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

[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.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or *standby personnel* when required by the *fire code official*, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, *deflagration*, *detonation*, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.3G fireworks or 1.4G fireworks. ...
{Remainder of text unchanged}...

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.

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

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

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

Section 307.1.1; change to read as follows:

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

Exception: {No change.}

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. 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*.

Section 307.3; change to read as follows:

307.3 Extinguishment Authority 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.

Section 307.4; change to read as follows: _

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

Exceptions: {No change.}

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.

Section 307.4.4 and 307.4.5; change 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.

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*}

Add Section 307.6 to read as follows:

Burn Bans. The City of Corinth shall follow the ruling of the Denton County Commissioner's Court regarding burn bans. The ban shall prohibit all outdoor activities and /or processes that may start a fire. These activities or processes shall include but are not limited to: open burning, recreational burning, outdoor welding, use of torches or other cutting devices that emit sparks, and fireworks.

Add section 307.7 to read as follows:

Posting a declaration of a burn ban: The burn ban issued by the Denton County Commissioner's court as specified in section 307.6 may be posted or published in the following locations:

1. City website
2. Fire Department social media accounts
3. Official City newspaper

Section 308.1.4; change to read as follows:

308.1.4 Open-flame Cooking Devices. Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20-pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 pounds (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.}

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

Exceptions:

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

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 unmanned free-floating device containing an open flame or other heat source, such as but not limited to a *sky lantern*.

Section 311.5; change to read as follows:

311.5 Placards. The *fire code official* is authorized to require marking of any vacant or abandoned

buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

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.

Section 404.2.2; add Number 4.10 to read as follows:

4.10 Fire extinguishing system controls.

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.

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 or in a manner that is determined accessible by the Fire Marshal.

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 ten feet (10') wide unobstructed pathway around the external walls of the structure.

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 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

Exception: Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and *approved* signs are installed and maintained indicating the established vertical clearance when approved.

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.

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.

Section 503.3; change to read as follows:

503.3 Marking. 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. Striping, signs and other markings shall always be maintained in a clean and legible condition 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.

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 always be maintained.

Section 503.6 is amended to read as follows:

Security gates. Where security fencing is necessary, the owner shall provide gates or openings which may be secured. Gates when provided must open fully in either direction or be of a sliding or raised arm type and be equipped with an approved automated entry system with a Knox lock or equivalent for manual service. The key box shall be of an approved type listed in accordance with UL 1037 and be approved by the Fire Chief.

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 6 inches (152.4 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address 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.

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. 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.

Section 507.5.1 is amended to read as follows:

Where required. Where a portion of the facility or building hereafter constructed or moved in or within the jurisdiction is more than 300 feet from a fire hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Marshal. A minimum of one fire hydrant shall be located within 100ft of the fire department connection and on the same side of the roadway as the facility or building. As properties develop, fire hydrants shall be located at all intersecting streets and at the minimum spacing indicated in table 507.5.1. There shall be a minimum of two (2) fire hydrants serving each property within the prescribed distances listed in Table 507.5.1

Maximum Distance Between Hydrants TABLE 507.5.1

OCCUPANCY	SPRINKLERED	NOT SPRINKLERED
Residential (1 & 2 Family)	500 feet	500 feet
Residential (Multi Family)	400 feet	300 feet
All Other	500 feet	300 feet

Table 507.5.1

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall always be maintained. 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.

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.

Section 603.3.2 and 603.3.2.1; change to read as follows:

603.3.1 Fuel oil storage in outside, above-ground tanks. Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498 L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2498 L) shall comply with NFPA 31 and Chapter 57.

603.3.2 Fuel oil storage inside buildings. Fuel oil storage inside buildings shall comply with Sections 603.3.2.1 through 603.3.2.5 and Chapter 57.

603.3.2.1 Quantity limits. One or more fuel oil storage tanks containing Class II or III *combustible liquid* shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:

1. 660 gallons (2498 L) in unsprinklered buildings, where stored in a tank complying with UL 80, UL 142 or UL 2085 for Class III liquids, and also listed as a double-wall/secondary containment tank for Class II liquids.
2. 1,320 gallons (4996 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 142 or UL 2085 as a double-wall/secondary containment tank.
3. 3,000 gallons (11 356 L) where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7 and the room is protected by an *automatic sprinkler system* in accordance with Section 903.3.1.1.

Section 901.5 amended to add the following:

Installation acceptance testing. All required tests shall be conducted by and at the expense of the owner or his representative. The Fire Department shall not be held responsible for any damages incurred in such test. Where it is required that the Fire Department witness any such test, such test shall be scheduled with a minimum of 48-hour notice to the Fire Marshal or his representative.

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 back flushed or inspected by approved camera when foreign material is present or when caps are missing, 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*.

Section 901.6.4; add Section 901.6.4 to read as follows:

901.6.4 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.

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}

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 in addition to automatic sprinkler protection where recognized by the applicable standard, or as *approved* by the *fire code official*.

Section 903.2; add paragraph to read as follows and delete the exception:

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoist ways, 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."

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.

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

Exceptions:

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

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

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

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.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, machinery spaces, and hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
5. {Delete.}

Section 903.3.1.2.3; delete section and replace as follows:

[F] Section 903.3.1.2.3 Attached Garages and Attics. Sprinkler protection is required in attached garages, and in the following attic spaces:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.
2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.
3. Attic spaces of buildings that are two or more stories in height above grade plane or above the lowest level of fire department vehicle access.
4. Group R-4, Condition 2 occupancy attics not required by Item 1 or 3 to have sprinklers shall comply with one of the following:
 - 4.1. Provide automatic sprinkler system protection.
 - 4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.
 - 4.3. Construct the attic using noncombustible materials.
 - 4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the *International Building Code*.
 - 4.5. Fill the attic with noncombustible insulation.

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.

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.

Section 903.3.5; add a second paragraph to read as follows:

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

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.

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.

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.

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:

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the fire code official.
2. R-2 occupancies of four stories or less in height having no interior corridors.

Section 905.4, change Item 1, 3, and 5, and add Item 7 to read as follows:

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
 2. {No change.}
 3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.
- Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a {remainder of text unchanged}
4. {No change.}
 5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an 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.

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.

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.

Section 907.1.5; add to read as follows:

907.1.5 Required Installations. Any commercial building over 5,999 sq. ft. shall be installed with a fire alarm notification system (In Compliance with 907.5.2.3.1) to compliment the sprinkler system. The system shall be monitored by an approved supervising station. Approved systems shall include full audio/visual notification services.

Buildings 5,999 sq. ft. and lower shall be installed with an approved manual and automatic fire alarm system (In Compliance with 907.5.2.3.1) if the building has multiple tenant spaces or suites. The system shall be monitored by an approved supervising station. Approved systems shall include full audio/visual notification services and manual pull stations at rear emergency exits.

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 having an occupant load of 300 or more persons, or where the occupant load is 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.

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:

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.}

Section 907.2.12, 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.

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.

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.

Section 907.6.3; delete all four Exceptions.

Section 907.6.6; – add sentence at end of paragraph to read as follows:

See 907.6.3 for the required information transmitted to the supervising station.

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.

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 system with a fire-resistance rating of not less than 2 hours.

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.

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.

Section 910.2; change Exception 2. and 3. to read as follows:

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

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.

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.

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.

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 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.

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.

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.

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 120 feet (37 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.}

Section 1006.2.2.7; Add Section 1006.2.2.7 as follows:

1006.2.2.7 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

Section 1009.8; add the following Exception 7:

Exceptions:

7. Buildings regulated under State Law and built in accordance with State registered plans, including variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009 and chapter 11.

Section 1010.1.9.5 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)

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 must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

Section 1029.1.1.1 Spaces under grandstands and bleachers; delete this section.

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. An *exit* or *exit passageway* shall not be used for any purpose that interferes with a means of egress.

Section 1103.3; add sentence to end of paragraph as follows:

Provide emergency signage as required by Section 606.3.

Section 1103.5.1: add sentence to read as follows:

Fire sprinkler system installation shall be completed within 24 months from date of notification by the fire code official.

Section 1103.5; add Section 1103.5.5 to read as follows:

1103.5.5 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.

Section 1103.7; add Section 1103.7.7 and 1103.7.7.1 to read as follows:

1103.7.7 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.

1103.7.7.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

Section 1203; change and add to read as follows:

1203.1.1 No Change

1203.1.2 No Change

1203.1.3 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.

1203.1.4 through 1203.1.9 {No changes to these sections.}

1203.1.10 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.

1203.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.4 ~~26~~ or elsewhere identified in this code or any other referenced code.

1203.2.1 through 1203.2.3 {No change.}

1203.2.4 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 907.2.19 and 914.2.3 Group A

Occupancies, Sections 907.2.1 and 907.5.2.2.4. Special Amusement

Buildings, Section 907.2.11

High-rise Buildings, Section 907.2.12

Atriums, Section 907.2.13

Deep Underground Buildings, Section 907.2.18

1203.2.5 through 1203.2.13 {No change.}

1203.2.14 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)

1203.2.15 Membrane Structures. Emergency power shall be provided for *exit* signs in temporary tents and membrane structures in accordance with Section 3103.12.6. (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.

1203.2.16 {No change.}

1203.2.17 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 410.2.5

Special Amusement Buildings (as applicable to Group A's), *International Building Code*, Section 411.1

Smoke Protected Seating, Section 1029.6.2.

1203.2.18 {No change.}

1203.2.19 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.19 and 914.2.3.

1203.2.20 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.

1203.2.21 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.

1203.2.22 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

1203.2.23 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.

1203.2.24 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.

1203.2.25 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.

1203.2.26 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.)

1203.3 1203.3 through 1203.6 {No change.}

1203.7 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.

Section 2304.1; change to read as follows:

Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall in accordance with 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.

Section 2401.2; delete this section.

Section 3103.3.1; delete this section.

Table 3206.2, footnote h; change text to read as follows:

h. 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.

Table 3206.2, footnote j; add footnote j to row titled 'High Hazard' and 'Greater than 300,000' to read as follows:

j. High hazard high-piled storage areas shall not exceed 500,000 square feet. A 2-hour fire wall constructed in accordance with Section 706 of the *International Building Code* shall be used to divide high-piled storage exceeding 500,000 square feet in area.

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.

Section 5601.1.3; change to read as follows:

1. **Fireworks.** The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

Exceptions:

2. Only when approved for fireworks displays, storage, and handling of fireworks as allowed in Section 5604 and 5608.
3. The use of fireworks for approved fireworks displays as allowed in Section 5608.

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.

Section 5704.2.11.4; add a sentence to read as follows:

Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.11.4.2; change to read as follows:

Leak Detection. Underground storage tank systems shall be provided with an *approved* method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

Section 5704.2.11.4.3; add Section 5704.2.11.4.3 to read as follows:

Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

Section 5707.4; add paragraph to read as follows:

Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing, where the parking area having such operations is primarily intended for employee vehicles. Mobile fueling shall be conducted for fleet fueling or employee vehicles only, not the general public. Commercial sites shall be restricted to office-type or similar occupancies that are not primarily intended for use by the public.

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.

Section 6104.2, Exception; add an exception 2 to read as follows:

Exceptions:

1. {existing text unchanged}
2. Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

Section 6104.3; add Section 6104.3.3 to read as follows:

6104.3.3 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.

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 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.

{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 1,500_gallons perminute.

END

EXHIBIT F

Recommended Amendments to the 2017 National Electrical Code North Central Texas Council of Governments

The following articles, paragraphs, and sentences of the *2017 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 2014 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2017 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 2017 National Electrical Code.)

*****Article 100; remove the amendment to 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: Remove the above amendment. Updates to the 2017 National Electrical Code Article 250.94(A) only accommodate connecting communication systems to an intersystem bonding termination device, but Article 250.94(B) provides an alternative or other means. 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 U.S. product safety standards as certified by an NRTL.

Informational Note No. 3: National Fire Protection Association (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.)

*****Article 210.52(G) (1) Garages: remove the amendment that deleted 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.)

(REASON FOR CHANGE: Updates to this section in the 2017 National Electrical Code provided relief by removing "shall not supply outlets outside of the garage.")

*****Article 230.71(A); remove the amendment that added 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.)

(REASON FOR CHANGE: This is below the minimum standard of the 2017 National Electrical Code adopted by the State of Texas.)

*****Article 300.11; remove the amendment that added 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.)

(REASON FOR CHANGE: This is below the minimum standard of the 2017 National Electrical Code adopted by the State of Texas.)

*****Article 310.15(B) (7); remove the amendment that changed the following 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.)

(REASON FOR CHANGE: Upon review of the 2014 and 2017 code-making panel 6 and in conjunction with the wire manufacturing industry, based on the diversification of loads in modern construction, this amendment becomes irrelevant.)

****Article 500.8 (A) (3); change to read as follows:**

500.8 Equipment.

Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof 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; or,
- (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; remove the amendment that created a new (H) and added the following language:**

(G) Coordination. Overcurrent protective devices serving the equipment branch of the essential electrical system shall be coordinated for the period of time that a fault's duration extends beyond 0.1 second.

Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

~~**(H) Selective Coordination.** Overcurrent protective devices serving the life safety, and critical branches of the essential electrical system shall be selectively coordinated with all supply side overcurrent protective devices.~~

~~Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.~~

~~Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.~~

~~Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.~~

(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.)

(REASON FOR CHANGE: Due to no action by the 2017 code-making panel 15 and NFPA 99, this amendment is not applicable.)

*****Article 600.6(A) (1) At Point of Entry to a Sign; Exception 1 changed to read as follows:**

Exception No.1: A disconnect shall not be required for branch circuits(s) or feeder conductor(s) passing through the sign where enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. The conductor(s) shall not serve the sign body or sign enclosure where passing through.

*****Article 600.6(A) (1) At Point of Entry to a Sign; create a new Exception No. 2 to add the following language:**

Exception No. 2. A disconnect shall not be required at the point of entry to a sign body, sign enclosure, or pole for branch circuit conductor(s). The conductors shall be enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. The conductor(s) shall be routed to a device box which contains the disconnect. A field-applied permanent warning label that is visible during servicing shall be applied to the raceway at or near the point of entry into the sign enclosure or sign body. The warning label shall comply with 110.21(B) and state the following: "Danger. This raceway contains energized conductors." The marking shall include the location of the disconnecting means for the energized conductor(s). The disconnecting means shall be capable of being locked in the open position in accordance with 110.25.

*****Article 600.6(A) (1) At Point of Entry to a Sign; move the original Exception 2 to create a new Exception No. 3 and add the following language:**

Exception No. 3: A disconnect shall not be required at the point of entry to a sign enclosure or sign body for branch circuit(s) or feeder conductor(s) that supply an internal panelboard(s) in a sign enclosure or sign body. The conductors shall be enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. A field-applied permanent warning label that is visible during servicing shall be applied to the raceway at or near the point of entry into the sign enclosure or sign body. The warning label shall comply with 110.21(B) and state the following: "Danger. This raceway contains energized conductors." The marking shall include the location of the disconnecting means for the energized conductor(s). The disconnecting means shall be capable of being locked in the open position in accordance with 110.25.

(2017 Code) Informational Note: The location of the disconnect is intended to allow service or maintenance personnel complete and local control of the disconnecting means.

(REASON FOR CHANGE: This is a modification of the nationwide sign manufacturing practice that was standard before the 2014 Code revision. It is more reasonable but not less than the current Code requirements. It provides local control of the disconnect by service personnel as the informational note suggests, while requiring a sign disconnect to be at or within sight of the sign. This also allows sign designers more flexibility in the placement of the disconnecting means in relation to the location of the sign.)

*****Article 680.25(A) remove the amendment that added the following language and exception:**

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)~~

~~(REASON FOR CHANGE: Updates to this section in the 2017 National Electrical Code provided relief by recognizing these wiring methods.)~~

END

EXHIBIT G

Recommended Amendments to the 2018 International Energy Conservation Code And the energy provisions of the 2018 International Residential Code North Central Texas Council of Governments Region (Climate Zone 3 of the IECC)

The following sections, paragraphs, and sentences of the 2018 *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 2015 edition of the code and a triple (***) asterisk identifies a new or revised amendment with the 2018 code. Section numbers in parenthesis represent the corresponding numbers of the energy provisions of the 2018 *International Residential Code* for parallel amendments.

2018 IECC (Energy Provisions of the 2018 IRC)

****Section C102/R102 General; add Section C102.1.2 and R102.1.2 (N1101.4.1) 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 (N1101.4.1) 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 R402.4.1.2 (N1102.4.1.2) and R403.3.3 (N1103.3.3) 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 (N1101.4.1) was added to insure that every house is tested in accordance with the mandatory provisions of the code.)

Section R202 (N1101.6) Definitions; 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 (N1102.3.2) Glazed fenestration SHGC** was proposed by the TAB. ESL determined the proposal to be not less restrictive than the 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)*

Section R202 (N1101.6) Definitions; 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 DYMANIC GLAZING is also found in the Commercial provisions of the code.)

*****Table 402.1.2 (N1102.1.2) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; the Fenestration U-factor for Climate Zone 3 is amended as follows:**

CLIMATE ZONE	FENESTRATION U-FACTOR
3	0.32 0.35

(Reason: Carries forward the value in the 2015 IECC/IRC.)

*****Table 402.1.4 (N1102.1.4) EQUIVALENT U-FACTORS; the Fenestration U-factor for Climate Zone 3 is amended as follows:**

CLIMATE ZONE	FENESTRATION U-FACTOR
3	0.32 0.35

(Reason: Carries forward the value in the 2015 IECC/IRC.)

****Section R402.3.2 (N1102.3.2) Glazed fenestration SHGC; amend by adding a paragraph and table following the exception to read as follows:**

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

Table R402.3.2 SHGC Multipliers for Permanent Projections ^a

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 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)

****R402.4.1.2 (N1102.4.1.2) 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 2018 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 R402.4 (N1102.4) Air leakage (Mandatory); add a new section and table to read as follows:**

R402.4.1.3 (N1102.4.1.3) Testing option – ACH tradeoff. As an option to the air leakage rate set out in Section R402.4.1.2 (N1102.4.1.2), 1- and 2-family homes meeting all of the listed criteria below and the *thermal envelope* requirements in Table R402.4.1.3 (N1102.4.1.3) will be considered compliant when tested and verified as having an air leakage rate to not less than or equal to four air changes per hour when tested and reported in accordance with the testing standards and reporting criteria listed in Section R402.4.1.2 (N1102.4.1.2).

The compliance equivalency is limited as follows:

1. Limited to a conditioned floor area between 1,000 and 6,000 square feet,
2. Limited to between 2 to 6 bedrooms,
3. Assumes all ductwork and mechanical equipment is located in the unconditioned attic,
4. Assumes typical wood framing in the walls and roof, and
5. Assumes one of the following heating/cooling systems:
 - a. All electric system with a heat pump for heating, or
 - b. A system with electric cooling and natural gas heating.

Dwellings using electric resistance strip heating do not qualify for this tradeoff.

TABLE R402.4.1.3 (N1102.4.1.3)^a

Envelope Component	Option #1	Option #2
R402.4 Air Leakage	≤ 4 ACH50	≤ 4 ACH50
Wall Insulation <i>R</i> -value	$R_{13} + R_3^b$	$R_{13} + R_3^b$
Fenestration <i>U</i> -factor	≤ 0.32	≤ 0.32
Fenestration SHGC	≤ 0.25	≤ 0.25
Ceiling <i>R</i> -value	$\geq R_{49}$	$\geq R_{49}$
Duct Insulation <i>R</i> -value	R8	R6
Radiant Barrier Required	No	Yes

^a Except for the values listed in the table, all other mandatory code provisions are applicable.

^b The first value listed is the *R*-value of cavity insulation, the second value is the *R*-value of the continuous insulation or insulated siding.

(Reason: This provides a viable option to the single-family residential builder. The Energy Systems Laboratory determined that this tradeoff option to be not less stringent than the residential provisions of the 2015 IECC and the energy provisions of the 2015 IRC.)

***** Section R402.4 Air leakage (Mandatory); add a new section to read as follows:**

R402.4.1.4 Testing options for R2 multifamily dwelling units. As an option to the air leakage rate set out in Section R402.4.1.2, multifamily dwelling units will be considered compliant when tested and verified as having an air leakage rate to the air leakage rate set out in either Section R402.4.1.4.1 or Section R402.4.1.4.2 when tested and reported in accordance with the testing standards and reporting criteria listed in Section R402.4.1.2

R402.4.1.4.1 Total air leakage rate for interior multifamily dwelling units. Interior multifamily dwelling units with a measured, “unguarded” total air leakage result of 5.3 ACH50 or less shall be considered compliant.

R402.4.1.4.2 Total air leakage rate for corner multifamily dwelling units. Corner multifamily units with a measured, “unguarded” total leakage result of less than 5.0 ACH50 shall be considered compliant.

(Reason: The Mandatory Section R402.4 Air Leakage of the 2015 IECC requires that the building thermal envelope be tested and verified in accordance with R402.4.1.2. Measuring air leakage for multifamily buildings or dwelling units using an air leakage to outside test (i.e. guarded) can be costly and time prohibitive. This is because in order to isolate leakage only through the building thermal envelope, all leakage to adjacent units through adiabatic surfaces must be pressure neutralized. The methodology below therefore allows for the use of total air leakage testing for multifamily dwelling units that includes air leakage to the exterior and to adjacent units (i.e. unguarded) to show compliance with R402.4.1.2. This increases the flexibility of the code without affecting stringency. This methodology has been approved for use by ESL, and the methodology applies only to jurisdictions in the NCTCOG area.)

***** Section R402.4 Air leakage (Mandatory); add a new section to read as follows:**

R402.4.1.5 Sampling options for R2 multifamily dwelling units. For buildings having three or more dwelling units, a minimum of 15% of the dwelling units in each building must be tested as required by Section R402.4.1.2. Prior to beginning sampling for testing, “Initial Testing” is required for each multifamily property. “Initial Testing” shall consist of the 3rd party testing contractor performing the required tests on at least three consecutive dwelling units. Test results from the “Initial Testing” must satisfy minimum code requirements before sampling is permitted. Dwelling units selected for the “Initial Testing” must be within the same building. Dwelling units selected for “Initial Testing” shall not be included in a “sample group” or counted toward the minimum 15% of dwelling units tested. The building official shall randomly select the three dwelling units for “Initial Testing.” The building official may delegate the random selection to the designated 3rd party testing contractor.

R402.4.1.5.1 Sample group Identification and Sampling. The builder shall identify a “sample group” which may be a building, floor, fire area or portion thereof. All of the dwelling units within the “sample group” must be at the same stage of construction and must be ready for testing. The building official shall randomly select at least 15% of dwelling units from each “sample group” for testing. The building official may delegate the random selection to the designated 3rd party testing contractor.

If each tested dwelling unit within a “sample group” meets the minimum code requirements, then all dwelling units in the “sample group” are considered to meet the minimum code requirements.

Before a building may be deemed compliant with the testing as required, each “sample group” must be deemed compliant with the minimum code requirements. The sum total of all of the tested dwelling units across all “sample groups” shall not be less than a minimum of 15% of the dwelling units in a building.

R402.4.1.5.2 Failure to Meet Code Requirement(s). If any dwelling units within the identified “sample group” fail to meet a code requirement as determined by testing, the builder will be directed to correct the cause(s) of failure, and 30% of the remaining dwelling units in the

"sample group" will be randomly selected for testing by the building official, or third-party testing contractor, regarding the specific cause(s) of failure.

If any failures occur in the additional dwelling units, all remaining dwelling units in the sample group must be individually tested for code compliance.

A multifamily property with three failures within a 90-day period is no longer eligible to use the sampling protocol in that community or project until successfully repeating "Initial Testing." Sampling may be reinstated after at least three consecutive dwelling units are individually verified to meet all code requirements.

A Certificate of Occupancy may not may be issued for any building until testing has been performed and deemed to satisfy the minimum code requirements on the dwelling unit(s) identified for testing.

(Reason: For many multifamily (R2 classifications) projects, it is very costly and time consuming to test each dwelling unit for projects where there may be dozens of dwelling units in each building. Considering that the same tradesman generally constructs a building, it is reasonable to deem that construction practices are consistent and that if a reasonable sampling of units tested pass then all units would pass. These amendments are very similar to other ordinances/policies from Austin and San Antonio.)

**** R403.3.3 (N1103.3.3) 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 R403.3 Ducts; add a new section to read as follows:**

R403.3.4.1 Sampling options for R2 multifamily dwelling units. For buildings having three or more dwelling units, a minimum of 15% of the dwelling units in each building must be tested as required by Section R403.3.3. Prior to beginning sampling for testing, "Initial Testing" is required for each multifamily property. "Initial Testing" shall consist of the 3rd party testing contractor performing the required tests on at least three consecutive dwelling units. Test results from the "Initial Testing" must satisfy minimum code requirements before sampling is permitted. Dwelling units selected for the "Initial Testing" must be within the same building. Dwelling units selected for "Initial Testing" shall not be included in a "sample group" or counted toward the minimum 15% of dwelling units tested. The building official shall randomly select the three dwelling units for "Initial Testing." The building official may delegate the random selection to the designated 3rd party testing contractor.

R403.3.4.1.1 Sample group Identification and Sampling. The builder shall identify a "sample group" which may be a building, floor, fire area or portion thereof. All of the dwelling units within the "sample group" must be at the same stage of construction and must be ready for testing. The building official shall randomly select at least 15% of dwelling units from each "sample group" for testing. The building official may delegate the random selection to the designated 3rd party testing contractor.

If each tested dwelling unit within a "sample group" meets the minimum code requirements, then all dwelling units in the "sample group" are considered to meet the minimum code requirements.

Before a building may be deemed compliant with the testing as required, each "sample group" must be deemed compliant with the minimum code requirements. The sum total of all of the tested dwelling units across all "sample groups" shall not be less than a minimum of 15% of the dwelling units in a building.

R403.3.4.1.2 Failure to Meet Code Requirement(s). If any dwelling units within the identified "sample group" fail to meet a code requirement as determined by testing, the builder will be directed to correct the cause(s) of failure, and 30% of the remaining dwelling units in the "sample group" will be randomly selected for testing by the building official, or third-party testing contractor, regarding the specific cause(s) of failure.

If any failures occur in the additional dwelling units, all remaining dwelling units in the sample group must be individually tested for code compliance.

A multifamily property with three failures within a 90-day period is no longer eligible to use the sampling protocol in that community or project until successfully repeating "Initial Testing." Sampling may be reinstated after at least three consecutive dwelling units are individually verified to meet all code requirements.

A Certificate of Occupancy may not may be issued for any building until testing has been performed and deemed to satisfy the minimum code requirements on the dwelling unit(s) identified for testing.

(Reason: For many multifamily (R2 classifications) projects, it is very costly and time consuming to test each dwelling unit for projects where there may be dozens of dwelling units in each building. Considering that the same tradesman generally constructs a building, it is reasonable to deem that construction practices are consistent and that if a reasonable sampling of units tested pass then all units would pass. These amendments are very similar to other ordinances/policies from Austin and San Antonio.)

****Section C402.2/R402.2 (N1102.2) Specific insulation requirements (Prescriptive); add Section C402.2.8 and R402.2.14 (N1102.2.14) to read as follows:**

Section C402.2.8/R402.2.14 (N1102.2.14) Insulation installed in walls. Insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing or other equivalent material approved by the building official.

(Reason: This will increase the performance of the insulation.)

*****Section C403.7.4 Energy recovery ventilation systems (Mandatory); add exception #12 to read as follows:**

12. Individual ventilation systems that serve an individual dwelling unit or sleeping unit.

(Reason: This will clarify the intent of the section without requiring the user or the code official to analyze the numbers in the table. So a ventilation system that serves only an individual dwelling unit or sleeping unit does not require an energy recovery system.)

*****Section C403.11.1 Duct and Plenum Insulation and Sealing (Mandatory); is amended by adding a second paragraph to read as follows:**

Environmental ducts and plenums installed in vertical chases, both supply and exhaust, where the ducts or plenums will not be accessible after construction completion, shall be leak tested in accordance with the SMACNA HVAC Air Leakage Test Manual to the installed ductwork class and pressure requirements.

Documentation shall be furnished demonstrating that representative sections totaling not less than 25 percent of the duct area have been tested and that all tested sections comply with the requirements of this section.

(Reason: Ductwork installed in chases is not accessible after construction completion. Leakage in these ducts will increase the energy use of the buildings and systems for the life of the building and reduce the system performance. Since the leakage in the chase enclosed ductwork would be difficult if not impossible to locate and correct, testing at the time of installation would assure that the ducts are properly installed and efficient.)

*****Section R404.1 (N1104.1); revised in its entirety to read as follows:**

Section R404.1 (N1104.1) Lighting equipment (Mandatory). Not less than 75 percent of the lamps in permanently installed lighting fixtures or not less than 75 percent of the permanently installed lighting fixtures shall contain only high-efficacy lamps.

(Reason: This retains the 2015 language will allows for more flexibility.)

****Section 405.2 (N1105.2); add the exception to read as follows:**

Section 405.2 (N1105.2) Mandatory requirements. Compliance with the section requires that the mandatory provisions identified in Section 401.2 be met. Supply and return ducts not completely inside the building thermal envelope shall be insulated to an R-value of not less than R-6.

Exceptions:

1. For one and two family dwellings the maximum envelope leakage of 4 ACH50 is permitted provided the envelope leakage in the Standard Reference Design is 3 ACH50 and all other requirements of Section R405 are met, including all other mandatory measures. The annual energy cost or source energy usage of the Proposed Design must be equal to or less than that of the Standard Reference Design.
2. For multifamily or townhomes and buildings classified as Group R2 and Group R4 of three stories or less the maximum envelope leakage of less than 5 ACH50 is permitted provided the envelope leakage in the Standard Reference Design is 3 ACH50 and all other requirements of Section R405 are met, including all other mandatory measures. The annual energy cost or source energy usage of the Proposed Design must be equal to or less than that of the Standard Reference Design.

(Reason: This ACH tradeoff is approved by ESL and will require additional energy efficiencies to be implemented. This tradeoff is incorporated in ESL's IC3 Code Compliance Calculator as the 2015 NCTCOG path in the code drop down menu. Builders using IC3 will receive a code compliant notification if their designs meet the requirements of this tradeoff and all other energy code requirements.

Other compliance software products have not incorporated this tradeoff into their compliance reports. Building Officials receiving Section R405 submittals from software other than IC3 may approve a R405 compliance report that designates the building as not in compliance due to noncompliance with the 3 ACH50 envelope leakage mandatory measure, provided the report also states that the envelope leakage is no greater than 4 ACH50 for single family homes. REScheck™ does not have the flexibility to accommodate this tradeoff.)

****Section R405.6.2 (N1105.6.2); 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®; ICF International Beacon Residential; Ekotrope, HERS Module; Right-Energy HERS and IC3. Other performance software programs as listed by RESNET® 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 listed by RESNET at the time of recommendation.)

*****Section C405.9. Voltage drop in feeders; deleted in its entirety.**

(Reason: There are similar provisions in the NEC where this type of requirement is best managed.)

****TABLE R406.4 (N1106.4) MAXIMUM ENERGY RATING INDEX; amend to read as follows:**

**TABLE R406.4 (N1106.4)¹
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	65

¹ This table is effective until August 31, 2019.

**TABLE R406.4 (N1106.4)²
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	63

² The table is effective from September 1, 2019 to August 31, 2022.

**TABLE R406.4 (N1106.4)³
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, 84th Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003.)

*****Section C408.3.1 Functional Testing; amend to read as follows:**

C408.3.1 Functional Testing. Prior to passing final inspection, the registered design professional or approved agency shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed, and in proper working condition in accordance with the *construction documents* and manufacturer's instructions. Functional testing shall be in accordance with Sections C408.3.1.1 through C408.3.1.3 for the applicable control type.

(Reason: The addition of 'or approved agency' will make the lighting systems requirements match the mechanical system requirements in C 408.2.1. This will facilitate and add flexibility to the enforcement of the commissioning requirements.)

END

APPENDIX H

Recommended Amendments to the 2018 International Fuel Gas Code

North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 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 2015 edition of the code and a triple asterisk identifies a new or revised amendment with the 2018 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 ICC *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 large enough to allow removal of the largest *appliance*. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than ... *{bulk of section to read the same}*.

(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 interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 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 four units vertical in 12 units horizontal (33-percent slope). ... {remainder of text unchanged}.

(Reason: To assure safe access to roof appliances. Consistent with IMC amendments.)

[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 401.5; add a second paragraph to read as follows:**

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING
1/2 to 5 psi gas pressure
Do Not Remove"

(Reason: To protect homeowners and plumbers.)

****Section 404.12; change to read as follows:**

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of ~~42~~ 18 inches (305 ~~458~~ mm) top of pipe below grade, ~~except as provided for in Section 404.12.4.~~

404.12.1 Delete in its entirety

(Reason: To provide increased protection to piping systems and address reference number change.)

****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 1 1/2 times the proposed maximum working pressure, but no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.~~

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

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

****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.)

****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 I

Recommended Amendments to the 2018 International Property Maintenance Code North Central Texas Council of Governments Region

No recommended changes.

EXHIBIT J

Recommended Amendments to the 2018 International Existing Building Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the 2018 *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 2015 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2018 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.

****Section 202; amend definition of Existing Structure as follows:**

Existing Structure- 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 305.1; 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 IEBC and State Law.)

****Section 305.4.2; 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.

(Reason: Accessible toilet rooms should be available for disabled occupants.)

*****Section 401.3 Flood Hazard Areas; delete this section:**

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

*****Section 405.2.5 Flood Hazard Areas; delete this section:**

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

****Section 406.1; add a code reference to read as follows:**

406.1 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 502.3 Flood Hazard Areas; delete this section:**

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

****Section 504.1.2; change to read as follows:**

504.1.2 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 504.1.3; delete entire section:**

~~**504.1.3 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.)

*****Section 507.3 Flood Hazard Areas; delete this section:**

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

*****Section 701.3 Flood Hazard Areas; delete this section:**

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

****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 802.5.1; change to read as follows:**

802.5.1 Minimum requirement. Every portion of ~~a floor, such as a balcony or a loading dock, open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings~~ that is more than 30 inches (762 mm) above the floor or grade below 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 803.1; 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 803.2.4; 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 803.3; change section to read as follows:**

803.3 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 NFPA 101.~~

(Reason: NFPA 101 is not a commonly adopted code in the region and enforcement could be problematic.)

****Section 805.3.1.2; 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; change to read as follows:**

805.3.1.2.1 Fire Escape access and details - ...

1. [Remain unchanged]
2. Access to a ~~new~~ fire escape shall be through a door...
- 3. Item Deleted**
4. [Remain unchanged]
5. In all buildings of Group E occupancy up to and including the 12th grade, buildings 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 805.5.2 Transoms; add language to read as follows:**

805.5.2 Transoms. In all buildings of Group B, E, [Remainder unchanged]

(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.)

****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 904.1.1; change 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 1103.3 Flood Hazard Areas; delete this section:**

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

*****Section 1201.4 Flood Hazard Areas; delete this section:**

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

*****Section 1301.3.2; change to read as follows:**

1301.3.2 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.)

*****Section 1301.3.3 Compliance with Flood Hazard Provisions; delete this section:**

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

*****Section 1402.6 Flood Hazard Areas; delete this section:**

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

END

EXHIBIT K

Recommended Regional Amendments to the 2018 International Swimming Pool and Spa Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2018 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 2018 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 or townhouses).
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 or townhouses).

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~~ **HICKORY CREEK BUILDING DEPARTMENT** is hereby created and the official in charge thereof shall be known as the *code official*. **HICKORY CREEK BUILDING 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):**

(Reason: Covered by general provisions of the Code of Ordinances.)

****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:**

HICKORY CREEK BUILDING 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 **HICKORY CREEK BUILDING 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 restricting entry into areas having pools and spas. In one-and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

(Reason: To clarify requirements for dwellings and commercial properties and specific Texas statutes which regulate public pools and spas.)

****Section 305.2; Change to read as follows:**

305.2 Outdoor swimming pools and spas. Outdoor pools and spas 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.)

**** 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 townhouse 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. Remainder Unchanged
2. Remainder Unchanged
3. Remainder Unchanged

The wall of a building with windows in accordance with 2018 International Building Code, Section 1030 in 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 or townhouse. In the case where the pool or spa 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 pool or spa.

(Reason: Specific Texas statutes do not allow the use of natural barriers in lieu of fencing for public pools per Chapter 757.003).

****Section 307.1.4 Accessibility; Add exception to Section to 307.1.4 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 to mean Components that are specifically addressed by TDLR shall be exempt.)

****Section 310; Change to read as follows:**

310.1 General. Suction entrapment avoidance for pools and spas 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 pools and spas and located not less than 5 feet (5') horizontally from the inside walls of the pool or spa. 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 and townhouses.~~

Exception: ~~Onground storable and permanent inground residential swimming pools.~~

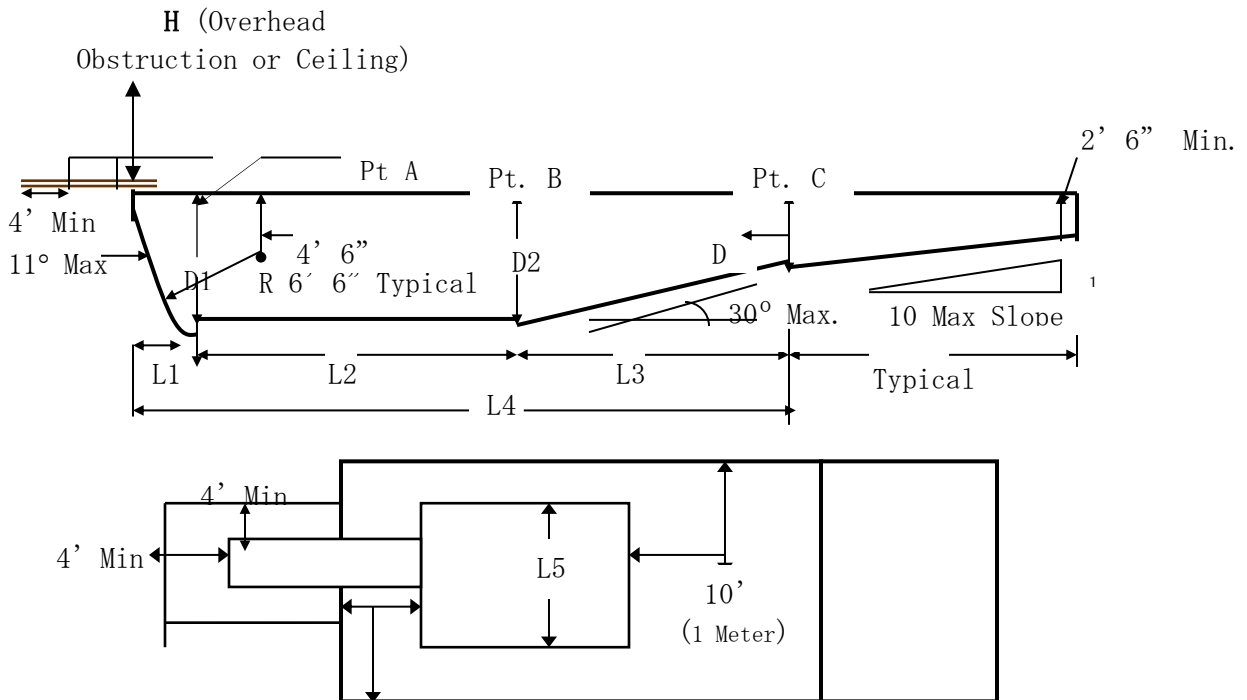
(Reason: Language is from 2017 NEC Article 680.41.)

**** 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.



(Reason: To avoid conflict with 25 TAC Chapter 265.)

****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.

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, or the manufacturer's specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.

(Reason: To provide minimum standards and to clarify specific manufactures specifications of the diving equipment.)

END

Backup material for agenda item:

Consider and act on a final plat of Lots 1 and 2, Block A, the Beciri Addition; being 1.97 acres in the H.H. Swisher Survey, Abstract Number 1220 in the extraterritorial jurisdiction of the town of Hickory Creek, Denton County, Texas. The property is located in the 3700 block of FM 2181.



January 30, 2019
AVO 35309.003

Ms. Chris Chaudoir
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065

**RE: Beciri Addition – Final Minor Plat
4th Review**

Dear Ms. Chaudoir:

The Town of Hickory Creek received the final minor plat revision for the Beciri Addition on January 21, 2019. The surveyor is KAZ Surveying. The owner is Poum 21 Foods, Inc.

Comments from the Town have addressed.

Brad Sebastian, Assistant Fire Marshal with Denton County, said the following: 'The 24' Fire lane connecting the properties is sufficient based on the current use of the property. Dependent on the future development of the property, wider fire lanes and fire hydrants could be required for the development. I encourage the owner/developer to schedule a pre-construction meeting with us to discuss plans.

We recommend approval of the referenced plat.

Sincerely,

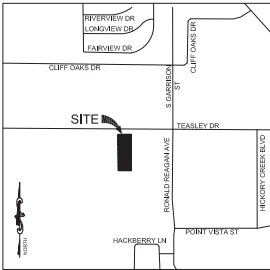
HALFF ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Brian C. Haynes", is written over a faint, circular blue ink stamp.

Brian C. Haynes, PE, CFM
Vice President

C: Kristi Rogers – Town Secretary
John Smith – Town Administrator

Attachments: None

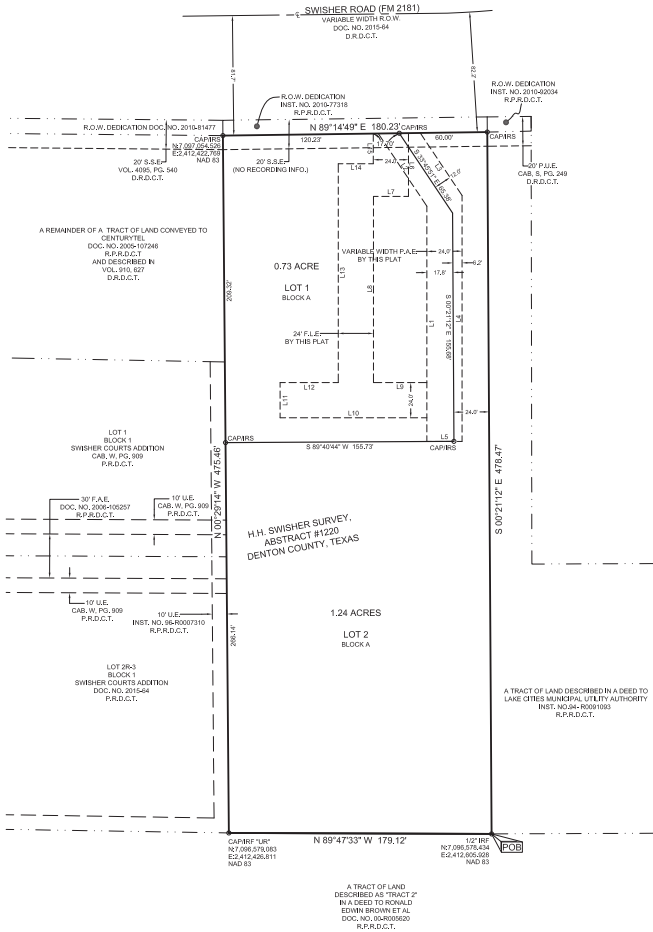


VICINITY MAP
NOT TO SCALE

GENERAL NOTES:

- ALL CORNERS ARE MARKED WITH CAPPED 1/2" IRON RODS STAMPED "KAZ" UNLESS OTHERWISE NOTED.
- FLOOD STATEMENT: I HAVE REVIEWED THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR DENTON COUNTY, COMMUNITY NUMBER 48074 EFFECTIVE DATE 4-18-2011 AND THAT MAP INDICATES AS SCALED, THAT THIS PROPERTY IS WITHIN NON-SHADED ZONE "X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD (500-YEAR) AS SHOWN ON PANEL 395 G OF SAID MAP.
- THE PURPOSE OF THIS FINAL PLAT IS TO CREATE TWO LOTS OF RECORD.
- NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF TOWN ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND/OR WITHOLDING OF UTILITIES AND BUILDING PERMITS.
- NOTE: BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	NORTH	180.43'
L2	N 33°45'51" W	59.55'
L3	S 33°45'51" E	51.24'
L4	SOUTH	167.21'
L5	WEST	24.00'
L6	SOUTH	42.81'
L7	WEST	23.92'
L8	SOUTH	128.91'
L9	EAST	36.40'
L10	WEST	100.26'
L11	NORTH	24.00'
L12	EAST	39.60'
L13	NORTH	149.15'
L14	EAST	23.92'
L15	NORTH	20.57'



OWNER'S CERTIFICATION

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, POUM 21 Food Inc., is the owner of all that certain tract of land lying in the H.H. Swisher Survey, Abstract Number 1220, City of Hickory Creek, Denton County, Texas, and being all that certain tract of land described in a deed to POUM 21 Food Inc., recorded in Document Number 2013-117953, Real Property Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:
BEGINNING at a 1/2 inch iron rod found in the North line of a tract of land described as "Tract 2" in a deed to Ronald Edwin Brown et al, recorded in Document Number 00-R005620, of said Real Records, and being the Southwest corner of a tract of land described in a deed to Lake Cities Municipal Utility Authority, recorded in Instrument Number 94-R0091093, of said Real Records, and being the Southeast corner of Lot 28-3, Block 1, Swisher Courts Addition, recorded in Document Number 2015-44, Plat Records, Denton County, Texas;
THENCE North 89 Degrees 47 Minutes 33 Seconds West with the North line of said Brown tract, 179.12 feet to a capped iron rod found "UR", being the Southwest corner of the herein described tract and being the Southeast corner of Lot 28-3, Block 1, Swisher Courts Addition, recorded in Document Number 2015-44, Plat Records, Denton County, Texas;
THENCE North 00 Degrees 29 Minutes 14 Seconds West with the East line of said Lot 28-3 and the East line of Lot 1, Block 1, Swisher Courts Addition, recorded in Cabinet W, Page 909, of said Records, and with the East line of a tract of land described in a deed to Centurietel of Lake Dallas, recorded in Document Number 2005-107246, of said Real Records, 475.46 feet to a capped iron rod set stamped "KAZ" in the South Right-of-Way line of Farm-to-Market Road 2181, being the Northwest corner of the herein described tract;
THENCE North 89 Degrees 14 Minutes 49 Seconds East with the South line of said Right-of-Way, 180.23 feet to a capped iron rod set stamped "KAZ", being the Northeast corner of the herein described tract and being in the West line of said Lake Cities Municipal Authority tract;
THENCE South 00 Degrees 21 Minutes 12 Seconds East with the West line of said Lake Cities Municipal Utility Authority tract, 478.47 feet to the POINT OF BEGINNING, containing 1.97 acres of land more or less.

OWNER'S DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT POUM 21 FOOD, INC. DOES HEREBY ADOPT THIS FINAL PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS **THE BECRI ADDITION**, AN ADDITION IN THE CITY OF HICKORY CREEK, DENTON COUNTY, TEXAS AND DOES HEREBY DEDICATE TO PUBLIC USE FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

POUM 21 FOOD, INC.

BY: _____ DATE _____

BY: _____ DATE _____

BESMR BECRI

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED RABUE BECRI AND BESMR BECRI, KNOWN TO ME TO BE THE PERSONS WHOSE NAME ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN.

WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF JANUARY, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
DENTON COUNTY

MY COMMISSION EXPIRES ON 4/26/2020

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF DENTON

I, MICHAEL R. KERSTEN, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AND ACTUAL SURVEY MADE ON THE GROUND AND THAT THE MONUMENTS SHOWN HEREON WERE FOUND OR PLACED WITH 1/2" IRON RODS CAPPED "KAZ" UNDER MY DIRECTION AND SUPERVISION IN ACCORDANCE WITH THE ORDINANCES OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS.

MICHAEL R. KERSTEN R.P.L.S. # 6877 1/17/2019
DATE

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MICHAEL R. KERSTEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS 17TH DAY OF JANUARY, 2019.

NOTARY PUBLIC, DENTON COUNTY, TEXAS.

MY COMMISSION EXPIRES 4/26/2020.

RECOMMENDED FOR APPROVAL	_____
CHAIRPERSON, PLANNING AND ZONING COMMISSION	DATE _____
TOWN OF HICKORY CREEK, TEXAS	
APPROVED FOR PREPARATION OF FINAL PLAT	_____
MAYOR, TOWN OF HICKORY CREEK, TEXAS	DATE _____

THE UNDERSIGNED, THE TOWN SECRETARY OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING FINAL PLAT OF THE BECRI ADDITION TO THE TOWN OF HICKORY CREEK WAS SUBMITTED TO THE TOWN COUNCIL ON THE _____ DAY OF _____, 2019, AND THE COUNCIL, BY FORMAL ACTION, THEN AND THERE ACCEPTED THE DEDICATION OF STREETS, ALLEYS, PARKS, EASEMENTS, PUBLIC PLACES, AND WATER AND SEWER LINES, AS SHOWN AND SET FORTH IN THE UPON SAID PLAT AND SAID COUNCIL FURTHER AUTHORIZED THE MAYOR TO NOTE THE ACCEPTANCE THEREOF BY SIGNING HISHER NAME AS HEREINAFOVE SUBSCRIBED.

WITNESS MY HAND THIS _____ DAY OF _____, 2019

TOWN SECRETARY
TOWN OF HICKORY CREEK, TEXAS

**FINAL PLAT
LOTS 1 & 2, BLOCK A
THE BECRI ADDITION**
BEING 1.97 ACRES IN THE
H.H. SWISHER SURVEY, ABSTRACT NUMBER 1220 IN THE
EXTRATERRITORIAL JURISDICTION OF THE
TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS

LEGEND

NAD 83 = NORTH AMERICAN DATUM 1983
R.O.W. = RIGHT-OF-WAY
POB = POINT OF BEGINNING
1/2" IRON ROD FOUND
CAPPED IRON ROD SET
DOC. NO. = DOCUMENT NUMBER
P.R.D.C.T. = PLAT RECORDS DENTON COUNTY TEXAS
VOL. = VOLUME
PG. = PAGE
P.A.E. = PUBLIC ACCESS EASEMENT
P.A.E. = PUBLIC ACCESS EASEMENT
U.E. = UTILITY EASEMENT
— = CENTERLINE OF ROAD



SURVEYOR:

KAZ SURVEYING, INC.
1720 WESTMINSTER STREET
DENTON, TEXAS 76205
PHONE: (940) 382-3446
TBP.LS FIRM #10002100

OWNER:

POUM 21 FOODS, INC.
943 HEATHERLEIGH COURT
HIGHLAND VILLAGE, TEXAS 75077
PHONE: 972-708-5530
CONTACT: RABUE BECRI



Backup material for agenda item:

Consider and act on a final plat of Lot 2-R, Block 1 of Ventana Addition, being a replat of Lot 2, Block 1 of Ventana Addition; being 0.172 acre in the J. Simmons Survey A-1163, Town of Hickory Creek, Denton County, Texas. The property is located on the northwest corner of Ventana Road and S. Stemmons Freeway.



February 15, 2019
AVO 35309
Ms. Chris Chaudoir
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065

**RE: Ventana Addition – Replat
1st Review**

Dear Ms. Chaudoir:

The Town of Hickory Creek received the replat for the Ventana Addition on February 8, 2019. The surveyor is Landmark Surveyors, LLC. The owner is JMSR Enterprises, LLC. There are comments shown in the letter below.

Halff recommends approval of the replat received on February 8, 2019 contingent on addressing the comment below.

Survey Plat

1. Need a certificate showing all taxes have been paid.

Sincerely,

HALFF ASSOCIATES, INC.

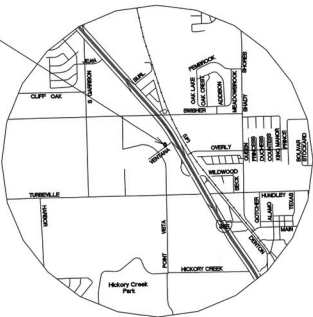
A handwritten signature in blue ink, appearing to read "Brian C. Haynes", is written over a faint, larger signature.

Brian C. Haynes, PE, CFM
Vice President

C: Kristi Rogers – Town Secretary
John Smith – Town Administrator

Attachments: Final Plat Checklist

PROJECT LOCATION



VICINITY MAP
SCALE 1" = 2000'



Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, as determined from GPS observations.

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS
COUNTY OF DENTON: WHEREAS WE, JMSR Enterprises, LLC, are the owners of that certain lot, tract, or parcel of land situated in the J. Simmons Survey Abstract Number 1163 in the Town of Hickory Creek, Denton County, Texas, being all that certain tract of land conveyed by deed from Brenda and Dwayne LP to JMSR Enterprises, LLC recorded under Document Number 2017-127219, Real Property Records, Denton County, Texas, and being the remnant of Lot 2, Block 1 Ventana Addition, an addition to the Town of Hickory Creek, Denton County, Texas according to the plat thereof recorded in Cabinet F, Page 135, Plat Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at an "X" in concrete for corner in the north line of Ventana Road, a public roadway having a right-of-way of 60.0 feet, said point being the southeast corner of Lot 3, Block 1 Ventana Addition Phase II, an addition to the Town of Hickory Creek, Denton County, Texas according to the plat thereof recorded in Cabinet S, Page 269, Plat Records, Denton County, Texas;

THENCE N 29° 08' 23" W, 117.52 feet with the east line of said Lot 3 to an iron rod found for corner in the south line of that certain tract of land conveyed by deed from Pamela S. Lane to Edward Earl Lane, Jr. recorded under Clerk's File Number 97-R0001993, Real Property Records, Denton County, Texas;

THENCE N 59° 28' 46" E, 69.73 feet with said south line of Lane tract to an iron rod found for corner, said point being the northwest corner of that certain tract of land conveyed by deed from Sanger Bank to the State of Texas recorded under Document Number 2015-37183, Real Property Records, Denton County, Texas;

THENCE S 31° 01' 27" E, 73.24 feet with said the west line of said State of Texas tract to a capped iron rod marked RPLS 4561 set for corner;

THENCE S 13° 24' 23" W, 61.75 feet with said west line of said State of Texas tract to an "X" in concrete for corner in said north line of said Ventana Road;

THENCE S 59° 53' 34" W, 30.37 feet with said north line of said Ventana Road to the PLACE OF BEGINNING and containing 0.172 acre of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT WE, the aforesaid do hereby adopt this plat designating the herein above tract as LOT 2-R, BLOCK 1, VENTANA ADDITION, being a replat of Lot 2, Block 1 of Ventana Addition, an addition to the Town of Hickory Creek, Denton County, Texas, and do hereby dedicate to the public use forever all utility easements, drainage easements, and streets as shown hereon. All and any public utilities shall have the full right to remove and keep removed all growths which may endanger or interfere with the construction, maintenance, or efficiency of its respective system on the utility easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at anytime of procuring the permission of anyone.

WITNESS MY HAND this ____ day of _____, 2019

Jeremy Males, JMSR Enterprises, LLC

STATE OF TEXAS
COUNTY OF DENTON:
This instrument was acknowledged before me on _____, 2019 by Jeremy Males.

NOTARY PUBLIC
STATE OF TEXAS
My commission expires _____

RECOMMENDED FOR APPROVAL

Chairman, Planning and Zoning Commission
Town of Hickory Creek, Texas

Mayor, Town of Hickory Creek, Texas

The undersigned, Town Secretary of the Town of Hickory Creek, hereby certifies that the foregoing final plat of Lot 2-R, Block 1, Ventana Addition to the Town of Hickory Creek was submitted to the Town Council on the ____ day of _____, 2019 and the Council by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public access and water and sewer lines as shown and set forth on said plat, and the Town Council further authorized the Mayor to note the acceptance thereof by signing his name as hereon above subscribed.

WITNESS MY HAND this ____ day of _____, 2019.

Town Secretary, Town of Hickory Creek, Texas

CERTIFICATE OF SURVEYOR

I, the undersigned, a registered professional land surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Jerald D. Yensen
Registered Professional Land Surveyor No. 4561

- NOTES:
- The purpose of this plat is to replat the remnant of a previously platted lot.
 - All monuments are 1/2" steel rods unless otherwise noted, and are tied to the existing subdivision as noted in the legal description of the dedication of this plat.
 - There are no utility easements being created by this plat.

OWNER/DEVELOPER
JMSR ENTERPRISES, LLC
205 SWISHER ROAD, STE 202
LAKE DALLAS, TX 75065

SURVEYOR
LANDMARK SURVEYORS
4238 I-35 N
DENTON, TEXAS 76207
(940) 382-4016

FINAL PLAT
LOT 2-R, BLOCK 1 OF
VENTANA ADDITION
BEING A REPLAT OF LOT 2, BLOCK 1
OF VENTANA ADDITION
BEING 0.172 ACRE IN THE J. SIMMONS SURVEY A-1163
TOWN OF HICKORY, DENTON COUNTY, TEXAS

4238 I-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
FAX (940) 387-9784

LANDMARK SURVEYORS, LLC.
TX FIRM REGISTRATION NO. 1009600
DRAWN BY: BTH, SCALE: 1"=200', DATE: 08 FEBRUARY 2019 JOB NO. 174165

Backup material for agenda item:

Consider and act on granting an exception to Clean and Green Carwash, 3950 FM 2181, Hickory Creek, Texas 75065, from the Hickory Creek Code of Ordinances Chapter 3: Building Regulations, Article 3.08 Signs; Section 3.08.011 (k), Maximum Size of sign and Section 3.08.013 (k), Certain illuminated signs prohibited.

City of Hickory Creek
Attn: Chris Chaudoir
1075 Ronald Reagan Ave.
Hickory Creek, TX 75065

February 15, 2019

RE: Clean & Green Car Wash
3950 FM 2181
Hickory Creek, TX 75065

To whom it may concern:

We have received an update from Hickory Creek Community Development outlining the reasons for not being able to approve the previously submitted illuminated pylon sign. Clean & Green Car Wash has provided the following statements for why this sign is needed. Thank you!

- Setback – The business storefront is beyond the visibility from the roadway. From street view, you cannot see the business' physical presence.
- Customers Attraction – Our proposed illuminated pylon will provide real-time updates. Providing our potential customers with the most up-to-date services, promotions and messages. With this need, Clean & Green will have the ability reach new customer bases to establish our business' credibility. Thus, revitalizing a dated property on the Hickory Creek FM 2181 corridor.
- Community – Clean & Green Car Wash intends to establish a new identity to the existing property. Current building, equipment, canopies, furniture etc. have not been updated in

17 years. The proposed program hopes to give this property a much cleaner and professional look.

We look forward to your review and comments regarding this matter. Anything we can do to assist in this process, please feel free to reach out at any time.

Sincerely,

Joe Duran, Legacy Signs of Texas

847-257-2824

joseph@legacysignsoftexas.com

10375 Alta Vista Rd.

Fort Worth, TX 76244

Joshua Boschee, Clean & Green Car Wash (Owner/Operator)

402-861-1735

(h) Painting, marking, etc., streets, sidewalks, utility poles, etc. No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.

(i) Attaching advertising matter to fences, utility poles, etc., and scattering advertising matter on streets and sidewalks.

(1) No person, firm, corporation or association of persons shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard or printed or written matter or thing for political advertising or other advertising purposes upon any public telephone, electrical or other utility pole, including trees thereon, or knowingly cause or permit the same to be done for his benefit.

(2) It shall also be unlawful for any person to scatter or throw any handbills, circulars, cards, tear sheets or any other advertising device of any description along or upon any street or sidewalk in the town.

(j) Pole or ground signs on or over public property. No portion of any pole or ground sign shall be erected on or over public property, unless the same be erected by the town, or with the permission of the town, for public purposes.

(k) Certain illuminated signs prohibited.

(1) No sign shall be illuminated to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed. Alternating electronic data control components showing time, temperature and similar data may be allowed.

(2) No lighted sign shall be erected within one hundred fifty (150) feet of a residential district unless the lighting is shielded from view of the residential district.

(l) Balloons and other floating devices used for advertising purposes. No person shall erect, maintain or permit the erection of, for advertising purposes, any balloon or other floating device anchored to the ground or to any other structure within the town, except on a temporary permit or as determined by the building official.

(m) Billboard signs. No person shall erect, maintain or permit the erection of any large, off-premises outdoor advertising signs primarily located along major thoroughfares and highways and used for the express purpose of product advertising.

(n) Projecting signs. No person shall erect, maintain or permit the erection of any sign which projects from a building and which has one end attached to a building or other permanent structure.

(o) Public right-of-way of any street or alley. No sign shall be located on any public right-of-way of any street or alley until approved by the town council. A permit and fee shall be required.

(p) This article, except for section 3.08.042 of this article, shall not apply to any signs located on the corps of engineers' property.

(q) Pole signs prohibited in certain areas. No person shall erect, maintain or permit the erection of any pole sign except on-premises signs located on property fronting the interstate highway.

(1999 Code, sec. 3.720)

Division 1. Generally

Sec. 3.08.004 Exceptions

(a) In the development of these criteria, a primary objective has been ensuring against the kind of signage that has led to a low visual quality. On the other hand, another primary objective has been the guarding against signage overcontrol.

(b) It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment. Upon request of an interested party, the town council shall hear and fairly consider a request for a meritorious exception under this section.

(c) In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this article, the town council shall hear appeals with respect to any actions of the building official in the interpretation and enforcement of this article. Any such appeal shall be brought by written application filed by an interested party to the town council through the town secretary within ten (10) days after the action of the building official which is the subject of the appeal. Enforcement of this article shall be stayed pending such appeal. In hearing such appeals, the town council shall review the determination of the building official and in so doing may consider whether or not the regulations and standards of this article will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship. Following review, the town council shall act on the subject of the appeal.

(1999 Code, sec. 3.722)



Phone: (940) 497-2528
Fax: (940) 497-3531

APPLIED
1/31

Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, Texas 75065

Commercial Permit Application

Building Permit #:	Valuation: \$20,000
Project Name: CLEAN & GREEN CAR WASH	Square Foot: 150
Project Address: 3950 FM 2181 HICKORY CREEK, TX	Zoning:
Project Description: New <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Finishout <input type="checkbox"/>	
Sign <input checked="" type="checkbox"/> Plumbing <input type="checkbox"/> Mechanical <input type="checkbox"/> Electrical <input type="checkbox"/> Other <input type="checkbox"/>	
Scope of Work: FABRICATED & INSTALL POLE SIGN WITH LED DISPLAY DOUBLE SIDED	
Does this project contain Food Services: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Type: MONUMENT SIGN	

Owner Information:	
Name: JOSH BOSCHKE	Contact Person: JOSH BOSCHKE
Address: 3950 FM 2181 HICKORY CREEK, TX	
Phone Number: 402-861-1735	Fax Number: Mobile Number:

Engineer	Contact Person	Phone Number	Fax Number
Architect	Contact Person	Phone Number	Fax Number
General Contractor	Contact Person	Phone Number	Contractor License Number <input type="checkbox"/>
OTS LEGACY SIGNS	MIN HO LEE	817. 431. 5700	18933
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number <input type="checkbox"/>
Electrical Contractor	Contact Person	Phone Number	Contractor License Number <input type="checkbox"/>
Plumbing Contractor	Contact Person	Phone Number	Contractor License Number <input type="checkbox"/>

A permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. All construction must be completed within 12 months from issuance of permit. All permits require final inspection.

A certificate of occupancy must be issued before any building is occupied.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant:

Date: 1/31/19

OFFICE USE ONLY:

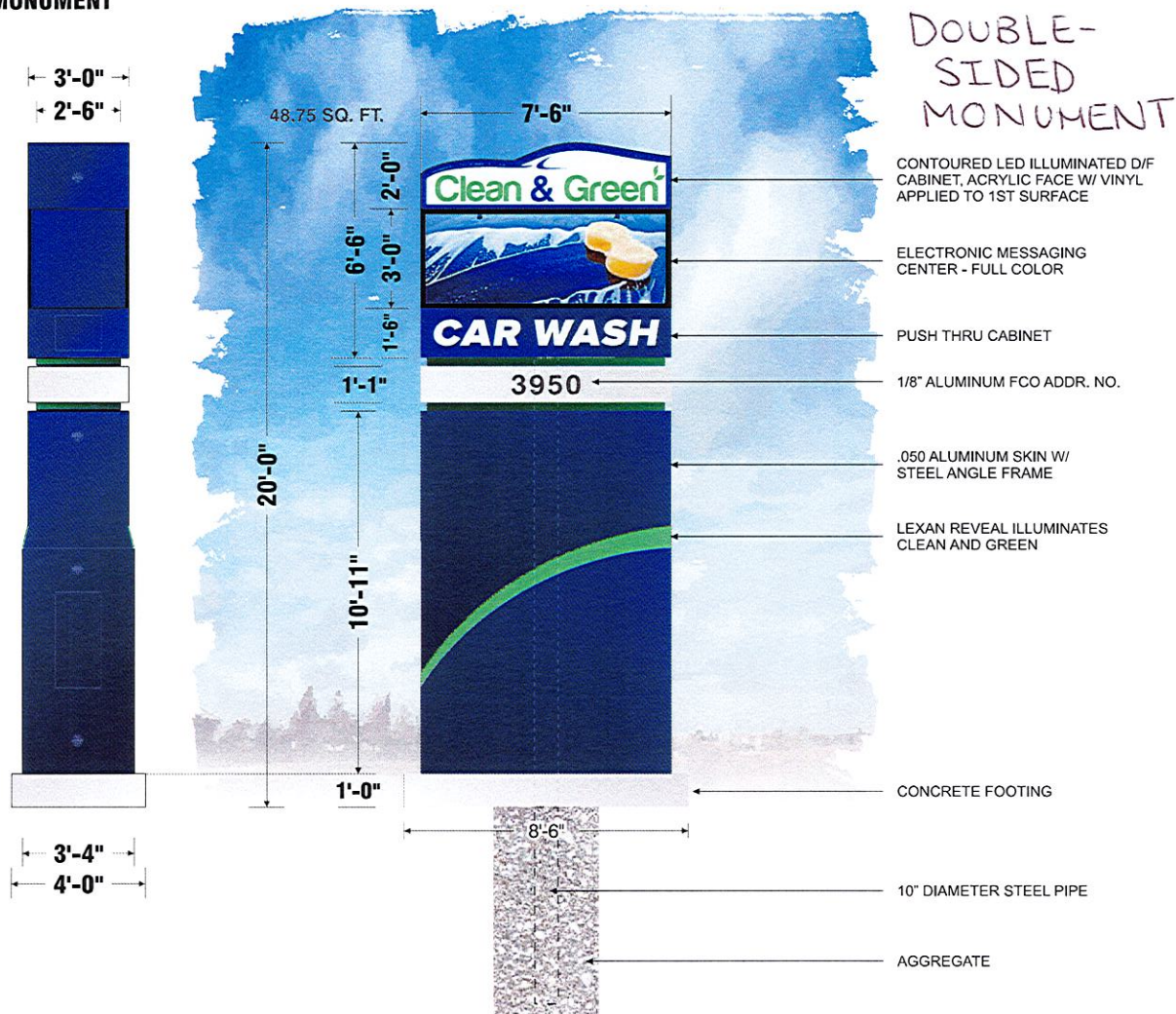
Approved by:	Date approved:
--------------	----------------

3.08.013(L) Does not allow illumination
Changing signs.

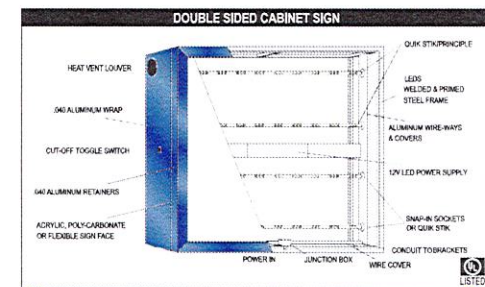
C Chapter 218119

Total Fees:	
Check # or Cash:	
Issued By:	
Issued Date:	
BV Project #	

PROPOSED MONUMENT



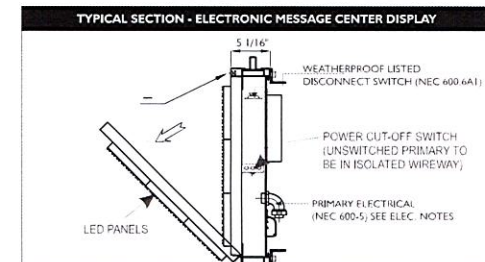
SCOPE OF WORK:
FABRICATE & INSTALL MONUMENT SIGN WITH LED DISPLAY



ELECTRICAL NOTES

Sign Company DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have:

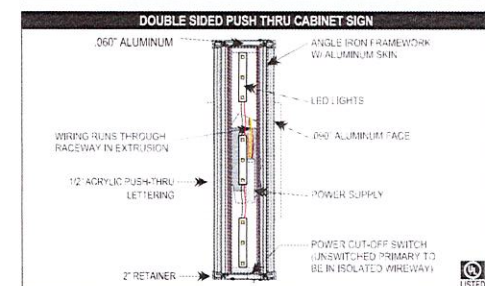
1. A minimum of one dedicated 120V 20A circuit
2. Junction box installed within 6 feet of sign
3. Three wires: Line, Ground, Neutral



ELECTRICAL NOTES

Sign Company DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have:

1. A minimum of one dedicated 120V 30A circuit
2. Junction box installed within 6 feet of sign
3. Three wires: Line, Ground, Neutral



ELECTRICAL NOTES

Sign Company DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have:

1. A minimum of one dedicated 120V 20A circuit
2. Junction box installed within 6 feet of sign
3. Three wires: Line, Ground, Neutral

SCALE: 3/16"=1'



10375 Alta Vista Road, Keller, TX 76244 | O 817.431.5700 / F 817.431.5799

UL 100525-147

TDLR 81934

CONCEPT ART, NOT FOR PRODUCTION

JOB DESCRIPTION	FAB & INSTALL POLE SIGN WITH LED DISPLAY	DATE	BY
COMPANY OR JOB NAME	CLEAN & GREEN CAR WASH	092018	AE
STOREFRONT LF	N/A	092618	AE
SIGN SF	60 SF TOTAL	092718	AE
THIS IS AN ORIGINAL UN-PUBLISHED DRAWING CREATED BY LEGACY SIGNS OF TEXAS IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY LEGACY SIGNS OF TEXAS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IT IS TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.		SALES REP	
		DALE T.	
		PAGE	

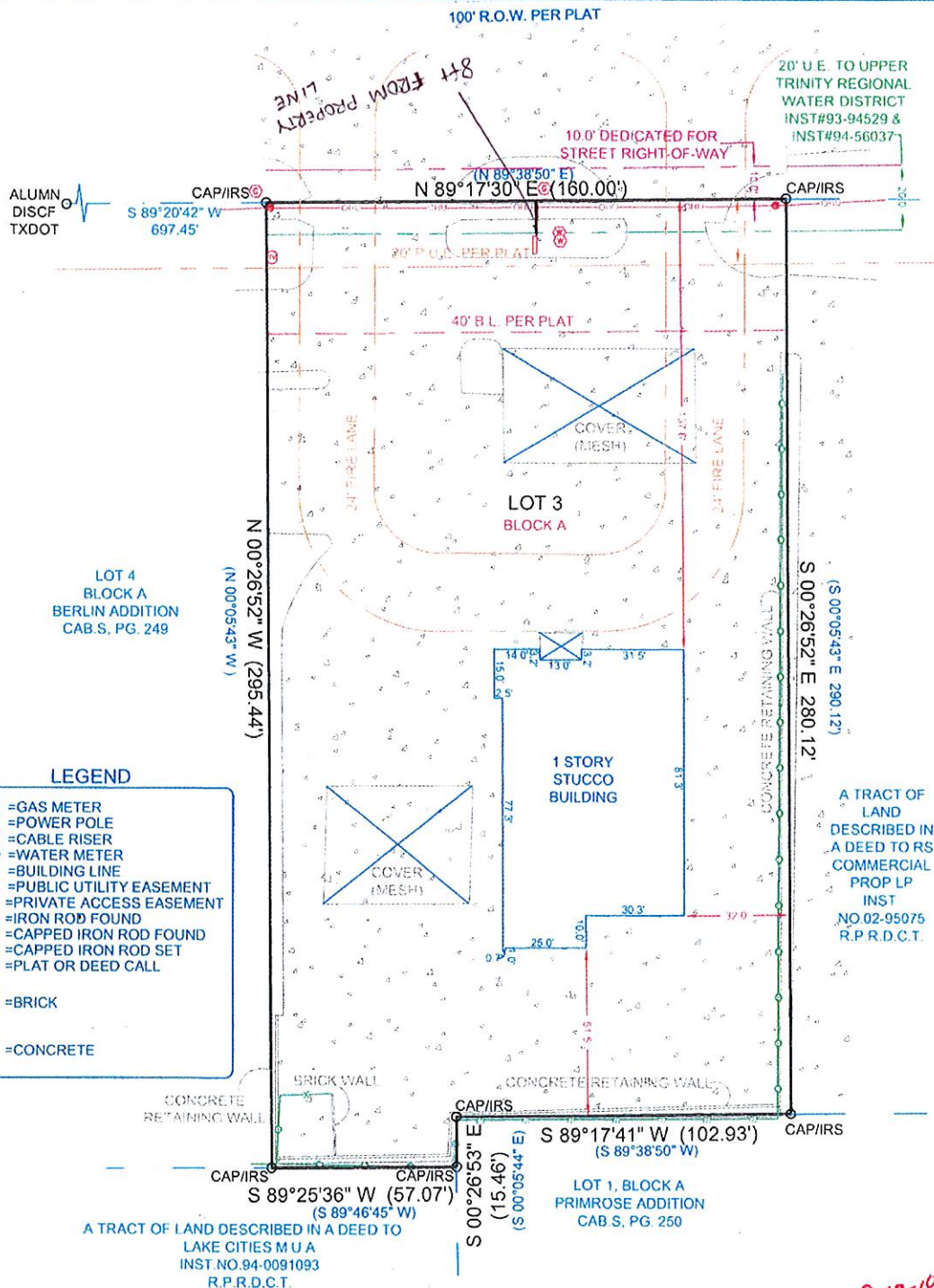
CUSTOMER APPROVAL: Note: The colors depicted on this rendering may not match actual colors used on the finished display. Note: The proportion of signs shown on building and landscape area photos is an approximate representation.

PLEASE READ CAREFULLY: Before you OK this proof, please read your copy carefully and completely. Check for spelling errors and copy omissions. Any changes or alterations from the original instructions will be charged according to time and material.

FINAL PROOF APPROVAL: By signing this form I am approving the above described job and I hereby acknowledge that I have read and accept the proofing policy and Terms and Conditions of Legacy Signs of Texas. Please sign and return so that we may process your order.

CLIENT SIGNATURE:

DATE:



TO ALL PARTIES DIRECTLY INTERESTED IN THE PREMISES SURVEYED

I have this date directed a careful and accurate survey made on the grounds of the property located at 3950 FM 2181 in the Town of Hickory Creek, Denton County, Texas, being Lot 3 in Block A of Berlin Addition, an Addition to the Town of Hickory Creek, Denton County, Texas according to the Plat thereof recorded in Cabinet S, Page 331, Plat Records of Denton County, Texas.

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the Town of Hickory Creek, Community Number 481150 effective date 4-18-2011 and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 39.5 G of said map.

NOTE: This survey is certified to Madison Title, H5 Development LLC, GTB Property, LLC and TBD.

NOTE: This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 9-4-2018. There are no visible or apparent intrusions or protrusions except as shown hereon.

NOTE: Only the followings easements supplied to me by Madison Title (GF#131311), have been reviewed and addressed as follows:

- 10(c.) Volume 330, Page 574, Blanket Type Easement, Right of Way and/or Agreement by and between Jimmie Lee Pierson, et al, and Brazos River Transmission Electric Cooperative, Inc.; does affect
- 10(d.) Volume 481, Page 351 Easement to Easement, Right of Way and/or Agreement by and between D. R. Brady and Lake Dallas Telephone Co., Inc.; does not affect
- 10(e.) Clerk's File No. 1993-94529, and re-recorded in Clerk's File No. 1994-56037 Easement, Right of Way and/or Agreement by and between Denton County Electric Cooperative, Inc. and Upper Trinity Regional Water District; does affect as shown



1720 WESTMINSTER
DENTON, TX 76205
(940)382-3446

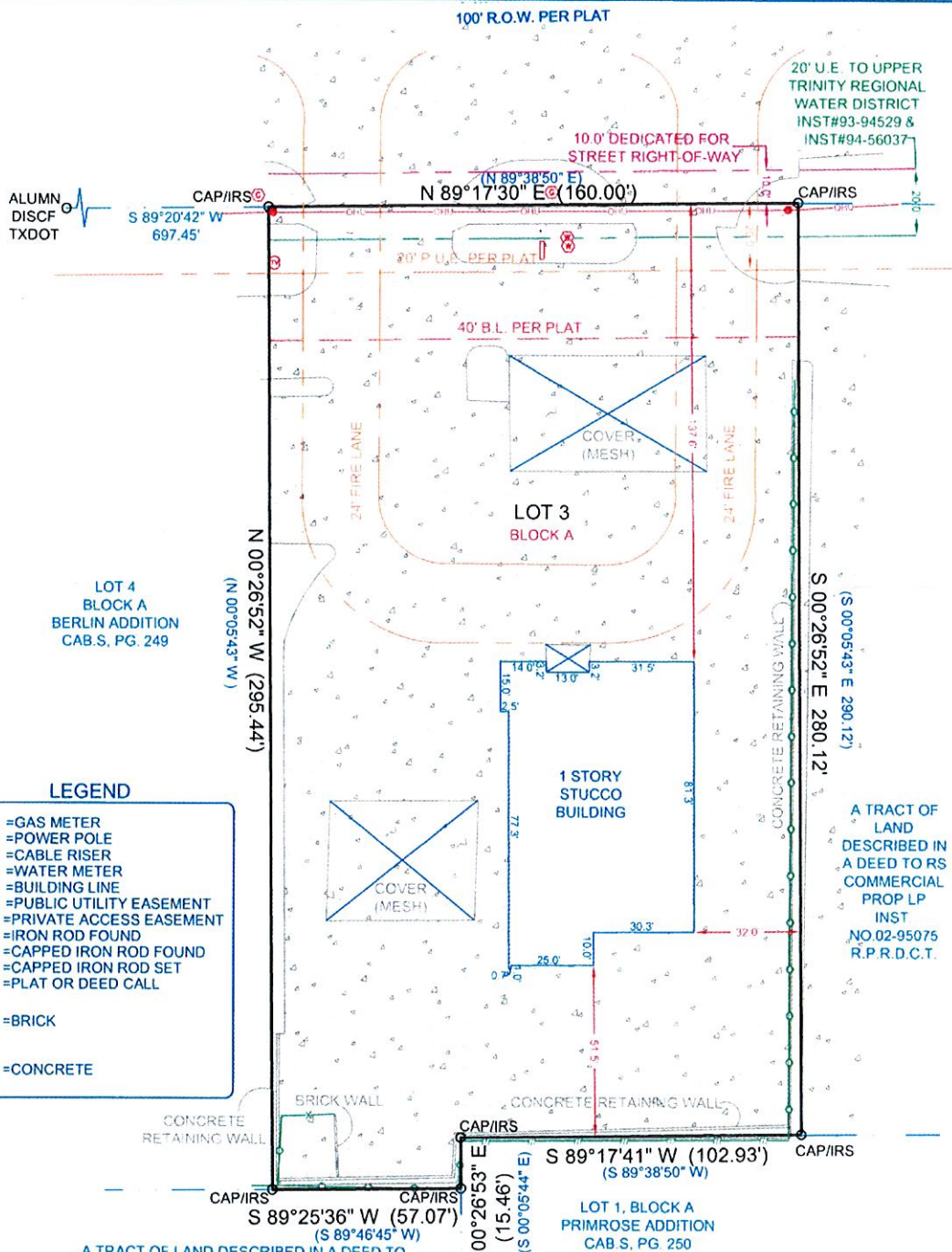
JOB NUMBER: 180961

DRAWN BY: MAY

DATE: 9-13-2018

R.P.L.S.

KENNETH A. ZOLLINGER



LEGEND

- ⊙ = GAS METER
- = POWER POLE
- ⊕ = CABLE RISER
- ⊖ = WATER METER
- B.L. = BUILDING LINE
- P.U.E. = PUBLIC UTILITY EASEMENT
- P.A.E. = PRIVATE ACCESS EASEMENT
- IRF = IRON ROD FOUND
- CAP/IRF = CAPPED IRON ROD FOUND
- CAP/IRS = CAPPED IRON ROD SET
- () = PLAT OR DEED CALL
- [Brick Pattern] = BRICK
- [Concrete Pattern] = CONCRETE

TO ALL PARTIES DIRECTLY INTERESTED IN THE PREMISES SURVEYED

I have this date directed a careful and accurate survey made on the grounds of the property located at 3950 FM 2181 in the Town of Hickory Creek, Denton County, Texas, being Lot 3 in Block A of Berlin Addition, an Addition to the Town of Hickory Creek, Denton County, Texas according to the Plat thereof recorded in Cabinet S, Page 331, Plat Records of Denton County, Texas.

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the Town of Hickory Creek, Community Number 481150 effective date 4-18-2011 and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 395 G of said map.

NOTE: This survey is certified to Madison Title, H5 Development LLC, GTB Property, LLC and TBD.

NOTE: This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 9-4-2018. There are no visible or apparent intrusions or protrusions except as shown hereon.

NOTE: Only the followings easements supplied to me by Madison Title (GF#131311), have been reviewed and addressed as follows:

- 10(c.) Volume 330, Page 574, Blanket Type Easement, Right of Way and/or Agreement by and between Jimmie Lee Pierson, et al, and Brazos River Transmission Electric Cooperative, Inc.; does affect
- 10(d.) Volume 481, Page 351 Easement to Easement, Right of Way and/or Agreement by and between D. R. Brady and Lake Dallas Telephone Co., Inc.; does not affect
- 10(e.) Clerk's File No. 1993-94529, and re-recorded in Clerk's File No. 1994-56037 Easement, Right of Way and/or Agreement by and between Denton County Electric Cooperative, Inc. and Upper Trinity Regional Water District; does affect as shown



1720 WESTMINSTER
DENTON, TX 76205
(940)382-3446

JOB NUMBER: 180961

DRAWN BY: MAY

DATE: 9-13-2018

R.P.L.S.

KENNETH A. ZOLLINGER



Backup material for agenda item:

Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute license and use agreement by and between the Town of Hickory Creek and Mark Ragunton.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2019-0226-4**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE A LICENSE AND USE AGREEMENT BY AND BETWEEN THE TOWN OF HICKORY CREEK, TEXAS AND MARK RAGUNTON AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the "Town"), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed Agreement by and between the Town of Hickory Creek, Texas and Mark Ragunton (hereinafter the "Agreement") for access and use of Sycamore Bend Park, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute them on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

STATE OF TEXAS)
)
COUNTY OF DENTON)

LICENSE & USE AGREEMENT

WHEREAS The Town of Hickory Creek (the “Town”) wishes to grant a non-exclusive and revocable license to Mark Ragunton (the “Producer”) (each a “Party” and collectively the “Parties”) to allow Producer access to Sycamore Bend Park (the “Property”) to use the Property as a set for filming purposes (the “Intended Use”), and the Parties hereby enter into this License and Use Agreement (the “Agreement”) and agree as follows:

1. The Town and Producer intend this Agreement to be a ‘written agreement’ as that term is used in § 1.10.003(24) of the Town’s Code of Ordinances.
2. The Town agrees to allow Producer a non-exclusive license to use the Property for the Intended Use on _____[dates]. Producer agrees that the Town may revoke the license granted for any reason or no reason at all. Producer agrees to immediately vacate the Property upon receipt of notice of the Town’s revocation of the license granted herein.
3. Notices under this Agreement shall be made in writing as follows, and shall be effective when sent:

To Town:

EMAIL: _____

To Producer:

EMAIL: _____

4. For and in consideration of the permission given by the Town to use the Property for the Intended Use, the Producer hereby forever release and discharge the Town, its officers, agents, and employees (the “releasees”), in both their public and private capacities, from any and all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation on account of, or in any way growing out of, any and all known and unknown, anticipated or unanticipated, personal injury, property damage, or any other claim resulting or to result from entering into this Agreement or the carrying out of the Intended Use. Producer further agrees and covenants, in consideration of the permission granted above, never to file any claim, lawsuit or other proceeding, whether

judicial or administrative, against the releasees for any claim that may arise or result from this Agreement or the carrying out of the Intended Use. Producer hereby assumes sole responsibility for all risks and hazards and waives all claims against the Releasees as provided above.

5. Producer recognizes and acknowledges that the Town makes no representations or warranties, express or implied, as to the nature and hazards or absence thereof on the Property. Producer further recognizes and agrees that while participating in the Intended Use that Producer is not an agent, servant, or employee of Town, and will not be covered by the Town for any worker's compensation, death, disability or other benefits.
6. Producer agrees to indemnify Town and Releasees for all costs, damages, fees, and any liability whatsoever arising from Producer's use of the Property, the Intended Use, or the film or video recorded at the Property.
7. If any action is brought to enforce or interpret the provisions of this Agreement, the Town shall recover from Producer its actual damages and reasonable costs and expenses, including, without limitation, reasonable attorneys' fees which are proven in such action.
8. Each Party agrees that this Agreement constitutes the complete and entire agreement between the Parties concerning its subject matter; that the Party has executed this Agreement based upon the express terms and provisions set forth herein; that the Party has not entered into this Agreement in reliance on any representations, oral or written, which are not set forth in this Agreement; and, that no previous agreement, either oral or written shall have any effect on the terms and provisions of this Agreement.
9. The Parties agree that this Agreement shall be performable in Denton County, that venue as to any action arising under this agreement shall lie in Denton County, Texas, and that the laws of the State of Texas shall govern the enforceability, interpretation, and legal effect of this Agreement.

AGREED:

Mark Ragunton

DATE: _____

AGREED:

Town of Hickory Creek

BY: Lynn C. Clark
TITLE: Mayor
DATE: _____

“APPLE” Film

Town Council Letter

Good afternoon,

My name is Mark and I hope you've had a great start to your week. I'm writing this letter and reaching out because I would like to discuss the possibility of using Sycamore Bend Park as a setting for a film that I will be producing in a few weeks.

I'm a producer in a film production team that hopes your council would be willing to open your doors to us. After scouting several locations, we feel that Sycamore Bend Park would offer a tremendous amount of production value to our film, given what we are trying to accomplish. I'm aware that this is a big ask on behalf of any group of individuals, but we hope you allow us the opportunity to showcase our professionalism and creative art.

I don't want to bore you with a long set of descriptions of what we're aiming to achieve, so I've gathered that information in a separate document called “Detailed Summary of Filming”. Inside of it, you'll find much more information about our production team, the story we're trying to tell, and specifics of where, when, and how we'd like to utilize Sycamore Bend Park as a location in our film.

However, If you're reading this, and you do in fact require that this information be shared with whoever is reading or listening, then below are the high-level details:

Our film is called “APPLE”. APPLE tells the story of when the last two alive on Earth are a 10-year-old boy and girl and how compromise and navigating through their differences is the only chance for humankind. It serves as a metaphor for the divide that we experience on a day-to-day basis, maybe even now, more than ever.

We only need access to the park for 1 day. Our crew is minimal, between 8-15 crew members. And our cast much less, between 2 and 4. We have production insurance to cover any incidents, but we of course will make sure we do everything to ensure nothing happens. Our cast and crew will park either in the designed campsites, or in the large public park nearing the boat ramp.

The scenes we're filming are small, but are a big part of our story. They require filming in a small wooded area (either one of the campsites, or the designed lunch-site area near the lake) and also near the boat ramp. One scene is during the beautiful sunset, which we hope to capture the beauty of Lake Lewisville. The other scene is to be taken place at night. In terms of page length, we're only filming half-of-a-page. The page length is a good representation of the complexity of what we're filming, and half-of-a-page is very minimal.

Our equipment is minimal, no large equipment will be used, just the basics (camera, tripods, sound equipment, etc). We'll of course have tables set aside for snacks, equipment, and general storage. Amongst the tables will be chairs so that we're comfortable. If anything happens, we're equipped, ready, and aware of the nearest medical centers.

I hope that's an adequate summary of our plan. If you of course need more information, please reach out to me at markraguntonx@gmail.com or directly at (972) 268-2677. After you've had the time to look over our details a little more in-depth, I'll be following-up with either Chris Chaudoir or Kristi Rogers regarding this opportunity. I'm looking forward to hearing more. Thank you so much for your time and consideration!

All the best,
Mark Ragunton

“APPLE” Film

Detailed Summary of Filming


FILM DETAILS

Production Title	APPLE (www.imdb.com/title/tt9758578)
Production Type	Narrative Short
Production Logline	When the last two alive on earth are a 10-year-old boy and girl, compromise and navigating through their differences is the only chance for humankind.
Production Estimated Runtime	10 minutes
Director	Doug Spaltro (www.dougspaltro.com)
Producer(s)	Mark Ragunton (https://www.markraguntonx.com) Jerry Zhang
Recent Filming Site References (The list provided is a recent list of organizations that one or more of our producers have worked with in successfully filming in their location and/or property.)	Location: Bastrop State Park Film: “The Scouts” Short Film Contact: <u>Cullen Sartor</u> (Park Superintendent) (512-332-6683) Location: Keenan Historic Cemetery Film: “Lily Is Here” Feature Film Contact: <u>Michael Mashburn</u> (Location Manager) (972-919-2635) Location: Dallas Family Church Film: “Lily Is Here” Feature Film Contact: <u>Mark Hernandez</u> (Location Supervisor) (214-789-9269)

FILMING Q&A


Do you have insurance?	Yes. Our production will be able to provide a liability insurance COI provided by “Next Insurance, Inc.”
What are the potential filming dates?	We’ll need access to the park for <u>only 1 day</u> . The possible filming dates will fall between the following: March 29 March 30 March 31 April 12

“APPLE” Film
Detailed Summary of Filming

	April 13 April 14
How many cast and crew do you have?	Crew will be between 8 and 15. Cast will be 3.
Where will crew/cast park?	<p>Dependent on filming locations, cast and crew will either park near the campsite lots or in the parking lot near the boat ramp. (See images below)</p>  <p>The image is an aerial photograph of a riverbank. A green circle highlights a dirt clearing area in the center of the bank, surrounded by dense trees and vegetation. To the right of the clearing, there is a small white building and a dirt road. The river is visible on the left side of the image. A label 'Sycamore Bend' is visible on the right side of the image.</p>

“APPLE” Film

Detailed Summary of Filming

	
What equipment will you be using for filming?	<p>We will be using a small and lightweight camera package. The scenes to be filmed are small scenes and will not require any large/heavy-duty equipment (such as large cranes, drones, etc.)</p> <p>We plan to have a silent generator to help power low-powered lights.</p>
Besides filming gear, what other production equipment will be brought in the park?	<p>1-2 tables for snacks & beverages 1-2 tables for neatly organizing filming equipment 8-16 folding chairs 1-2 canopy</p>
How long will you need to be in the park?	<p>In the sections below, you'll find how long we imagine to spend in each location of the park that we're planning to film. We've broken down the estimated set-up time, and the estimated filming time. Ideally, we'd like to have access to the park the entire day.</p>
What is your emergency medical plan?	<p>Designated crew members with spare vehicles and will be ready to transport anyone to the nearest hospital in the event of an emergency.</p>
What are some other questions you think we should be asking?	

“APPLE” Film

Detailed Summary of Filming

DESCRIPTION OF FILMING: “WOODS SCENE”

Film Scene Description

Scene 4: A tarp draped over a branch. Girl and boy sleep underneath. Boy wakes with a start. His eyes well.

Scene 6: A makeshift tent nestled in the trees. A flashlight glow seeps from under a blanket. Boy sleeps next to the picture of his father. Girl runs her finger across the torn edge. Girl turns off the flashlight and covers boy. She presses her back to his and closes her eyes.

Film Page Length

1/2 Page

Potential Setup Hours

4:00 PM - 7:30 PM

Potential Filming Hours

9:30 PM - 12:00 AM

Actual Location In Park

Lot 13 (see images below)



AND/OR


Area beside boat ramp (see image below)

“APPLE” Film

Detailed Summary of Filming

	
Land Alterations	Small stones placed near tarp positioned to resemble an extinguished fire-pit. Will be removed when finished with scene.

DESCRIPTION OF FILMING: “LAKE SCENE”

Film Scene Description	Scene 10: Older boy in a boat tethered to boat dock. Lays down. Motionless. The boat adrift. Water slaps the sides -- the only sound.
Film Page Length	1/8 Page
Potential Setup Hours	4:00 PM - 7:30 PM
Potential Filming Hours	7:30 PM - 9:00 PM
Actual Location In Park	Boat ramp (see image below) <div style="text-align: center;">  </div>
Land Alterations	None

Backup material for agenda item:

Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Comprehensive Zoning Ordinances, Chapter 14: Zoning, Exhibit "A" Zoning Ordinance, Article IV: Classifications of Districts to provide for a new zoning district to be entitled Mixed Use with sub-categories of Mixed Use Suburban District and Mixed Use Regional District.

**TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2019-02-810**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING THE TOWN'S COMPREHENSIVE ZONING ORDINANCES, CHAPTER 14: ZONING, EXHIBIT "A" ZONING ORDINANCE, ARTICLE IV: CLASSIFICATION OF DISTRICTS TO PROVIDE FOR A NEW ZONING DISTRICT TO BE ENTITLED MIXED USE WITH SUB-CATEGORIES OF MIXED USE SUBURBAN DISTRICT AND MIXED USE REGIONAL DISTRICT; PROVIDING FOR INCORPORATION OF PREMESIS; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek is a Type A General Law Municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the Town Council has determined that there is a need for a range of mixed use zoning categories and that the proposed additions are consistent with the Comprehensive Land Use Plan of the Town and in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, 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 **FINDINGS**

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the Amendment of the Planned Development and the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety, and welfare.

SECTION 3 **AMENDMENT**

SECTION 3.01: The Code of Ordinances of the Town of Hickory Creek, Texas; Chapter 14: Zoning, Exhibit A, Zoning Ordinance, Article IV: Classification of Districts is hereby amended to add under categories of Other Districts the new zoning classifications of MU-1 Mixed Use Suburban District and MU-2 Mixed Use Regional District.

SECTION 3.02: The Code of Ordinances of the Town of Hickory Creek, Texas; Chapter 14: Zoning, Exhibit A, Zoning Ordinance is hereby amended to add a new Article XXII to be entitled MU-1, Mixed Use Suburban District which shall read as follows:

“ARTICLE XXII MU-1, MIXED USE SUBURBAN DISTRICT

SECTION 1: General purpose and description:

(1) The purpose of the mixed use suburban district is to encourage and promote well-planned, compact and viable development consisting of an integrated blend of residential, neighborhood retail and office uses. The proposed residential, retail and office uses may be located in the same building (integrated) or across the street (stand-alone) from each other, with a majority of the developed acreage devoted to residential uses. Through the mixing of uses, a more diverse selection of residential, retail and office space will be provided within the Town, and at the same time, allowing developers the flexibility to respond to the ever-changing economic landscape.

(2) Mixed use developments should encourage efficient land use by facilitating blended vertical and/or horizontal development, with a strong relationship to the surrounding environment. This type of development shall promote full utilization of public services, whether existing or new, such as water lines, sewers, streets, and emergency services, by centralizing the demands on these services.

SECTION 2: Permitted (P) or conditional (C) uses: (conditional uses are subject to Article XXII, Section 5 of the Comprehensive Zoning Ordinance)

Residential Uses

Dwelling, single-family attached	P
Dwelling, single-family detached	P
Food or grocery store	P
Food or grocery store (with beer and wine sales)	C
Franchised private utility	P
Dwelling, two-family	P
Funeral home	C
Living quarters on-site with a business	P
Garden shop (inside storage)	P
Manufactured home subdivision	C
General retail store	P
Patio home	P
Golf course (public/private)	C
Residential loft	P
Governmental building	P

Nonresidential Uses

Group day care home	C
Amusement park	C
Hotel/motel	C
Amusement ride	C
Kiosk (providing a service)	P
Amusement services (indoors)	C
Laundry/dry cleaning (drop off/pick up)	P
Armed services recruiting center	P
Medical facilities	C
Artist studio	P
Micro brewery	C
Assisted living facility	C
Motorcycle sales and repair	C
Auto laundry or carwash	P

Municipal facility	P
Auto repair (minor)	C
Nursing/convalescent home	C
Auto supply store for new & rebuilt parts	P
Offices (professional and general business)	P
Bakery or confectionery (retail)	P
Parking lot structure, commercial (auto)	P
Bank/credit unions	P
Personal services shop	P
Bed & breakfast inn	P
Pet and animal grooming shop	P
Caretaker's/guard's residence	C
Recycling kiosk	P
Carnival	C
Restaurant (with drive-through service)	C
Child day care (business)	C
Restaurant (with no drive-through service)	P
Church/place of worship	P
Retirement home/home for the aged	P
Community center (municipal)	P
Seasonal business	C
Community home	C
Concrete or asphalt batching plant (temporary)	C
Studio for radio or television (without tower)	P
Convenience store (with beer and wine sales)	C
Temporary amusement rides	C
Convenience store (with or without gas sales)	P
Temporary business	C
Extended stay hotels/motels (residence hotels)	C
Outdoor retail sales/commercial promotion	C
Family home (adult or child care)	C
Theater or playhouse (indoor)	P

Farmers market (public)	C
Veterinarian (indoor kennels)	P

SECTION 3: Development regulations:

(1) District size:

- (A) Minimum district size; five (5) acre.

(2) Density:

- (A) Maximum ten (10) dwelling units per gross acre (du/ga); and

- (B) Maximum floor area ratio (FAR); 0.45.

(3) Land use mix limits: All MU-1 zoning districts will have a mix of residential and nonresidential uses at the following rates:

- (A) Residential uses (stand-alone); between 66% and 85% of the net acre(s);
or

- (B) Residential uses (integrated); between 51% and 75% of the allowable FAR; and

- (C) Nonresidential uses (stand-alone); between 33% and 15% of the net acres; or

- (D) Nonresidential uses (integrated); between 49% and 25% of the allowable FAR.

(4) Perimeter setbacks:

- (A) Front yard. Twenty-five (25) feet

- (B) Side yard. Fifteen (15) feet.

- (C) Rear yard. Twenty-five (25) feet.

- (D) Any building other than single-family detached buildings which are located adjacent to (and not across any right-of-way from) any existing single-family detached zoning district shall be setback from the applicable perimeter property line a distance equal to the height of the building, but not less than twenty (20) feet.

(5) Open space:

(A) A minimum of fifteen (15) percent of the gross acres of entire zoning district will be reserved as usable open space.

(B) An increase in density may be achieved at the following rates:

(i) Half (0.5) du/ga for each additional five (5) percent of gross acres reserved as usable open space; or

(ii) A tenth (0.1) point FAR for each additional five (5) percent of gross acres reserved as usable open space.

(6) Impervious surface: Maximum 75% of the total net area, including but not limited to, main buildings, accessory buildings, parking lots, roads, drives, alleys, and loading areas.

(7) Connectivity: A minimum of two (2) vehicular points of connection to adjacent roadways and a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided.

SECTION 4: Lot regulations:

(1) Single-family detached:

(A) Lot size: Minimum fifty five hundred (5,500) square feet and fifty-five (55) feet in width when measured at the front yard setback line.

(B) Primary structure: Shall not exceed thirty-five (35) feet in height as measured to the peak.

(C) Interior setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Minimum seven and a half (7.5) feet.

c. Rear yard. Minimum fifteen (15) feet.

(ii) Garage door:

- a. Front yard. Minimum twenty (20) foot.
- b. Side yard. Minimum twenty (20) feet.
- c. Rear yard. Minimum fifteen (15) feet.

(2) Single-family attached:

(A) Lot size: Minimum three thousand (3,000) square feet and thirty (30) feet in width when measured at the front yard setback line.

(B) Primary structure: Shall not exceed thirty-five (35) feet in height as measured to the peak.

(C) Interior setbacks:

(i) Primary structure:

- a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.
- b. Side yard. Seven and a half (7.5) feet.
- c. Rear yard. Minimum fifteen (15) feet.

(ii) Garage door:

- a. Front yard. Minimum twenty (20) foot.
- b. Side yard. Minimum twenty (20) feet.
- c. Rear yard. Minimum fifteen (15) feet.

(3) Nonresidential development:

(A) Lot size: Minimum ten thousand (10,000) square feet.

(B) Primary structure: Shall not exceed fifty-five (55) feet in height as measured to the peak or highest point on a parapet wall or other architectural roof element.

(C) Interior setbacks:

(i) Primary structure:

- a. Front yard. Minimum fifteen (15) feet, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.
- b. Side yard. Minimum ten (10) feet; or when nonresidential uses are platted adjacent to other nonresidential uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the Town's building code.
- c. Rear yard. Minimum fifteen (15) feet.

SECTION 5: Parking requirements. Refer to Chapter 14, Article XXIV.

SECTION 6: Landscaping requirements. Refer to Chapter 10, Article 10.02

SECTION 7: Special requirements:

- (1) Application requirements. Specific items required. No application for a MU-1 district shall be accepted by the Town until the following items have been submitted to the Town by the applicant:
 - (A) A concept plan, prepared in accordance with item (2) below;
 - (B) A description of development standards or requirements;
 - (C) A description of how the proposed mixed use development fulfills the ideals, goals, objectives, and/or concepts of the Town's adopted comprehensive plan or any other formally adopted Town planning document, such as the master park plan or public facility plan; and
 - (D) The required application fee.
- (2) Concept plan.
 - (A) Unless the zoning district amendment is initiated by the Town Council, no MU-1 district may be established without an approved concept plan that illustrates the following.
 - (B) Content of concept plan. The concept plan shall be submitted by the applicant at the time of application. The concept plan shall graphically show the applicant's intent for the use of the land within the proposed mixed use district. All applications that do not include the concept plan requirements will be considered incomplete.

(i) Residential. A concept plan for residential land use shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, generalized location of treed areas, floodplain areas, location of all land use areas and gross acreage for each use and tract, density (net and gross), identification of major access points, rights-of-way or other areas to be dedicated to the Town, open space or common areas, fence row trees and/or proposed mitigation of same, park land, preliminary lot arrangements and street patterns, indication of each phase of development if separate phases are proposed, and other information to adequately describe the proposed development. For residential development which does not propose individual platted lots, the concept plan shall also show the size, type and location of buildings, building sites, lot coverage, access, screening, parking and circulation areas, and landscaped areas. Building elevations shall be required except for single-family detached structures.

(ii) Nonresidential. A concept plan for other than residential uses shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, floodplain areas, generalized locations of treed areas, the land uses, gross acreage for each use, building sites or lots, building elevations, lot coverage, floor area ratio for each use, building height and location, parking and circulation areas, identification of major access points, rights-of-way or other areas to be dedicated to the Town, location of building setbacks along the site boundaries on dedicated streets and between residential and nonresidential uses, parking ratios, fence row trees and/or proposed mitigation of same, off-street parking and loading, indication of each phase of development if separate phases are proposed and other information to adequately describe the proposed development.

(C) The concept plan shall be incorporated as a component to the MU-1 district zoning regulations and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

(3) Open storage. Open storage is limited to a maximum of 5% of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of applicable Town ordinances. Storage must not be visible from any public street or adjacent property.

(4) Temporary facilities. There shall be no permanent use of temporary facilities or buildings.

(5) Other regulations. Refer to development standards and use regulations.

SECTION 3.03: The Code of Ordinances of the Town of Hickory Creek, Texas; Chapter 14: Zoning, Exhibit A, Zoning Ordinance is hereby amended to add a new Article XXII to the entitled MU-2, Mixed Use Regional District which shall read as follows:

“ARTICLE XXII MU-2, MIXED USE REGIONAL DISTRICT

SECTION 1: General purpose and description:

(1) The purpose of the mixed use regional district is to encourage and promote well-planned, compact and viable commercial development, with an integrated blend of attached residential, multifamily residential, intense commercial and large-scale office. The proposed commercial, office or residential uses may be located in the same building (integrated) or across the street (stand-alone) from each other, with a majority of the finished interior building square footage devoted to nonresidential uses. Through the mixing of uses, a more diverse selection of residential, commercial and office space will be provided within the Town, and at the same time, allowing developers the flexibility to respond to the ever-changing economic landscape.

(2) Mixed Use developments should encourage efficient land use by facilitating integrated vertical and/or horizontal development, with a strong relationship to the surrounding environment. This type of development shall promote full utilization of public services, whether existing or new, such as water lines, sewers, streets, and emergency services, by centralizing the high demands on these services.

SECTION 2: Permitted (P) or conditional (C) uses:

Residential uses

Franchised private utility	P
Dwelling, multiple-family	P
Fraternal organization, lodge or union	P
Dwelling, single-family attached	P
Funeral home	C
Dwelling, two-family	P
Garden shop (inside storage)	P
Living quarters on-site with a business	P
General retail store	P
Residential loft	P
Group day care home	P
Rooming/boarding house	C

Home improvement center (lumber yard)	C
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Nonresidential uses

Hotel/motel	P
Amusement park	C
Household appliance service and repair	P
Amusement ride	C
Kiosk (providing a service)	P
Amusement services (indoors)	P
Laundry/dry cleaning (drop off/pick up)	P
Amusement services (outdoors)	P
Medical facilities	P
Armed services recruiting center	P
Micro brewery	P
Artist studio	P
Mini-warehouse/self storage	C
Assisted living facility	P
Motorcycle sales and repair	P
Auto dealer (new and used)	C
Municipal facility	P
Auto laundry or carwash	P
Nursery (grown for commercial purposes)	C
Auto repair (major)	P
Nursery (retail sales outdoors)	P
Auto repair (minor)	P
Nursing/convalescent home	P
Auto supply store for new & rebuilt parts	P
Office center	P

Bakery or confectionery (retail)	P
Office warehouse	C
Bank/credit unions	P
Offices (professional and general business)	P
Bed & breakfast inn	P
Parking lot structure, commercial (auto)	P
Caretaker's/guard's residence	C
Pawn shop	P
Carnival	C
Personal services shop	P
Check cashing service	C
Pet and animal grooming shop	P
Child day care (business)	P
Propane sales (retail)	P
Church/place of worship	P
Recycling kiosk	P
Club, private (class I & II)	P
Rehabilitation care facility	C
Community home	C
Rehabilitation care institutions	C
Concrete or asphalt batching plant (temporary)	C
Restaurant (drive-in service)	P
Contractor's office/sales (with outside storage)	P
Restaurant (with drive-through service)	P
Convenience store (with beer and wine sales)	C
Restaurant (with no drive-through service)	P
Convenience store (with or without gas sales)	P
Retirement home/home for the aged	P
Day camp for children	P
Seasonal business	C
Drapery, blind or furniture upholstery shop	P
Security quarters (live-in)	C

Dry cleaning plant	C
Extended stay hotels/motels (residence hotels)	P
Studio for radio or television (without tower)	P
Fairground/exhibition area	C
Temporary amusement rides	C
Family home (adult or child care)	P
Temporary business	C
Farmers market (public)	C
Telemarketing agency	C
Feed & grain store	P
Outdoor retail sales/commercial promotion	C
Food or grocery store	P
Theater or playhouse (indoor)	P
Food or grocery store (with beer and wine sales)	C
Tire dealer, with or without open storage	C

SECTION 3: Development regulations:

(1) District size:

(A) Minimum district size; one (1) acre.

(2) Density:

(A) Single-family attached units; maximum ten (10) dwelling units per gross acre (du/ga); and

(B) Multiple-family units; maximum eighteen (18) du/ga; and

(C) Maximum floor area ratio (FAR); 0.55 for integrated uses and stand-alone nonresidential.

(3) Land use mix limits: All MU-2 zoning districts will have a mix of residential and nonresidential uses at the following rates:

(A) Residential uses (stand-alone): between 15% and 25% of the net acre(s); or

(B) Residential uses (integrated): between 15% and 49% of the allowable FAR; and

(C) Nonresidential uses (stand-alone): between 85% and 75% of the net acres; or

(D) Nonresidential uses (integrated): between 85% and 51% of the allowable FAR; and

(E) Multiple-family uses (stand-alone): Shall not exceed fifteen (15) percent of the gross area of the zoning district.

(4) Perimeter setbacks:

(A) Front yard. Fifteen (15) feet.

(B) Side yard. Fifteen (15) feet.

(C) Rear yard. Twenty-five (25) feet.

(D) Any building that is located adjacent to (and not across any right-of-way from) any existing single-family detached zoning district shall be setback from the applicable perimeter property line a distance equal to the height of the building, but not less than twenty-five (25) feet.

(5) Open space:

(A) A minimum of twenty (20) percent of the gross acres of entire zoning district will be reserved as usable open space.

(B) An increase in density may be achieved at the following rates:

(i) Half (0.5) du/ga for each additional five (5) percent of gross acres reserved as usable open space, excluding multiple-family uses; or

(ii) A tenth (0.1) point FAR for each additional five (5) percent of gross acres reserved as usable open space.

(6) Impervious surface: Maximum 85% of the total net area, including but not limited to, main buildings, accessory buildings, parking lots, roads, drives, alleys, and loading areas.

(7) Connectivity: A minimum of two (2) vehicular points of connection to adjacent roadways and a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided.

SECTION 4: Lot regulations:

(1) Single-family attached:

(A) Lot size: Minimum twenty-five hundred (2,500) square feet and twenty (20) feet in width when measured at the front yard setback line.

(B) Height: Primary structure shall not exceed forty-five (45) feet in height as measured to the peak.

(C) Setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Seven and a half (7.5) feet.

c. Rear yard. Minimum fifteen (15) feet.

(ii) Garage door:

a. Front yard. Minimum twenty (20) foot.

b. Side yard. Minimum twenty (20) feet.

c. Rear yard. Minimum fifteen (15) feet.

(2) Multiple-family

(A) Height: Primary structures shall not exceed forty-five (45) feet in height as measured to the peak.

(B) Setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Minimum fifteen (15) feet.

c. Rear yard. Minimum fifteen (15) feet.

(3) Nonresidential development

(A) Lot size: Minimum five thousand (5,000) square feet and fifty (50) feet in width when measured at the front yard setback line.

(B) Height: Primary structure shall not exceed sixty-five (65) feet in height as measured to the peak.

(C) Interior setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Minimum ten (10) feet; or when nonresidential uses are platted adjacent to other nonresidential uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the Town's building code.

c. Rear yard. Minimum fifteen (15) feet.

SECTION 5: Parking requirements. Refer to Chapter 14, Article XXIV.

SECTION 6: Landscaping requirements. Refer to Chapter 10, Article 10.02.

SECTION 7: Special requirements:

(1) Application requirements. Specific items required. No application for a MU-2 shall be accepted by the Town until the following items have been submitted to the Town by the applicant:

(A) A concept plan, prepared in accordance with item (2) below;

(B) A description of development standards or requirements;

(C) A description of how the proposed mixed use development fulfills the ideals, goals, objectives, and/or concepts of the Town's adopted comprehensive plan or any other formally adopted Town planning document, such as the master park plan or public facility plan; and

(D) The required application fee.

(2) Concept plan.

(A) Unless the zoning district amendment is initiated by the Town Council, no MU-2 district may be established without an approved concept plan that illustrates the following.

(B) Content of concept plan. The concept plan shall be submitted by the applicant at the time of application. The concept plan shall graphically show the applicant's intent for the use of the land within the proposed mixed use district. All applications that do not include the concept plan requirements will be considered incomplete.

(i) Residential. A concept plan for residential land use shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, generalized location of treed areas, floodplain areas, location of all land use areas and gross acreage for each use and tract, density (net and gross), identification of major access points, rights-of-way or other areas to be dedicated to the Town, open space or common areas, fence row trees and/or proposed mitigation of same, park land, preliminary lot arrangements and street patterns, indication of each phase of development if separate phases are proposed, and other information to adequately describe the proposed development. For residential development which does not propose individual platted lots, the concept plan shall also show the size, type and location of buildings, building sites, lot coverage, access, screening, parking and circulation areas, and landscaped areas. Building elevations shall be required except for single-family detached structures.

(ii) Nonresidential. A concept plan for other than residential uses shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, floodplain areas, generalized locations of treed areas, the land uses, gross acreage for each use, building sites or lots, building elevations, lot coverage, floor area ratio for each use, building height and location, parking and circulation areas, identification of major access points, rights-of-way or other areas to be dedicated to the Town, location of building setbacks along the site boundaries on dedicated streets and between residential and nonresidential uses, parking ratios, fence row trees and/or proposed mitigation of same, off-street parking and loading, indication of each phase of development if separate phases are proposed and other information to adequately describe the proposed development.

(C) The concept plan shall be incorporated as a component to the MU-2 district zoning regulations and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

(3) Open storage. Open storage is limited to a maximum of 5% of the total lot area, shall not be located in front of or on top of the building, shall not be located facing

any street, and must be screened in accordance with the provisions of applicable Town ordinances. Storage must not be visible from any public street or adjacent property.

(4) Temporary facilities. There shall be no permanent use of temporary facilities or buildings.

(5) Other regulations. Refer to development standards and use regulations.”

SECTION 7 **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8 **SEVERABILITY**

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

SECTION 9 **PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 10 **PUBLICATION**

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty, and Effective Date of this Ordinance in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

SECTION 12
EFFECTIVE DATE

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this 26th day of February, 2019.

Lynn Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Backup material for agenda item:

Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Denton County, Texas.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2019-0226-5**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE TOWN OF HICKORY CREEK AND DENTON COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas;

WHEREAS, the Town Council has been presented with a proposed cooperative agreement (hereinafter the “Agreement”), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Town Mayor shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE TOWN OF HICKORY CREEK, TEXAS**

THIS AGREEMENT is made, entered into and executed by and between Denton County, Texas, a duly organized political subdivision of the State of Texas, engaged in the administration of county government and related services for the citizens of Denton County, Texas, hereinafter “the County,” and the Town of Hickory Creek, Texas, a corporate and political body duly organized and existing under the laws of the State of Texas, engaged in the administration of municipal government and related services for the citizens of the Town of Hickory Creek, Texas, hereinafter “the Town.” The County and the Town are collectively referred to herein as “the Parties.”

WHEREAS, the County and the Town mutually desire to enter into this Agreement whereby the County agrees to provide drainage maintenance and perform surface road and parking lot repair on a portion of Highland beginning at Lone Tree Lane extending east to Oak Tree Lane; provide drainage maintenance and perform surface road repair on Sycamore Bend beginning at the primitive camp sites and extending to the boat ramp parking; provide surface road, boat launch ramp, and parking lot repair at Sycamore Bend Park; and provide surface road and boat launch ramp repair in Arrowhead Park, located within the municipal limits of the Town and Denton County Commissioner Precinct #3, hereinafter “the Project;” and

WHEREAS, the Interlocal Cooperation Act, Texas Government Code Chapter 791, hereinafter “the Act,” provides authorization for a local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act, and the County and the Town hereby mutually agree to be subject to the provisions of the Act; and

WHEREAS, the County and the Town agree completion of the Project will promote public safety and serve a public purpose for the benefit of the citizens of the County and the Town; and

NOW, THEREFORE, this Agreement is hereby made and entered into by the County and the Town upon and for the mutual consideration stated herein:

WITNESSETH:

I.

Pursuant to Texas Government Code §791.011, the County and the Town hereby enter into this Agreement in order to perform certain governmental functions and services in the area of roads, parks, and drainage. The purpose of this Agreement is to provide a governmental function or service that each party is authorized to perform individually.

II.

The term of this Agreement shall begin upon execution of this Agreement by both Parties and shall expire on December 31, 2021, unless sooner terminated as provided for herein. Any renewals of this Agreement must be in writing and approved by the governing bodies of both Parties.

III.

The County and the Town hereby agree that the scope of the Project shall be completed in Three Phases. The First Phase shall be limited to surface road repair and drainage maintenance on Highland beginning at Lone Tree Lane extending east until Oak Tree Lane; surface road repair and drainage maintenance on Sycamore Bend from the primitive campsites to the boat launch ramp parking located within the municipal limits of the Town and Denton County Commissioner Precinct #3, at a reimbursable project cost to the Town which shall not exceed EIGHTY THOUSAND AND NO/100 DOLLARS (\$80,000.00).

The Second Phase shall be limited to surface road, parking lot, and boat ramp repair in Sycamore Bend Park as well as surface road and boat launch ramp repair in Arrowhead Park, located within the municipal limits of the Town and Denton County Commissioner Precinct #3, at a reimbursable project cost to the Town which shall not exceed NINETY THOUSAND AND NO/100 DOLLARS (\$90,000).

The Third Phase shall be limited to surface road and parking lot repair in Arrowhead Park, located within the municipal limits of the Town and Denton County Commissioner Precinct #3, at a reimbursable project cost to the Town which shall not exceed FORTY FIVE THOUSAND AND NO/100 DOLLARS (\$45,000).

The surface road repairs under the Agreement shall be expressly limited to providing road base, mill/inlay, mill/overlay, seal coat, pothole patch, and pavement markings according to the established standards of Denton County.

IV.

The Town hereby agrees to reimburse the County an amount which shall not exceed EIGHTY THOUSAND AND NO/100 DOLLARS (\$80,000.00) toward satisfactory completion of the First Phase of the Project, NINETY THOUSAND AND NO/100 DOLLARS (\$90,000) toward satisfactory completion of the Second Phase of the Project, and FORTY FIVE THOUSAND (\$45,000.00) towards the satisfactory completion of the Third Phase of the Project, provided that any and all funding is approved by the Town's Council.

V.

The County agrees to provide all necessary construction, required for satisfactory completion of the Project.

VI.

The County agrees to secure a contract for the construction of the Project and to oversee all necessary engineering which may be required for satisfactory completion of the Project. In addition, the County will ensure all inspections are conducted, and approved all payments, including requested funding from the City, as invoices are received.

VII.

This exchange of in-kind services between the County and the Town is deemed adequate consideration for the obligations exchanged by the Parties herein.

VIII.

As the County proceeds with the completion of the Project, the County shall submit invoices for reimbursement to Kristi Rogers, Hickory Creek Accounting Department, 1075 Ronald Reagan Avenue, Hickory Creek, Texas 75065. Invoices should be submitted on a monthly basis and the Town shall reimburse the County within thirty (30) calendar days of receipt of an invoice from the County, provided that all expenditures are made in a manner which is consistent with the terms of this Agreement. Upon satisfactory completion of the Project, the Town and the County shall prepare and complete a full audit of the Project.

IV.

As required by Texas Transportation Code §251.012 and as evidenced by the signature of the Town's representative below, the governing body of the Town by the execution of and approval of this Agreement hereby approves of the expenditure of County money to finance the construction, improvement, maintenance, or repair of a street, park, or alley in the County that is located in the Town.

X.

This Agreement may be terminated by the County or the Town upon thirty (30) days written notice to the other party. In the event of termination, the Town shall pay all approved invoices submitted up to and including the date of termination.

XI.

This Agreement represents the entire integrated agreement between the County and the Town and supersedes all prior negotiations, representations, and/or agreements, either oral or written. This Agreement may be amended only by written instrument signed by both of the Parties. Notices shall be directed as follows:

For Town: The Honorable Lynn Clark
Mayor of the Town of Hickory Creek, Texas
1075 Ronald Reagan Avenue
Hickory Creek, Texas 75065

Copy To: John Smith, Town Administrator
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, Texas 75065

For County: Honorable Andy Eads
Denton County Judge
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

Copy To: Denton County District Attorney's Office - Civil Division
1450 East McKinney Street, Suite 3100
Denton, Texas 76209

XI.

The covenants, terms, and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Denton County, Texas. The Parties mutually agree that venue for any obligation arising from this Agreement shall lie in Denton County, Texas.

XIII.

The County agrees and understands that the County, its employees, servants, agents, and/or representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the Town.

XIV.

The Town agrees and understands that the Town, its employees, servants, agents, and/or representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the County.

XV.

The County agrees to accept full responsibility for the acts, negligence, and/or omissions of all County employees, agents, subcontractors, and/or contract laborers and for all other persons doing work under a contract or agreement with the County.

XVI.

The Town agrees to accept full responsibility for the acts, negligence, and/or omissions of all Town employees, agents, subcontractors, and/or contract laborers and for all other persons doing work under a contract or agreement with the Town.

XVII.

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither the County nor the Town waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims made by third parties.

XVIII.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XIX.

The undersigned officers and/or agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

XX.

This Agreement becomes effective when signed by the last party whose signing makes the respective agreement fully executed, and the term of this Agreement is for the life of the Project beginning on the date of execution of this Agreement and continuing until the Project is completed.

Executed in triplicate originals this _____ day of _____, 2018.

DENTON COUNTY, TEXAS
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

TOWN OF HICKORY CREEK, TEXAS
1075 Ronald Reagan Avenue
Hickory Creek, Texas 75065

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

By: _____
Honorable Lynn Clark
Mayor of the Town of Hickory Creek, Texas
Acting by and on behalf of the authority
of the Town of Hickory Creek, Texas

ATTEST:

ATTEST:

By: _____
Denton County Clerk

By: _____
Town Administrator

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Assistant District Attorney

By: _____
Town Attorney

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT

Denton County, Texas, acting by and through the Denton County Commissioners Court, having been advised of the Project, the Town hereby agrees to reimburse Denton County an amount which shall not exceed EIGHTY THOUSAND AND NO/100 DOLLARS (\$80,000.00) toward satisfactory completion of the First Phase of the Project, NINETY THOUSAND AND NO/100 DOLLARS (\$90,000) toward satisfactory completion of the Second Phase of the Project, and FORTY FIVE THOUSAND (\$45,000.00) towards the satisfactory completion of the Third Phase of the Project, provided that any and all funding is approved by the Town's Council, herein gives its specific written approval to the Project prior to beginning the Project in satisfaction of Texas Government Code §791.014.

The description of the Project to be undertaken and its location are as follows: the County agrees to provide drainage maintenance and perform surface road and parking lot repair on a portion of Highland beginning at Lone Tree Lane extending east to Oak Tree Lane; provide drainage maintenance and perform surface road repair on Sycamore Bend beginning at the primitive camp sites and extending to the boat ramp parking; provide surface road, boat launch ramp, and parking lot repair at Sycamore Bend Park; and provide surface road and boat launch ramp repair in Arrowhead Park, located within the municipal limits of the Town and Denton County Commissioner Precinct # 3.

The local governments which requested the Project and with whom the Agreement is by and between are Denton County, Texas, and the Town of Hickory Creek, Texas.

By vote on the date below, the Denton County Commissioners Court has approved the project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court

Backup material for agenda item:

Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, to accept a voluntary petition for annexation of the 1800 Block of Turbeville Road.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2019-0226-6**

**A RESOLUTION OF THE TOWN OF HICKORY CREEK, TEXAS,
HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF
HICKORY CREEK, TEXAS, TO ACCEPT A VOLUNTARY PETITION
FOR ANNEXATION OF THE 1800 BLOCK OF TURBEVILLE ROAD,
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas;

WHEREAS, the Town Council has been presented with a Voluntary Annexation Petition (hereinafter “Petition”), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, having been executed by a majority of the inhabitants and qualified voters of the territory described in the Petition requesting that the Town extend its present municipal limits so as to include said territory; and

WHEREAS, upon full re-view and consideration of the Petition, and all matters attendant and related thereto, the Town Council is of the opinion that the Petition should be approved, and that the Mayor shall be authorized to execute any necessary documents on behalf of the Town of Hickory Creek to effectuate said Petition.

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, hereby approves the Annexation Petition of the 1800 Block of Turbeville Road on behalf of the Town of Hickory Creek, Texas.

Section 2: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute any and all documents necessary to enact the Petition on behalf of the Town of Hickory Creek, Texas.

Section 3: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

PETITION FOR VOLUNTARY ANNEXATION

TO: THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HICKORY CREEK TEXAS:

The undersigned owner of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three (3) qualified voters reside, hereby petitions your honorable body to extend the present municipal limits so as to include and annex as a part of the Town of Hickory Creek Texas, the property described by metes and bounds on the attached Exhibit "A" which is incorporated herein for all purposes. I certify that this Petition is signed and acknowledged by each and every corporation and person owning said land or having an interest in any part thereof.

KSW HOLDING HICKORY CREEK, LP,
a Texas limited partnership

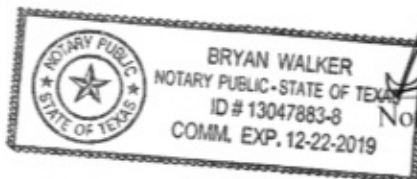
By: KSW HOLDING MANAGEMNT, LLC
a Texas limited liability company,
its General Partner

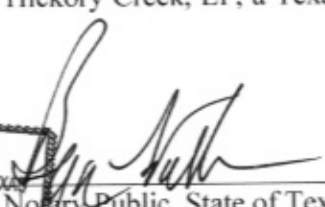
By: 
Keith R. Walters, President

THE STATE OF TEXAS

COUNTY OF DENTON

This instrument was acknowledged before me on this 25th day of February, ²⁰¹⁹~~2018~~^{KW}, by Keith R. Walters, President of KSW Holding Management, LLC, a Texas limited liability company, General Partner of KSW Holding Hickory Creek, LP, a Texas limited partnership, on behalf of said entities.




Notary Public, State of Texas

“Exhibit A”

Exhibit A
Legal Description

TRACT 1

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE H. H. SWISHER SURVEY, ABSTRACT NO. 1220, DENTON COUNTY, TEXAS, AND BEING A PORTION OF A 39.2300 ACRE PROPERTY DESCRIBED IN DEED TO T CHATEAU EVENT CENTER, LLC AS RECORDED INSTRUMENT NO. 2012-44732 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND BEING MORE DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8¹¹ IRON ROD SET FOR CORNER IN THE EAST LINE SAID 39.2300 ACRE TRACT, COMMON WITH THE WEST LINE OF A 19.2345 ACRE TRACT, DESCRIBED IN DEED TO 1745 TURBEVILLE RENTAL PROPERTY, LLC, AS DESCRIBED IN DEED RECORDED UNDER COUNTY CLERKS FILE NO. 2015-48856 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND LOCATED IN THE NORTH RIGHT-OF-WAY LINE OF TURBEVILLE ROAD, FOR THE NORTHEAST CORNER OF A 0.3671 ACRE TRACT OF LAND DESCRIBED IN RIGHT-OF-WAY WARRANTY DEED TO THE TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS, AS RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF A RIGHT-OF-WAY PARCEL DESCRIBED IN DEED TO TOWN OF HICKORY CREEK, TEXAS AND RECORDED IN INSTRUMENT NO. 2013- 19372 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS;

THENCE FOLLOWING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID TURBEVILLE ROAD AS DESCRIBED IN SAID RIGHT-OF-WAY WARRANTY DEED TO TOWN OF HICKORY CREEK, TEXAS AS RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, THE FOLLOWING COURSES AND DISTANCES NUMBERED (1) THROUGH (5);

1. SOUTH 89° 41' 16" WEST FOR A DISTANCE OF 250.02 FEET TO A 5/8" IRON ROD SET FOR CORNER;

2. SOUTH 01° 45' 46" EAST FOR A DISTANCE OF 9.91 FEET TO A 1 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER;

3. SOUTH 89° 40' 06" WEST FOR A DISTANCE OF 406.04 FEET TO A 5/8" IRON ROD SET FOR CORNER;

4. NORTH 89° 43' 11" WEST FOR A DISTANCE OF 226.42 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER;

5. NORTH 89° 07' 34" WEST FOR A DISTANCE OF 456.60 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HALFF" FOUND FOR CORNER, SAID CORNER BEING THE NORTHWEST CONER OF AFORESAID 0.3671 ACRE TRACT OF LAND DESCRIBED IN RIGHT-OF-WAY WARRANTY DEED TO TOWN OF HICKORY CREEK, TEXAS AND RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND BEING IN THE WEST LINE OF THE AFORESAID 39.2300 ACRE TRACT;

THENCE NORTH 00° 02' 13" EAST AND DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID TURBEVILLE ROAD AS DESCRIBED IN SAID RIGHT-OF-WAY WARRANTY DEED TO TOWN OF HICKORY CREEK, TEXAS AND RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND FOLLOWING ALONG WEST LINE OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT COMMON WITH THE EAST LINE OF STEEPLECHASE NORTH ADDITION - PHASE 1, AN ADDITION TO THE TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2013-91 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS, FOR A DISTANCE OF 1403.03 FEET TO A 5/8" IRON ROD SET FOR CORNER IN THE SOUTH LINE OF 3.2515 ACRE TRACT OF LAND DESCRIBED IN DEED TO ALAN HARVEY GOLDFIELD AS RECORDED IN DOCUMENT NO. 2013-57560 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 36° 41' 33" WITH A RADIUS OF 400.00 FEET AND A CHORD BEARING SOUTH 71° 50' 27" EAST AT A DISTANCE OF 251.81 FEET;

THENCE FOLLOWING ALONG THE NORTH LINE OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT AND THE SOUTH LINE OF SAID 3.2515 ACRE ALAN HARVEY GOLDFIELD TRACT, THE FOLLOWING COURSES AND DISTANCES NUMBERED (6) THROUGH (11);

6. SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 256.16 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 460.00 FEET THROUGH A CENTRAL ANGLE OF 36° 41' 11" AND A CHORD BEARING SOUTH 71° 50' 16" EAST AT A CHORD DISTANCE OF 289.53 FEET;

7. SOUTHEASTERLY AND FOLLOWING ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 294.54 FEET TO A 5/8" IRON ROD SET FOR CORNER;

8. NORTH 89° 49' 08" EAST FOR A DISTANCE OF 524.98 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 460.00 FEET THROUGH A CENTRAL ANGLE OF 16° 52' 25" AND CHORD DIRECTION OF NORTH 81° 22' 55" EAST AT A CHORD LENGTH OF 134.98 FEET;

9. SOUTHEASTERLY AND FOLLOWING ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 135.47 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET THROUGH A CENTRAL ANGLE OF 16° 52' 25" AND CHORD BEARING NORTH 81° 22' 55" EAST AT A CHORD LENGTH OF 117.37 FEET;

10. NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 117.80 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER ;

11. NORTH 89° 47' 02" EAST FOR A DISTANCE OF 29.66 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT AND THE NORTHWEST CORNER OF THE AFOREMENTIONED 19.2345 ACRE TRACT OF LAND DESCRIBED IN DEED TO 1745 TURBEVILLE RENTAL PROPERTY, LLC AS RECORDED IN DOCUMENT NUMBER 2015-48856 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS;

THENCE SOUTH 00° 52' 15" EAST AND DEPARTING THE SOUTH LINE OF AFORESAID 3.2515 ACRE ALAN HARVEY GOLDFIELD TRACT AND ALONG THE EAST LINE OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT AND THE WEST LINE OF SAID 19.2345 ACRE 1745 TURBEVILLE RENTAL PROPERTY, LLC TRACT FOR A DISTANCE OF 1262.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.8755 ACRES OF LAND, MORE OR LESS.

TRACT 2

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE H.H. SWISHER SURVEY, ABSTRACT NO. 1220, DENTON COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO CTMGT MONTALCINO, LLC, AS RECORDED IN DOCUMENT NO. 2011-121574 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD SET FOR THE NORTHWEST CORNER OF A RIGHT-OF-WAY DEDICATED FOR TURBEVILLE ROAD (A VARIABLE WIDTH RIGHT-OF-WAY) AS RECORDED IN DOCUMENT NO. 2013-19372 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, SAID POINT BEING IN THE COMMON WEST LINE OF SAID CTMGT MONTALCINO TRACT AND THE EAST LINE OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO T CHATEAU EVENT CENTER, LLC, AS RECORDED IN DOCUMENT NO. 2012-44732 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS;

THENCE NORTH 00° 52' 15" WEST AND FOLLOWING ALONG SAID COMMON LINE FOR A DISTANCE OF 820.00 FEET TO A POINT FOR CORNER, SAID CORNER BEING THE POINT OF BEGINNING;

THENCE NORTH 00° 52' 15" EAST AND CONTINUING WITH SAID COMMON LINE FOR A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 89° 07' 45" EAST AND DEPARTING THE SAID COMMON LINE, OVER AND ACROSS SAID CTMGT MONTALCINO TRACT FOR A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00° 52' 15" EAST AND CONTINUING OVER AND ACROSS SAID CTMGT MONTALCINO TRACT FOR A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89° 07' 45" WEST AND CONTINUING OVER AND ACROSS SAID CTMGT MONTALCINO TRACT FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 100 SQUARE FEET OF LAND, MORE OR LESS.

Exhibit A
Legal Description

TRACT 1

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE H. H. SWISHER SURVEY, ABSTRACT NO. 1220, DENTON COUNTY, TEXAS, AND BEING A PORTION OF A 39.2300 ACRE PROPERTY DESCRIBED IN DEED TO T CHATEAU EVENT CENTER, LLC AS RECORDED INSTRUMENT NO. 2012-44732 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND BEING MORE DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8¹¹ IRON ROD SET FOR CORNER IN THE EAST LINE SAID 39.2300 ACRE TRACT, COMMON WITH THE WEST LINE OF A 19.2345 ACRE TRACT, DESCRIBED IN DEED TO 1745 TURBEVILLE RENTAL PROPERTY, LLC, AS DESCRIBED IN DEED RECORDED UNDER COUNTY CLERKS FILE NO. 2015-48856 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND LOCATED IN THE NORTH RIGHT-OF-WAY LINE OF TURBEVILLE ROAD, FOR THE NORTHEAST CORNER OF A 0.3671 ACRE TRACT OF LAND DESCRIBED IN RIGHT-OF-WAY WARRANTY DEED TO THE TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS, AS RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF A RIGHT-OF-WAY PARCEL DESCRIBED IN DEED TO TOWN OF HICKORY CREEK, TEXAS AND RECORDED IN INSTRUMENT NO. 2013- 19372 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS;

THENCE FOLLOWING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID TURBEVILLE ROAD AS DESCRIBED IN SAID RIGHT-OF-WAY WARRANTY DEED TO TOWN OF HICKORY CREEK, TEXAS AS RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, THE FOLLOWING COURSES AND DISTANCES NUMBERED (1) THROUGH (5);

1. SOUTH 89° 41' 16" WEST FOR A DISTANCE OF 250.02 FEET TO A 5/8" IRON ROD SET FOR CORNER;

2. SOUTH 01° 45' 46" EAST FOR A DISTANCE OF 9.91 FEET TO A 1 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER;

3. SOUTH 89° 40' 06" WEST FOR A DISTANCE OF 406.04 FEET TO A 5/8" IRON ROD SET FOR CORNER;

4. NORTH 89° 43' 11" WEST FOR A DISTANCE OF 226.42 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER;

5. NORTH 89° 07' 34" WEST FOR A DISTANCE OF 456.60 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HALFF" FOUND FOR CORNER, SAID CORNER BEING THE NORTHWEST CONER OF AFORESAID 0.3671 ACRE TRACT OF LAND DESCRIBED IN RIGHT-OF-WAY WARRANTY DEED TO TOWN OF HICKORY CREEK, TEXAS AND RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND BEING IN THE WEST LINE OF THE AFORESAID 39.2300 ACRE TRACT;

THENCE NORTH 00° 02' 13" EAST AND DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID TURBEVILLE ROAD AS DESCRIBED IN SAID RIGHT-OF-WAY WARRANTY DEED TO TOWN OF HICKORY CREEK, TEXAS AND RECORDED IN INSTRUMENT NO. 2013-88998 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS AND FOLLOWING ALONG WEST LINE OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT COMMON WITH THE EAST LINE OF STEEPLECHASE NORTH ADDITION - PHASE 1, AN ADDITION TO THE TOWN OF HICKORY CREEK, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2013-91 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS, FOR A DISTANCE OF 1403.03 FEET TO A 5/8" IRON ROD SET FOR CORNER IN THE SOUTH LINE OF 3.2515 ACRE TRACT OF LAND DESCRIBED IN DEED TO ALAN HARVEY GOLDFIELD AS RECORDED IN DOCUMENT NO. 2013-57560 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 36° 41' 33" WITH A RADIUS OF 400.00 FEET AND A CHORD BEARING SOUTH 71° 50' 27" EAST AT A DISTANCE OF 251.81 FEET;

THENCE FOLLOWING ALONG THE NORTH LINE OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT AND THE SOUTH LINE OF SAID 3.2515 ACRE ALAN HARVEY GOLDFIELD TRACT, THE FOLLOWING COURSES AND DISTANCES NUMBERED (6) THROUGH (11);

6. SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 256.16 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 460.00 FEET THROUGH A CENTRAL ANGLE OF 36° 41' 11" AND A CHORD BEARING SOUTH 71° 50' 16" EAST AT A CHORD DISTANCE OF 289.53 FEET;

7. SOUTHEASTERLY AND FOLLOWING ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 294.54 FEET TO A 5/8" IRON ROD SET FOR CORNER;

8. NORTH 89° 49' 08" EAST FOR A DISTANCE OF 524.98 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 460.00 FEET THROUGH A CENTRAL ANGLE OF 16° 52' 25" AND CHORD DIRECTION OF NORTH 81° 22' 55" EAST AT A CHORD LENGTH OF 134.98 FEET;

9. SOUTHEASTERLY AND FOLLOWING ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 135.47 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET THROUGH A CENTRAL ANGLE OF 16° 52' 25" AND CHORD BEARING NORTH 81° 22' 55" EAST AT A CHORD LENGTH OF 117.37 FEET;

10. NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 117.80 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER ;

11. NORTH 89° 47' 02" EAST FOR A DISTANCE OF 29.66 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT AND THE NORTHWEST CORNER OF THE AFOREMENTIONED 19.2345 ACRE TRACT OF LAND DESCRIBED IN DEED TO 1745 TURBEVILLE RENTAL PROPERTY, LLC AS RECORDED IN DOCUMENT NUMBER 2015-48856 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS;

THENCE SOUTH 00° 52' 15" EAST AND DEPARTING THE SOUTH LINE OF AFORESAID 3.2515 ACRE ALAN HARVEY GOLDFIELD TRACT AND ALONG THE EAST LINE OF AFORESAID 39.2300 ACRE T. CHATEAU EVENT CENTER, LLC TRACT AND THE WEST LINE OF SAID 19.2345 ACRE 1745 TURBEVILLE RENTAL PROPERTY, LLC TRACT FOR A DISTANCE OF 1262.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.8755 ACRES OF LAND, MORE OR LESS.

TRACT 2

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE H.H. SWISHER SURVEY, ABSTRACT NO. 1220, DENTON COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO CTMGT MONTALCINO, LLC, AS RECORDED IN DOCUMENT NO. 2011-121574 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD SET FOR THE NORTHWEST CORNER OF A RIGHT-OF-WAY DEDICATED FOR TURBEVILLE ROAD (A VARIABLE WIDTH RIGHT-OF-WAY) AS RECORDED IN DOCUMENT NO. 2013-19372 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, SAID POINT BEING IN THE COMMON WEST LINE OF SAID CTMGT MONTALCINO TRACT AND THE EAST LINE OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO T CHATEAU EVENT CENTER, LLC, AS RECORDED IN DOCUMENT NO. 2012-44732 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS;

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THENCE NORTH 00° 52' 15" EAST AND CONTINUING WITH SAID COMMON LINE FOR A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 89° 07' 45" EAST AND DEPARTING THE SAID COMMON LINE, OVER AND ACROSS SAID CTMGT MONTALCINO TRACT FOR A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00° 52' 15" EAST AND CONTINUING OVER AND ACROSS SAID CTMGT MONTALCINO TRACT FOR A DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89° 07' 45" WEST AND CONTINUING OVER AND ACROSS SAID CTMGT MONTALCINO TRACT FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 100 SQUARE FEET OF LAND, MORE OR LESS.

Backup material for agenda item:

Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, setting a date, time and place for public hearings on the proposed annexation of certain property.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2019-0226-7**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF HICKORY CREEK, TEXAS AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF SAID PUBLIC HEARINGS AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: On the 12th day of March, 2019, at 6:30 p.m., in the Town Council Chamber of the Town Hall of the Town of Hickory Creek, Texas, the Town Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the Town of Hickory Creek, Texas of the 1800 Block of Turbeville Road.

Section 2: On the 26th day of March, 2019, at 6:30 p.m., in the Town Council Chamber of the Town Hall of the Town of Hickory Creek, Texas, the Town Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the Town of Hickory Creek, Texas of the 1800 Block of Turbeville Road.

Section 3: The Mayor of the Town of Hickory Creek, Texas, is hereby authorized and directed to cause notice of such public hearings to be published once in a newspaper having general circulation in the Town and in the above-described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

Section 4: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 26th day of February, 2019.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Lance Vanzant, Town Attorney
Town of Hickory Creek, Texas

Backup material for agenda item:

Consider and act on the Hickory Creek Police Department Annual Racial Profiling Report for 2018.

Racial Profiling Report | Full report

Agency Name:	Hickory Creek Police
Reporting Date:	02/21/2019
TCOLE Agency Number:	121206
Chief Administrator:	Carey Wayne Dunn
Agency Contact Information:	
Phone:	940-279-7052
Email:	carey.dunn@hickorycreek-tx.gov
Mailing Address:	1075 Ronald Reagan Ave

This Agency filed a full report

Hickory Creek Police has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the Hickory Creek Police from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the Hickory Creek Police if the individual believes that a peace officer employed by the Hickory Creek Police has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the Hickory Creek Police who, after an investigation, is shown to have engaged in racial profiling in violation of the Hickory Creek Police's policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a.) the race or ethnicity of the individual detained;
 - b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:

a.) the Commission on Law Enforcement; and

b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: Carey Wayne Dunn

Chief Administrator

Hickory Creek Police

Date: 02/21/2019

Total stops: 3621

Gender

Female: 1235

Male: 2386

Race or ethnicity

Black: 723

Asian/Pacific Islander: 179

White: 2625

Hispanic/Latino: 89

Alaska Native/American Indian: 5

Was race or ethnicity known prior to stop?

Yes: 58

No: 3563

Reason for stop?

Violation of law: 149

Pre existing knowledge: 31

Moving traffic violation: 2512

Vehicile traffic violation: 929

Street address or approximate location of the stop

City street: 564

US highway: 2569

State highway: 343

County road: 0

Private property or other: 145

Was a search conducted?

Yes: 76

No: 3545

Reason for Search?

Consent: 18

Contraband: 8

Probable cause: 40

Inventory: 5

Incident to arrest: 5

Was Contraband discovered?

Yes: 19

No: 57

Description of contraband

Drugs: 9

Currency: 0

Weapons: 0

Alcohol: 7

Stolen property: 0

Other: 3

Result of the stop

Verbal warning: 113

Written warning: 219

Citation: 3259

Written warning and arrest: 1

Citation and arrest: 12

Arrest: 17

Arrest based on

Violation of Penal Code: 13

Violation of Traffic Law: 0

Violation of City Ordinance: 0

Outstanding Warrant 17

Was physical force resulting in bodily injury used during stop

Yes: 4

No: 3617

Submitted electronically to the



The Texas Commission on Law Enforcement

Backup material for agenda item:

Consider and act on allocating funds to replace mailboxes due to sidewalk construction.



\$410 FOR A SET OF 2 WITH NUMBERS.



\$254 FOR THE SET.



\$303 FOR THE SET

